

TO CONSIDER THE NOMINATIONS OF: HON. CAROLINE KRASS, TO BE GENERAL COUNSEL OF THE DOD; GINA ORTIZ JONES, TO BE UNDER SECRETARY OF THE AIR FORCE; DR. ELY RATNER, TO BE ASSISTANT SECRETARY OF DEFENSE FOR INDO-PACIFIC SECURITY AFFAIRS; SHAWN SKELLY, TO BE ASSISTANT SECRETARY OF DEFENSE FOR READINESS; AND MEREDITH BERGER, TO BE ASSISTANT SECRETARY OF THE NAVY FOR ENERGY, INSTALLATIONS, AND ENVIRONMENT

HEARING

BEFORE THE

**COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE**

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

—————
JUNE 16, 2021
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This hearing is printed to include all available information requested or required to be inserted for the record.

TO CONSIDER THE NOMINATIONS OF: HON. CAROLINE KRASS, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE; GINA ORTIZ JONES, TO BE UNDER SECRETARY OF THE AIR FORCE; DR. ELY RATNER, TO BE ASSISTANT SECRETARY OF DEFENSE FOR INDO-PACIFIC SECURITY AFFAIRS; SHAWN SKELLY, TO BE ASSISTANT SECRETARY OF DEFENSE FOR READINESS; AND MEREDITH BERGER, TO BE ASSISTANT SECRETARY OF THE NAVY FOR ENERGY, INSTALLATIONS, AND ENVIRONMENT

WEDNESDAY, JUNE 16, 2021

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

The Committee met, pursuant to notice, at 10:00 a.m. in room SH-216, Hart Senate Office Building, Senator Jack Reed (Chairman of the Committee) presiding.

Committee Members present: Senators Reed, Gillibrand, Blumenthal, Hirono, Kaine, King, Warren, Duckworth, Rosen, Kelly, Inhofe, Fischer, Cotton, Rounds, Ernst, Tillis, Scott, Hawley, and Tuberville.

OPENING STATEMENT OF SENATOR JACK REED

Chairman REED. I would like to call the hearing to order. The Committee meets this morning to consider several nominees for positions in the Department of Defense (DOD). I recognize that these nominations cover a wide range of positions, so the discussion today may be broad. But given the large number of nominees we need to confirm, we are slating them as soon as the nomination is ready for a hearing rather than by related positions. So please bear with us.

Today we will consider the nominations of Ms. Caroline Krass to be General Counsel of the Department of Defense; Ms. Gina Ortiz Jones to be Under Secretary of the Air Force; Dr. Ely Ratner to be Assistant Secretary of Defense for Indo-Pacific Security Affairs; Ms. Shawn Skelly to be Assistant Secretary of Defense for Readiness; and Ms. Meredith Berger to be Assistant Secretary of the Navy for Energy, Installations, and Environment. I thank the nominees for

their service to the United States and their willingness to assume these important roles.

I would also like to welcome the guests and family members who are here today. Ms. Krass, I welcome your husband, William, and son, James, and I thank Senator Bennet for joining us to introduce you, and he will be her shortly.

Ms. Ortiz Jones, I welcome your mother, Victorino, and sister, Christi, and thank Senator Duckworth for her introduction via Webex, and Dr. Ratner, I welcome your wife, Jennifer, and mother, Esther.

I know each of the nominees have family members who would have liked to have been here but due to pandemic restrictions they are proudly watching from home.

Ms. Krass, you are nominated to be General Counsel of the Department of Defense. In addition to your current role as the Senior Vice President and General Counsel at AIG in New York, I would note your extreme experience as a senior national security lawyer in the Obama and Bush administrations, including roles as General Counsel of the CIA [Central Intelligence Agency], Acting Assistant Attorney General, and multiple legal counsel positions for the White House, National Security Council, and Department of Justice.

If confirmed, you will serve as the principal legal advisor to the Secretary of Defense and guide the legal framework under which the Department operates. In the immediate future, it will be your responsibility to assist the Secretary of Defense in addressing extremism in the military, and implementing the administration's recommendations regarding prevention and response to sexual assault and harassment, based on the work of the Independent Review Commission and the Congress. You will also be charged with coordinating the Department's legislative program and improving its process for legislative proposals, which, unfortunately, too often miss the deadlines required by this Committee. I would ask that you share with the Committee today how you will approach these duties.

Ms. Ortiz Jones, you have been nominated to serve as the Under Secretary of the Air Force. Your experience as an Air Force officer, DIA analyst, and advisor to the U.S. Trade Representative during the Obama administration will serve you well in this role.

If confirmed, you will be faced with a number of pressing challenges for the Air Force. The next Under Secretary will need to run the day-to-day operations of the Department while simultaneously taking steps to build up the acquisition workforce and acquisition system to expand the size of the Air Force. You will also need to improve the falling retention rate of pilots and maintainers, a situation that may very well get worse before it gets better. All of these duties will be further complicated as you aim to regain and maintain high levels of readiness in the aftermath of the COVID-19 pandemic.

Dr. Ratner, you currently serve as Special Assistant to the Secretary of Defense and Director of the Department's China Task Force. If confirmed as Assistant Secretary of Defense for Indo-Pacific Security Affairs, you will undertake the immense responsibility of guiding the Department's efforts in the most strategically

important region of the world. I trust that your expertise gained through senior roles with then Vice President Biden, the State Department, the Senate Foreign Relations Committee, and the Center for New American Security will inform your future role.

Last week the DOD China Task Force, which you led, completed its work, and Secretary Austin initiated several efforts to better focus the Department's strategy to address the challenge from China. I hope you will share with the Committee the key findings of the task force and the deficiencies that the Department must improve. If confirmed, your purview will also include Southwest and Central Asia, and I would ask that you outline how the Department will conduct counterterrorism operations in Afghanistan through an over-the-horizon presence.

Ms. Skelly, you have been nominated to be Assistant Secretary of Defense for Readiness. With over 20 years in uniform as a Naval Flight Officer, and a distinguished civilian career with senior roles at the Department of Defense and Department of Transportation, and as the Commissioner on the National Commission on Military and National Public Service, your understandings of the duties demanded of this position will be critical.

There are several readiness concerns that will require your attention should you be confirmed. Among them, accurate, timely readiness reporting is a constantly evolving process. This Committee has historically used the NDAA [National Defense Authorization Act] to compel DOD report, but there is an argument that readiness reporting needs to adapt further to account for a deeper picture of readiness instead of simply listening availability. Operational safety across the Services also must be improved. We have sustained far too much self-inflicted damage from training mistakes and recklessness, and I would ask that you explain how the Department can get the most out of training opportunities while ensuring maintenance and safety gaps are fixed.

Finally, Ms. Berger, you have been nominated to be Assistant Secretary of the Navy for Energy, Installations, and Environment. In addition to your current work at Microsoft, I would not your prior experience in this subject area as the Deputy Chief of Staff for the Department of the Navy and as a policy advisor at the EPA during the Obama administration. You will be responsible for managing the Navy's physical footprint. Within that, you will need to address several issues that have come to this Committee's attention, including the replacement of the existing AF3 firefighting foam and the reformation of the Military Housing Privatization Initiative, which has yet to be implemented with respect to various components of the Tenant Bill of Rights.

Additionally, in the last few years, the Navy has seemingly abandoned its pursuit of hybrid electric drives and certain classes of ships, despite documented fuel savings of roughly 37 percent. I would ask that you address this issue as well as how you would approach restoring Navy labs, which continue to struggle to secure sufficient funding for demolition, modernization, and new construction of facilities.

Thank you again to the nominees. We all look forward to your testimony.

Now let me now recognize the ranking member, Senator Inhofe.

STATEMENT OF SENATOR JAMES M. INHOFE

Senator INHOFE. Thank you, Mr. Chairman. I echo your comments and thank our nominees for being here, for the time and effort that you have spent helping our nation, and this would be a great continuation.

Our top military leaders have told us over and over again that we are probably likely in the most dangerous position we have been in. I believe we are. I believe we are. I quite often say I look back wistfully at the days of the Cold War. Things were predictable then. They are not predictable any longer now.

That is why I continue to highlight the national defense roadmap to we have right here, and I want to make a request now of each one of you. I suspect you probably already read this, but do it again. That is why I am very much concerned with the budget that is recommended in here for our military is considerably more than the budget that the President is proposing at the present time. So our competitors are not letting up at all, and just last week General Milley told us, in this Committee, that combined, Russia and China budgets far exceed ours. This is something we have not been dealing with in the past.

I would just elaborate one more time, like the chairman did. First of all, Dr. Ratner, Secretary Austin has praised your efforts for leading the China Task Force. You have great expertise in that area. Ms. Berger, you are charged with overseeing the Navy housing. Housing has been probably the most labor-intensive addressing this thing for the last 3 or 4 years, so you have got your work cut out for you there. Ms. Krass, we would like to hear how you are going to advise the Secretary of Defense in addressing DOD's number one pacing challenge, which is China. Ms. Ortiz Jones, you will need to balance the readiness of your modernization of the Air Force while also handling the space obligations. Ms. Skelly, you are going to have to end up carrying out duties with an inadequate budget, so that is going to be a difficult thing. We want to hear how you are going to be able to do that, and we look forward to the testimony of each one of you.

Thank you, Mr. Chairman.

Chairman REED. Thank you very much, Senator Inhofe. Now I will ask a series of questions which are required of all civilian nominees. Simply answer appropriately after the question.

Have you adhered to applicable laws and regulations governing conflicts of interest?

Ms. KRASS. Yes.

Ms. Ortiz JONES. Yes.

Dr. RATNER. Yes.

Ms. SKELLY. Yes.

Ms. BERGER. Yes.

Chairman REED. Have you assumed any duties or taken any actions that would appear to presume the outcome of the confirmation process?

Ms. KRASS. No.

Ms. Ortiz JONES. No.

Dr. RATNER. No.

Ms. SKELLY. No.

Ms. BERGER. No.

Chairman REED. Exercising our legislative and oversight responsibility makes it important that this Committee, its subcommittees, and other appropriate committees of Congress receive testimony, briefings, reports, records, and other information from the Executive branch on a timely basis. Do you agree, if confirmed, to appear and testify before this Committee when requested?

Ms. KRASS. Yes.

Ms. Ortiz JONES. Yes.

Dr. RATNER. Yes.

Ms. SKELLY. Yes.

Ms. BERGER. Yes.

Chairman REED. Do you agree to provide records, documents, and electronic communications in a timely manner when requested by this Committee, its subcommittees, or 1 other appropriate committees of Congress, and to consult with the requestor regarding the basis for any good-faith delay or denial in providing such records?

Ms. KRASS. Yes.

Ms. Ortiz JONES. Yes.

Dr. RATNER. Yes.

Ms. SKELLY. Yes.

Ms. BERGER. Yes.

Chairman REED. Will you ensure that your staff complies with deadlines established by this Committee for the production of reports, records, and other information, including timely responding to hearing questions for the record?

Ms. KRASS. Yes.

Ms. Ortiz JONES. Yes.

Dr. RATNER. Yes.

Ms. SKELLY. Yes.

Ms. BERGER. Yes.

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

Ms. KRASS. Yes.

Ms. Ortiz JONES. Yes.

Dr. RATNER. Yes.

Ms. SKELLY. Yes.

Ms. BERGER. Yes.

Chairman REED. Will those witnesses and briefers be protected from reprisal for their testimony or briefings?

Ms. KRASS. Yes.

Ms. Ortiz JONES. Yes.

Dr. RATNER. Yes.

Ms. SKELLY. Yes.

Ms. BERGER. Yes.

Chairman REED. Thank you. I understand that Senator Duckworth is on Webex, and she is going to introduce Ms. Ortiz Jones, so I would recognize Senator Duckworth for her introduction, and then we will begin the testimony of the witness. We are still waiting for Senator Bennett for Ms. Krass.

Senator Duckworth?

Senator DUCKWORTH. Thank you, Mr. Chairman. I apologize that I am not there in person. I am actually on campus at a mark-up

in the Commerce Committee. That is not an indication of my enthusiasm for Ms. Ortiz Jones. I think she is fabulous.

So thank you so much for the opportunity to introduce President Biden's nominee to serve as the next Under Secretary of the Air Force. Gina Ortiz Jones is a former Air Force captain and a veteran of the Iraq war. She is a first-generation Filipino American and a member of the LGBTQ [lesbian, gay, bisexual, transgender, and queer] community. But most of all, Gina is a dynamic leader who is dedicated to serving her country.

I am here today to introduce Gina because I am confident in her ability to steer the Department of the Air Force through a time of significant change with agility, determination, inspiration, and steadfast commitment to mission accomplishment. It will not be an easy job. If she is confirmed, Gina will be tasked with organizing, training, equipping, and providing for the welfare of nearly 700,000 active-duty Guard and reserve servicemembers, civilians, and their families worldwide, alongside the Secretary of the Air Force. She will have to do so during a time when the Department of the Air Force is rapidly modernizing to operate more effectively in the Indo-Pacific region and to lead in the space domain, while maintaining enduring strategic capabilities. All of these missions are vital to our national security. The Air Force needs leadership to help it navigate these challenges.

Gina's experiences have helped shape her into the leader that she is today. The daughter of an immigrant single mom, she attended Boston University on an Air Force ROTC [Reserve Officers' Training Corps] scholarship, earning a bachelor's degree in East Asian studies and a master's degree in economics. She served on active duty in the Air Force as an intelligence officer, deploying to Iraq before returning to Texas to care for her mother during a time of illness.

Gina's path to the Air Force mirrors that of many currently serving airmen. Her experience in Iraq has given her a personal understanding of the toll that deployments take on servicemembers and their families. Given that she was commissioned while the so-called "Don't Ask, Don't Tell" policy was still in effect, Gina knows what it is like to see a military that is not welcoming to her, and yet still want to serve her Nation anyway. It is difficult to think of anyone better suited to lead the members of the Department of the Air Force with understanding and compassion.

After leaving active duty, Gina continued her career as an analyst, both at U.S.-Africa Command and at the DIA, the Defense Intelligence Agency, where her portfolio included operations in Latin America. Gina also worked in the Office of the U.S. Trade Representative, and received another master's degree in global and international studies, as well as a master's of military arts and science from the U.S. Army School of Advanced Military Studies.

With all that experience, it is safe to say that Gina understands the challenges and opportunities that we face globally, and know how our military fits into that picture.

I would say just one more thing about Gina's qualifications. When she disagreed with how she saw the government being run, she did not just sit back and decide that it was someone else's problem. She left a promising career in the intelligence community,

took a risk, and ran for office herself, because she believed in playing a part to help her community.

Gina's desire to be part of the solution and willingness to play an active role in shaping the future of America speaks volumes about her commitment to her community and to her country. This long history of engaged public service gives me confidence that if confirmed to be Under Secretary of the Air Force, Gina Ortiz Jones would not just be a trailblazer and an inspiring figure, though she is both of those things, she will also be an experienced, level-headed, and agile service leader who is capable of helping to shape the Department of the Air Force that America needs.

Thank you, Mr. Chairman.

Chairman REED. Thank you, Senator Duckworth, and now let me first commend Senator Bennet for his exquisite timing, like clockwork, and ask him to introduce Ms. Krass.

Senator BENNET. Thank you very much, Mr. Chairman, and thank you to you and the ranking member to allowing me to join you this morning and introduce Caroline Krass, President Biden's nominee to serve as the General Counsel of the Department of Defense. Caroline and I are long-time friends. We have known each other since law school, where she arrived as a Phi Beta Kappa from Stanford. I could barely keep up with her then, and it turns out she was just getting started, Mr. Chairman.

Pick a job that would qualify someone to serve as General Counsel for the Department of Defense and there is a good chance Caroline Krass has done it. She has clerked at the U.S. Court of Appeals for the D.C. Circuit. She worked as a lawyer for the Treasury Department and the State Department. She served as Special Counsel to the President for National Security, a Deputy Legal Advisor to the National Security Council, Acting Assistant Attorney General at the Office of Legal Counsel at the Department of Justice, and as a prosecutor.

In 2014, the Senate confirmed her in an overwhelming bipartisan vote as General Counsel for the CIA, the first woman confirmed to that role. During her 3 years as the CIA's top legal advisor, Ms. Krass oversaw more than 150 attorneys, working on highly sensitive legal and policy issues, from operational matters to cybersecurity to privacy.

Over more than two decades of public service, Ms. Krass earned accolades from across the political spectrum and received a number of awards for her work, including the Department of Justice's highest award for an attorney, and a medal from the Department of Defense for outstanding service.

After leaving government, Ms. Krass built a distinguished career in the private sector, where she has led a global team of lawyers to navigate complex legal issues from privacy to innovation. Her colleagues in business have gone out of their way to praise her, quote, "proven expertise" and described her as an outstanding legal talent. I could not agree more.

Across her career, Ms. Krass developed a reputation for a brilliant legal mind, her tireless work ethic, and unfailing integrity. I observed these qualities when I first met her in law school many years ago, and they are exactly what she will need for this important and tough new role.

As my colleagues on this Committee appreciate the intersection of national security and the law has no shortage of difficult, weighty questions, many with the gravest of consequences, I trust Caroline to make the right call. She has the experience, the character, and the judgment. She is a true public servant in the truest sense of both of those words, and she believes as I do that America's national security goes hand in hand with our commitment to American values, including privacy, respect for human rights, and the rule of law.

Ms. Krass has my complete and enthusiastic support, and I urge the committee to advance her nomination with another overwhelming bipartisan vote.

Thank you, Mr. Chairman.

Chairman REED. Thank you, Senator Bennet, and let me remind the witnesses your written statements are part of the record. I will recognize Ms. Krass and then we will go down in order.

Ms. Krass, your statement, please.

**STATEMENT OF HON. CAROLINE KRASS, TO BE GENERAL
COUNSEL OF THE DEPARTMENT OF DEFENSE**

Ms. KRASS. Thank you, Mr. Chairman, Senator Inhofe, and distinguished Members of the Committee, and thank you very much to Senator Bennet for the kind introduction. It is an honor to appear before you today as the President's nominee to be the General Counsel of the Department of Defense. I am deeply grateful to both President Biden and Secretary Austin for their trust and confidence in me, and to the Committee for considering my nomination.

I would not be here today without the love and respect of my husband, William, who has been by my side for more than 30 years, and my daughter, Emma, and son, James. I am proud to be able to introduce you to William and to James.

I want to thank each of you on the Committee and your staff members for the time you have devoted to the confirmation process. I am inspired by the bipartisan nature of this Committee, which is consistent with my own experience of serving for over 23 years as an Executive branch lawyer in administrations of both parties. I am eager to return to government service and to continue to foster the critically important and cooperative relationship between this Committee and the Department of Defense. I strongly believe that it is the General Counsel's duty to ensure that the Armed Services Committees are kept properly informed to further their own oversight responsibilities.

If confirmed, I believe that my prior experience will serve me well in providing sound and clear legal advice to Secretary Austin and the Department's leadership team. As General Counsel of the CIA, my responsibilities included ensuring compliance with all applicable law. I also spent over a decade at the Office of Legal Counsel at the Department of Justice, where I had the opportunity to provide legal advice on a wide range of difficult legal issues to many government agencies, including the Department of Defense.

Over the course of my career, including two tours at the National Security Council, I have developed productive and collegial relationships with lawyers throughout the national security commu-

nity, including among the career civil service. Those relationships will heighten my effectiveness at assisting the men and women of the U.S. Armed Forces, together with the civilian DOD personnel, in protecting our nation's security.

Finally, I have been fortunate to work with many of the lawyers in the Department's Office of General Counsel and Chairman's Legal, and I have been impressed by their dedication to the rule of law. It would be a privilege to lead the office, building not only on the leadership experience I gained as CIA General Counsel and at OLC, but also my more recent experience leading a global team as an in-house General Counsel in the private sector.

Thank you again for your consideration, and I look forward to answering your questions.

[The prepared statement of Ms. Caroline Diane Krass follows:]

PREPARED STATEMENT BY MS. CAROLINE DIANE KRASS

Thank you, Mr. Chairman, Senator Inhofe, and distinguished Members of the Committee. And thank you to Senator Bennet for your kind introduction. It is an honor to appear before you today as the President's nominee to be the General Counsel of the Department of Defense. I am deeply grateful to both President Biden and to Secretary Austin for their trust and confidence in me, and to the Committee for considering my nomination.

I would not be here today without the love and support of my husband, William, who has been at my side for more than thirty years, and my daughter Emma and son James. I am proud to be able to introduce you this morning to William and James.

I want to thank each of you on the Committee and your staff members for the time you have devoted to the confirmation process. I am inspired by the bipartisan nature of this Committee, which is consistent with my own experience of serving for over twenty-three years as an executive branch lawyer in administrations of both parties. I am eager to return to government service and to continue to foster the critically important and cooperative relationship between this Committee and the Department of Defense. I strongly believe that it is the General Counsel's duty to ensure that the Armed Services Committees are kept properly informed to further their oversight responsibilities.

If confirmed, I believe that my prior experience will serve me well in providing sound and clear legal advice to Secretary Austin and the Department's leadership team. As General Counsel of the CIA, my responsibilities included ensuring compliance with all applicable law. I also spent over a decade at the Office of Legal Counsel at the Department of Justice, where I had the opportunity to provide legal advice on a wide range of difficult legal issues to many government agencies, including the Department of Defense. Over the course of my career, including two tours at the National Security Council, I have developed productive and collegial relationships with lawyers throughout the national security community, including among the career civil service. Those relationships will heighten my effectiveness at assisting the men and women of the U.S. Armed Forces, together with the civilian DOD personnel, in protecting our Nation's security. Finally, I have been fortunate to work with many of the lawyers in the Department's Office of General Counsel and Chairman's Legal, and I have been impressed by their dedication to the rule of law. It would be a privilege to lead the Office, building not only on the leadership experience I gained as CIA General Counsel and at OLC, but also my recent experience leading a global team as an in-house General Counsel in the private sector.

Thank you again for your consideration, and I look forward to answering your questions.

Chairman REED. Thank you very much. Ms. Ortiz Jones.

**STATEMENT OF GINA ORTIZ JONES, TO BE UNDER
SECRETARY OF THE AIR FORCE**

Ms. Ortiz JONES. Good morning, Chairman Reed, Ranking Member Inhofe, and distinguished Members of the Committee. I am deeply honored to come before you today as President Biden's

nominee for Under Secretary of the Air Force. I am grateful for your consideration of my nomination, and thank you to Senator Duckworth for the kind introduction.

Today, I am joined by my mother Victorina Medenilla Ortiz, and my sister, Christi. My mother immigrated to the United States 43 years ago from the Philippines. She raised my sister and me by herself, and she reminded us every day of our responsibility to give back to a country that had given us so much. It is why I served, and why my sister, Christi, proudly serves in the U.S. Navy to this day. I am thankful for my mother and sister's unwavering love and support. I want to thank my partner, Ana, for her unconditional love, endless patience, and constant encouragement.

Perfecto Medenilla Ortiz, my uncle, is not here today, but his example and service also helped me be here today. In 1967, he enlisted in the U.S. Navy from the Philippines and served as a steward, one of the few ratings open to Filipinos at the time. Undeterred, he signed up, because he too wanted his chance at the American dream.

My own service started with a 4-year Air Force ROTC scholarship that took me from San Antonio, Texas, to Boston University. I was honored to wear our nation's cloth. However, similar to my uncle's limited career opportunities because of his ethnicity, my experience in the Air Force was hindered by the "Don't Ask, Don't Tell" policy. Yet I, too, remained undeterred because of my desire to serve our country. That experience cemented my resolve to ensure anyone ready and able to serve can do so to their full potential, and accordingly, our country's fullest potential.

If confirmed, that tenet will guide my service. That is what our airmen and guardians deserve, that is what the American people entrusting us with their sons and daughters should expect, and that is what the challenges and opportunities we face as a country require.

The Air Force and Space Force are at the forefront of our nation's ability to meet those challenges and opportunities. If confirmed, I will work with Department of the Air Force leaders to ensure the total force is ready to deter, and if needed, win our nation's wars. Great power competition requires we fully harness the total force's talents and courageously invest in modernization efforts that best equip our men and women for the threats they will face.

If confirmed, as the Department of the Air Force's Chief Management Officer, I will lead guided by our need to attain and maintain air and space dominance, and our collective responsibility to foster an environment where airmen and guardians can serve without the fear of sexual harassment, sexual assault, and other behaviors that threaten our readiness.

If confirmed, I will focus on preparing the total force for emerging challenges, from the Arctic to cyberspace, while ensuring the Department's unique value proposition to the country, its contributions to the nuclear triad, are ironclad.

Finally, great power competition requires we compete for the nation's top talent. To that end, if confirmed, I will work across the Department to eradicate extremist behaviors that are antithetical

to one's solemn oath to the Constitution and degrade our ability to recruit and retain our nation's finest talent.

I have been honored to serve our country in a number of ways, as an Air Force Intelligence Officer deployed to Iraq supporting close air support missions, to advising on military operations on three continents, to serving in the Executive Office of the President protecting American intellectual property and guarding against threats posed by foreign investments. I have seen a range of threats to our country's economic and national security. But, as importantly, I have seen the indispensability of American leadership. That leadership immeasurably rests on the service and sacrifices of those within the Department of the Air Force, from the airmen and guardians, to the civilians, to their loved ones who make their service possible. It would be an honor to help lead the total force.

Thank you for your consideration, and I look forward to your questions.

[The prepared statement of Ms. Gina Ortiz Jones follows:]

PREPARED STATEMENT BY MS. GINA ORTIZ JONES

Good morning, Chairman Reed, Ranking Member Inhofe, and distinguished members of the

Committee. I am deeply honored to come before you today as President Biden's nominee for

Under Secretary of the Air Force. I am grateful for your consideration of my nomination, and thank you to Sen. Duckworth for the kind introduction.

Today, I am joined by my mother Victorina Medenilla Ortiz. She immigrated to the United States 43 years ago from the Philippines. She raised my sister and me by herself, and she reminded us every day of our responsibility to give back to a country that had given us so much. It is why I served, and why my sister, Christi, proudly serves in the U.S. Navy to this day. I am thankful for my mother and sister's unwavering love and support. I want to thank my partner, Ana, for her unconditional love, endless patience, and constant encouragement.

Perfecto Medenilla Ortiz, my uncle, is not here today, but his example and service also helped me be here today. In 1967, he enlisted in the U.S. Navy from the Philippines and served as a Steward, one of the few ratings open to Filipinos at the time. Undeterred, he signed-up, because he too wanted his shot at the American Dream. Before retiring, he earned the distinction of being the first Filipino to serve as a gas turbine electrician in the fleet.

My own service started with a 4-year Air Force ROTC scholarship that took me from San Antonio, Texas to Boston University. I was honored to wear our Nation's cloth. However, similar to my uncle's limited career opportunities because of his ethnicity, my experience in the Air Force was hindered by the "Don't Ask, Don't Tell" policy. Yet I, too, remained undeterred because of my desire to serve our country. That experience cemented my resolve to ensure anyone ready and able to serve can do so to their full potential, and accordingly, our country's fullest potential.

If confirmed, that tenet will guide my service. That is what our airmen and guardians deserve. That is what the American people entrusting us with their sons and daughters should expect. And that is what the challenges and opportunities we face as a country require.

The Air Force and Space Force are at the forefront of our Nation's ability to meet those challenges and opportunities. If confirmed, I will work with Department of the Air Force leaders to ensure the Total Force is ready to deter, and if needed, win our Nation's wars. Great power competition requires we fully harness the Total Force's talents and courageously invest in modernization efforts that best equip our men and women for the threats they will face.

If confirmed, as the Department of the Air Force's Chief Management Officer, I will lead guided by our need to attain and maintain air and space dominance, and our collective responsibility to foster an environment where airmen and guardians can serve without the fear of sexual harassment, sexual assault, and other behaviors that threaten our readiness.

If confirmed, I will focus on preparing the Total Force for emerging challenges, from the Arctic to cyberspace, while ensuring the Department's unique value proposition to the country—its contributions to the nuclear triad—are ironclad.

Finally, great power competition requires we compete for the Nation's top talent. To that end, if confirmed, I will work across the Department to eradicate extremist behaviors that are antithetical to one's solemn oath to the Constitution and degrade our ability to recruit and retain our Nation's finest talent.

I have been honored to serve our country in a number of ways—as an Air Force Intelligence Officer deployed to Iraq supporting close air support missions, to advising on military operations on three continents, to serving in the Executive Office of the President protecting American intellectual property and guarding against threats posed by foreign investments. I have seen a range of threats to our country's economic and national security. But, as importantly, I have seen the indispensability of American leadership.

That leadership immeasurably rests on the service and sacrifices of those within the Department of the Air Force—from the airmen and guardians, to the civilians, to their loved ones who make their service possible. It would be an honor to help lead the Total Force. Thank you for your consideration, and I look forward to your questions.

Chairman REED. Thank you very much. Now let me now recognize Dr. Ratner.

STATEMENT OF DR. ELY RATNER, TO BE ASSISTANT SECRETARY OF DEFENSE FOR INDO-PACIFIC SECURITY AFFAIRS

Dr. RATNER. Good morning. Chairman Reed, Ranking Member Inhofe, and distinguished Members of the Committee, it is an honor to appear before you this morning as President Biden's nominee for Assistant Secretary of Defense for Indo-Pacific Affairs.

I want to thank President Biden for nominating me for this position, and Secretary Austin and Deputy Secretary Hicks for their confidence in me. I had the privilege of working for both Senator Biden and Vice President Biden, and I am grateful now for the opportunity to serve in the Biden-Harris administration. As a former Professional Staff Member on the Senate Foreign Relations Committee, it is also a distinct privilege to return to the Senate today in this capacity.

Most importantly, I want to thank my family, including my parents, Joseph and Esther, and my brother, Aaron, as well as my amazing wife, Jennifer, and our two boys, Ian and Finn, for their incredible love and support.

Mr. Chairman, if confirmed, my top priority will be positioning the Department of Defense to compete more effectively with China. I have spent the better part of the last two decades working on this challenge inside and outside of government, and strongly agree with the assessment in President Biden's Interim National Security Strategic Guidance that China is "the only competitor capable of combining its economic, diplomatic, military, and technological power to mount a sustained challenge to a stable and open international system." If confirmed, I would be honored to support Secretary Austin and Deputy Secretary Hicks in their mission to prioritize China as the Department's number one pacing challenge.

To that end, since January, I have served as the Director of the DOD China Task Force. Secretary Austin charged the Task Force with conducting an assessment of China-related activities and providing recommendations for the way forward. Based on those recommendations, the Secretary issued an internal directive on June

9, that initiated a series of efforts to better align the Department with the stated prioritization of China.

During the course of the China Task Force, I consulted regularly with Congress and was encouraged by the bipartisan commitment to renewing American competitiveness and rising to the China challenge. I firmly believe that a strong bipartisan consensus on China is a strategic imperative for the United States. If confirmed, I would look forward to continued consultation and collaboration with members of this Committee, on both sides of the aisle.

Even as we prepare to prevail in future conflicts, it is critical to underscore, as Secretary Austin said recently, that “the cornerstone of America’s defense is still deterrence.” Military conflict with China is by no means inevitable. If confirmed, I would aim to support the development of new operational concepts, force posture, and emerging capabilities to prevent and deter such a conflict for future generations. In this regard, I appreciate the Committee’s leadership on the Pacific Deterrence Initiative, and would look forward to working with you to continue implementing this important effort.

The Indo-Pacific region rightly serves as the Department’s priority theater. We must continue pursuing a free and open Indo-Pacific, while investing in our network of allies and partners throughout the region, including Taiwan. If confirmed, I would support the Administration’s approach to North Korea, and affirm our alliance commitments to Japan and South Korea, including to maintain peace and stability on the Korean Peninsula.

Our alliances with Australia, the Philippines, and Thailand, as well as our defense partnerships with India and Singapore, among many others, are also critically important. So too is our commitment to ASEAN and the region’s multilateral institutions as we tackle the breadth of traditional and non-traditional security challenges in the Indo-Pacific, including extremism and climate change. Meanwhile, we should continue pursuing defense relations with China to develop crisis communications and risk reduction mechanisms.

If confirmed, I would also focus on the immediate objective of executing a safe, deliberate, and orderly retrograde from Afghanistan. We must also retain counterterrorism capabilities to disrupt any threats to the United States Homeland, support the Afghan Special Immigrant Visa program, and protect the progress achieved for Afghan women and girls. If confirmed, I would work with this Committee to advance our shared goals for the future of Afghanistan and the region.

I want to conclude by thanking the members of this Committee for your bipartisan support for our servicemembers, their families, the civilian workforce, and our national defense. Thank you for considering my nomination and I look forward to your questions.

[The prepared statement of Dr. Ely Ratner follows:]

PREPARED STATEMENT BY DR. ELY RATNER

Chairman Reed, Ranking Member Inhofe, and distinguished members of the Committee, it is an honor to appear before you this morning as President Biden’s nominee for Assistant Secretary of Defense for Indo-Pacific Security Affairs.

I want to thank President Biden for nominating me for this position, and Secretary Austin and Deputy Secretary Hicks for their confidence in me. I had the

privilege of working for both Senator Biden and Vice President Biden, and am grateful now for the opportunity to serve in the Biden-Harris Administration. As a former Professional Staff Member on the Senate Foreign Relations Committee, it is also a distinct privilege to return to the Senate today in this capacity.

Most importantly, I want to thank my family, including my parents, Joseph and Esther, and my brother Aaron, as well as my amazing wife Jennifer and our two boys, Ian and Finn, for their incredible love and support.

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To that end, since January, I have served as the Director of the DOD China Task Force. Secretary Austin charged the Task Force with conducting an assessment of China-related activities at the Department and providing recommendations for the way forward. Based on those recommendations, the Secretary issued an internal directive on June 9 that initiated a series of efforts to better align the Department with the stated prioritization of China.

During the course of the China Task Force, I consulted regularly with Congress and was encouraged by the bipartisan commitment to renewing American competitiveness and rising to the China challenge. I firmly believe that a strong bipartisan consensus on China is a strategic imperative for the United States. If confirmed, I would look forward to continued consultation and collaboration with members of this Committee.

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If confirmed, I would also focus on the immediate objective of executing a safe, deliberate, and orderly retrograde from Afghanistan. We must also retain counterterrorism capabilities to disrupt any threats to the United States Homeland, support the Afghan Special Immigrant Visa program, and protect the progress achieved for Afghan women and girls. If confirmed, I would work with this Committee to advance our shared goals for the future of Afghanistan and the region.

I want to conclude by thanking the members of this Committee for your bipartisan support for our servicemembers, their families, the civilian workforce, and our national defense. Thank you for considering my nomination and I look forward to your questions.

Chairman REED. Thank you. Ms. Skelly, please.

**STATEMENT OF SHAWN SKELLY, TO BE ASSISTANT
SECRETARY OF DEFENSE FOR READINESS**

Ms. SKELLY. Good morning, Chairman Reed, Ranking Member Inhofe, and Members of the Committee. It is an honor to appear

before you today as the President's nominee for the position of Assistant Secretary of Defense for Readiness.

I am here today through the love and support of more people than I could adequately account for—family, friends, mentors, and former colleagues—but above all I must thank my own family, Beth and Michael.

The Department of Defense has been central to my professional life, starting at 17, when I received a Navy ROTC scholarship and the opportunity to pursue my young dreams of flying off of aircraft carriers, which I was so fortunate to be able to do. My understanding of service was first instilled by my father, a proud former enlisted Marine and New York City police officer, and it has only deepened in the nearly four decades since I first swore an oath to support and defend the Constitution. If confirmed, I would be honored to bring my career's experience of service, dedication to mission, and steadfast belief in the incredible capabilities of our uniformed servicemembers and civil servants who defend our Nation to my performance of the responsibilities of the Assistant Secretary of Defense for Readiness.

I am simultaneously humbled and inspired by the role that the Assistant Secretary of Defense for Readiness plays in supporting the Secretary of Defense and the Under Secretary of Defense for Personnel and Readiness, shaping the strategic decision making of the Department through the continual assessment of its ability to meet the requirements articulated by the President and the Secretary in both the present day and the future, and helping to inform critical resourcing decisions. As a retired Naval Flight Officer, the importance of the Department's safety and Professional Military Education programs and the manner in which they support readiness of the total force are deeply ingrained in me, and if confirmed, I will ensure they receive the priority and focus they deserve.

Again, I am honored to be here before you and I look forward to your questions. Thank you.

[The prepared statement of Ms. Shawn Skelly follows:]

PREPARED STATEMENT BY MS. SHAWN SKELLY

Good (morning/afternoon), Chairman Reed, Ranking Member Inhofe, and members of the Committee. It is an honor to appear before you today as the President's nominee for the position of Assistant Secretary of Defense for Readiness.

I'm here today through the love and support of more people than I could adequately account for; family, friends, mentors, and former colleagues, but above all I must thank my own family, Beth and Michael.

The Department of Defense has been central to my professional life, starting at 17 when I received a Navy ROTC scholarship and the opportunity to pursue my young dreams of flying off of aircraft carriers, which I was so fortunate to be able to do. My understanding of service was first instilled by my father, a proud former enlisted Marine and New York City police officer and it has only deepened in the nearly four decades since I first swore an oath to support and defend the Constitution. If I am honored with confirmation as the Assistant Secretary of Defense for Readiness, I would rely on my career's experience of service, dedication to mission, and steadfast belief in the incredible capabilities of our uniformed servicemembers and civil servants who defend our Nation. If confirmed, I would be honored to bring my career's experience of service, dedication to mission, and steadfast belief in the incredible capabilities of our uniformed servicemembers and civil servants who defend our Nation to my performance of the responsibilities of the Assistant Secretary of Defense for Readiness.

I am simultaneously humbled and inspired by the role that the Assistant Secretary of Defense for Readiness plays in supporting the Secretary of Defense and Under Secretary of Defense for Personnel and Readiness, shaping the strategic decisionmaking of the Department through the continual assessment of its ability to meet the requirements articulated by the President and the Secretary in both the present day and the future, and helping to inform critical resourcing decisions. As a retired Naval Flight Officer, the importance of the Department's safety and Professional Military Education programs and the manner in which they support readiness of the Total Force are deeply ingrained in me, and if confirmed, I will ensure they receive the priority and focus they deserve.

Again, I am honored to be here before you and I look forward to your questions. Thank you.

Chairman REED. Thank you, Ms. Skelly. Ms. Berger, please.

STATEMENT OF MEREDITH BERGER, TO BE ASSISTANT SECRETARY OF THE NAVY FOR ENERGY, INSTALLATIONS, AND ENVIRONMENT

Ms. BERGER. Thank you. Chairman Reed, Ranking Member Inhofe, and distinguished Members of the Committee, it is my honor to be before you today to be considered for the role of Assistant Secretary of the Navy for Energy, Installations, and Environment. I am humbled by the confidence President Biden, Vice President Harris, Secretary Austin, and Deputy Secretary Hicks have placed in me through this nomination, and I am grateful to my family, friends, and colleagues. They have shown me kindness, they have challenged my thinking, and they have given me opportunities to advance and contribute first and foremost in public service, and importantly in the private sector and civil society.

I am honored to be considered for this position. I recognize the urgency and the dynamic nature of the critical responsibilities that fall under this office, and I am driven by the mission of supporting the great women and men who are the marines, sailors, civilians, and their families. They are the Department of the Navy, and they do the brave work of defending this nation.

I grew up in Florida. I understood well and early the significance of the environment and our resources. They support how we live and where we operate. There is an interdependence there; we are part of an ecosystem.

That became very clear to me working for the State of Florida when the Deepwater Horizon oil spill occurred in 2010. The Department of the Navy had the lead on the Federal response, and it was the five Gulf States that felt the impacts. This disaster caused us to think hard about the environmental, economic, national security, and safety implications of our energy choices. We realized that singular reliance on certain resources and practices can be a vulnerability.

A decade later, the Colonial Pipeline ransomware attack reinforces these considerations and heightens the urgency of information, cyber, and operational security.

Our energy resources and our environment are critical infrastructure for our national security. These things shape where and how the Navy and Marine Corps live, train, and operate. These things are critical to our military readiness.

We face threats, both natural and manmade, a competitive energy market, and a changing climate that impacts our installations and stresses our operational readiness. It is imperative that we act

as cognizant operators in this ecosystem. We must focus on our resilience.

If confirmed, I am eager to bring my experience across sectors, curiosity, collaborative nature, and perspective to the job, and I will work hard every day to ensure that we continue to have the greatest Navy and Marine Corps the world has ever known.

Thank you for your time and consideration today, and I look forward to the conversation.

[The prepared statement of Ms. Meredith Berger follows:]

PREPARED STATEMENT BY MS. MEREDITH BERGER

Chairman Reed, Ranking Member Inhofe, and Distinguished Members of the Committee, it is my honor to be before you today to be considered for the role of Assistant Secretary of the Navy for Energy, Installations, and Environment

I am humbled by the confidence President Biden, Vice President Harris, Secretary Austin, and Deputy Secretary Hicks have placed in me through this nomination.

I am grateful to my family, friends, and colleagues. They have shown me kindness, challenged my thinking, and given me opportunities to advance and contribute first and foremost in public service, and importantly in the private sector and civil society.

I am honored to be considered for this position. I recognize the urgency and the dynamic nature of the critical responsibilities that fall under this office.

And I am driven by the mission of supporting the great women and men who are the marines, sailors, civilians, and families that are the Department of the Navy and who do the brave work of defending our Nation.

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Our energy resources and our environment are critical infrastructure for our national security—these things shape where and how the Navy and Marine Corps live, train, and operate. These things are critical to military readiness.

We face threats—both natural and manmade, a competitive energy market, and a changing climate that impacts installations and stresses operational readiness. It is imperative that we are cognizant operators in this ecosystem. We must focus on our resilience.

If confirmed, I am eager to bring my experience across sectors, curiosity, collaborative nature, and perspective to the job. And I will work hard to ensure that we continue to have the best Navy and Marine Corps the world has ever known.

Thank you for your time and consideration today, and I look forward to the conversation.

Chairman REED. Thank you very much, Ms. Berger. Senator Inhofe must attend a critical meeting in Environmental and Public Works Committee, and as such I asked him to go first, and then I will resume.

Senator INHOFE. Mr. Chairman, thank you very much, and I will return as soon as that mission is over.

Dr. Ratner, Admiral Davidson, the previous Commander of INDOPACOM, testified, quote, “The greatest danger the United States and our allies face in the region is the erosion of conven-

tional deterrence of China.” The current commander, Aquilino, also agreed with that. Do you agree with that?

Dr. RATNER. Yes, Senator.

Senator INHOFE. Is there anything that comes to your mind that you want to do to correct that problem?

Dr. RATNER. Senator, I think it is imperative that the Department move with greater focus and urgency to bolster deterrence in the Western Pacific.

Senator INHOFE. Very good. Now, Ms. Berger, I want to devote most of the time to you, because of a unique situation that is taking place right now. Last week, the Department of Justice announced that two former Balfour Beatty employees pled guilty to major fraud against the United States and conspiracy to commit wire fraud. According to the latest charging documents, which have also been reported in the press, the Balfour Beatty Regional Vice 0 President is also involved. So at this time we do not know how far up this problem, this conspiracy, actually goes.

This Committee led the charge with the reforms back in fiscal year 2020 NDAA. We were busy, all of us, busy during that time, and concerned about it. Quite frankly, confession is good for the soul, and I remember when I first heard about this. The first finding of inadequate housing and the problems that we had started with Tinker Air Force Base, and so I assumed it was problem unique to my state of Oklahoma, only to find this was widespread and it was underway. But this is something that is actually very, very significant, and affects thousands, not hundreds but thousands, of our people that are in inadequate housing. We jumped on it right away, had several meetings, but it is still ongoing.

So, Ms. Berger, given the recent criminal charges showing that not all privatization housing companies have the best of interest in our servicemembers and their families, with that in mind how do you intend for this not to happen again under your watch, not only for privatized housing but for barracks and dorms as well. Keeping in mind we have a lot of good, privatized housing successes that are out there. We know who they are and we know where the deficiencies are. So what would be your first thought on that issue?

Are you there?

Ms. BERGER. Yes. I did not hit my microphone to start.

Senator INHOFE. Oh.

Ms. BERGER. Senator Inhofe, thank you for the attention that you have put towards our military families and their housing. First, our people are our greatest asset and we are entrusting our people to these housing structure through the agreements that we have with the privatized housing companies. In addition, those people’s greatest assets are their families. So this is a big amount of trust that we are putting in the housing structures that we have.

As you have noted, there are some good examples where this has been successful, but more importantly and more urgently, there are instances where this has failed, and it has failed our military members.

First I would wait to see, and continue to see the judicial process play out and see what final determinations are made there, but additionally use the surveys, the housing on installation advisors and advocates who are there, and then also take the opportunity, if con-

firmed, myself, to be able to go meet with families, meet face-to-face with the housing company representatives, and ensure that we are holding them to a higher standard. If confirmed, I need to make sure that we are doing the best that we can for our military families, and that would be what I would do first and foremost.

Senator INHOFE. Okay. That is very good. I cannot remember any particular issue that has drawn more attention or had more hearing than we have had on that. We made great progress and great testimonials, and I would suggest that before you start in that you get the transcripts of those meetings. In fact, I am going to ask that you will do that before taking duty. Can you handle that one?

Ms. BERGER. Yes, Senator. I would be very glad to review all of those.

Senator INHOFE. Very good. Thank you, Mr. Chairman, for your help.

Chairman REED. Thank you, Senator Inhofe. Dr. Ratner, I know you have concentrated over the last several weeks and months intensively on China, but my sense is the first crisis you will face is Afghanistan. Our forces will be out of there probably within less than 30 days. That will contribute to, I think, further aggression by the Taliban. So I know these are preliminary ideas that you are forming, but how will we be able to continue to support the Afghan Security Forces and government? How do we literally deliver the money and the resources they need and make sure that it is spent for its purpose?

Dr. RATNER. Senator, thank you. It is an incredibly important issue. Obviously, if confirmed, I am going to support the President's agenda of pursuing a deliberate, safe, and orderly retrograde. But to your question about what happens after American forces are gone, it is just going to be incredibly important that we continue to support the Afghan Security Forces there, and I understand that, if confirmed, my office would be in charge of overseeing the delivery of some of that assistance, and would ensure that it would do so with great scrutiny, and maintain transparency with Congress in that regard.

Moreover, as I understand it, the Administration is underway trying to develop, or working to develop an over-the-horizon counterterrorism capability, and if confirmed, would support those efforts as much as I could.

Chairman REED. Again, I think we are in a period of time where the Taliban sees, tactically and strategically, the advantage of not engaging U.S. forces and allowing us to leave. I think that perspective shifts dramatically after we leave, and their efforts against the Afghan government will increase. So again, we have to do, collectively, not just Executive but also Congress, we have to ensure we have SIV visas for those who served with us, and I would urge you to keep us informed, because this could be an hour-to-hour situation as we go forward. But thank you for your commitment to transparency and to keeping a close watch on this issue.

Ms. Krass, we understand that the legal opinions that the General Counsel issues are usually confidential and privileged, but you committed, when you assumed the responsibilities as the CIA General Counsel, that you would share with us the legal framework,

not the specific opinions but the legal framework. Will you make the same commitment with respect to Department of Defense?

Ms. KRASS. Yes, Senator, I will.

Chairman REED. Thank you very much. It is very important for us to understand what the legal authority is, respecting the confidentiality of specific opinions, so thank you for that.

Also, as you indicated in your testimony and that we have heard from Secretary Austin personally, he has ordered a review of extremist activity within the Department of Defense. We all, I think, understand how that contradicts the constitutional oath that servicemembers take. But how do you balance also the First Amendment rights of individual service men and women with respect to some of their views and some of their activity? Would you give us an idea of how we would approach that?

Ms. KRASS. Yes, Senator. If confirmed, I would absolutely look at any proposals. I know that Secretary Austin has set up the Countering Extremism Working Group, and one of the questions that they are looking at is how to refine the definition of extremism, which is an issue that needs to make sure that it is ideologically neutral and that First Amendment rights are protected, as well as good order and discipline being furthered, and so were I to be confirmed, I would study those issues and provide my best advice to the Secretary.

Chairman REED. Thank you very much.

Ms. Ortiz Jones, one of the great issues we are facing now in the Air Force, particularly facing it, is modernization versus balancing current requirements. Do you have a sense of how you would make that judgment or what factors you would consider?

Ms. Ortiz JONES. Senator, having worked in intelligence community for a long time we always have to understand the nature of the threat, and that goes to our understanding of our challenger's intent and capabilities. That gives us the best understanding of the threat that we will face. Meeting and addressing those threats then would allow us to assess where our capabilities allow us to best do so. Across time, however, understanding we have got current requirements but also need the best posture for what we are likely to face, especially against a tier one competitor.

Chairman REED. Thank you very much. I think the emphasis on evaluating threats first is a very principled and thoughtful way to begin. That is usually the best approach.

Thank you all. Now let me now recognize Senator Rounds.

Senator ROUNDS. Thank you, Mr. Chairman. First let me begin by saying thank you to all of you for your continued service to our country.

Ms. Krass, most recently there has been a number of cyber incursions into some of our more critical infrastructure. There has been an attempt made to improve our cyber capabilities over a period of years. I know that in 2019, the National Defense Authorization Act, we specifically changed offensive cyber operations so that they would be considered as traditional military activity.

If we do not control the cyber domain, just as if we do not control the domain or space or air, land, or sea, then our other domains are clearly at risk. Can you share with me your thoughts as to the importance of continuing to be able to allow our cyber warriors the

ability to provide offensive capabilities in response to these cyberattacks that our critical infrastructure finds itself faced with?

Ms. KRASS. Senator, I completely agree with you about the challenge that cyber presents to us, as a country and our critical infrastructure, and it is very important that the Department of Defense has the appropriate authorities to act. As you referred to, I read the clarifications that have been in, I think, two NDAA's, about what is traditional military activity, thereby meaning that as exempt from the definition of a covert action. Were I to be confirmed, I would want to study the issue further to see if any additional authorities are needed, but my understanding is that that was a very good way forward for the Department of Defense.

Senator ROUNDS. Well, let me just ask, just briefly. Have you been able to review yet—and I am not sure that you have—with regard to the presidential directives? At one point, under a previous Administration, there was a Presidential Policy Directive 20, which was replaced by National Security Policy Memorandum 13. Are you familiar with the changes that were made, recognizing that this is an unclassified discussion?

Ms. KRASS. Senator, I have not. In my current role outside of the government I have not had a chance to see that directive, but were I to be confirmed I would certainly want to take a look at it.

Senator ROUNDS. Thank you. I think it is very important to note that the coordination, but still with a clear path forward to being able to provide immediate offensive cyber capabilities to our warfighting teams is critical, and most certainly you will have a role to play in making certain that they stay within the guidelines but are not having their hands tied.

Ms. KRASS. Yes. Senator, I agree. That would definitely be part of my role, were I to be confirmed.

Senator ROUNDS. Thank you. Ms. Jones, I appreciated the opportunity to visit with you by phone, I believe last week. I am just curious. Most recently there has been not only a notice that was in the Air Force, we have now got a pilot shortage once again. Part of it is because during COVID it was difficult to get training on the schedule, but second of all because the airlines are beginning to hire again, and most certainly they will take a fair number from the Air Force's numbers. But in addition to that there has been some recent reports in the press about the challenges of actually getting the number of hours for these pilots that need the training.

It is disconcerting that there appears to be a shortage of capable aircraft and training capabilities to actually bring in and appropriately train and maintain the capabilities of these Air Force pilots. I am not sure whether or not you have availed yourself to those most recent press reports, but I most certainly would like to hear your thoughts about the training regimen and whether or not you believe we do have some challenges with regard to maintaining a proper balance.

Ms. Ortiz JONES. Senator, thank you for the question and thank you for your emphasis on this issue. If confirmed, this would be a top priority of mine. The Air Force has to maintain its readiness, and that requires a sufficient number of highly qualified pilots to execute those missions.

Certainly, to your point, in terms of ensuring that there are adequate number of training hours, this is both a safety issue as well as a qualification issue, and again I share your concern. If confirmed, I commit to reviewing the status of the current Pilot Retention Working Group that I understand is reviewing initiatives to address ways in which we might be able to retain more of these pilots, reviewing the status of those initiatives, what is working well, and where we might be able to improve upon that. Separately, I also commit to you, if confirmed, reviewing the status of the training program and where we also may be able to make some improvements.

Senator ROUNDS. Thank you. My time has expired. Thank you, Mr. Chairman.

Senator KING. [Presiding.] On behalf of the chairman, Senator Hirono.

Senator HIRONO. Thank you. A warm aloha to all of the 0 nominees.

I ask the following two initial questions of every nominee in any of the committee on which I sit, so I will ask all of you en masse.

Since you became a legal adult, have any of you ever made unwanted requests for sexual favors or committed any verbal or physical harassment or assault of a sexual nature?

Ms. KRASS. No.

Ms. Ortiz JONES. No.

Dr. RATNER. No.

Ms. SKELLY. No.

Ms. BERGER. No.

Senator HIRONO. Have any of you ever faced discipline or entered into a settlement related to this kind of conduct?

Ms. KRASS. No.

Ms. Ortiz JONES. No.

Dr. RATNER. No.

Ms. SKELLY. No.

Ms. BERGER. No.

Senator HIRONO. For Ms. Krass, in April, Secretary Austin directed several immediate actions to counter extremism in the ranks. One tasked General Counsel's Office with reviewing and updating the definition of prohibited extremist activities among uniformed personnel. I believe there is an acknowledgement that servicemembers are targeted for recruitment by extremist organizations, and so what constitutes prohibited extremist activities is an important aspect of what Secretary Austin has requested.

So if confirmed, how would you approach this issue, given the sensitive First Amendment freedom of association issues involved and the need to maintain good order and discipline in the ranks?

Ms. KRASS. Senator, I agree with Secretary Austin's focus on the extremism threat and his standing up of the working group. Were I to be confirmed, I would study carefully any proposals regarding a change to the definition of extremism to make sure that First Amendment rights are protected at the same time as we safeguard our Nation and instill good order and discipline.

Senator HIRONO. I am going to want to keep in touch with you as you proceed, because right now the current definition does not

prohibit membership in extremist organizations. It is going to be a challenging thing for you to proceed, I would say.

For Dr. Ratner, you obviously know a lot about what needs to happen in the Indo-Pacific area, and I am very glad that you mentioned the concerns we have with regard to Afghanistan. I have a particular concern, shared by Senators Collins and—there is another member, sorry. I should know this—Senator Shaheen, with regard to what our responsibilities should be regarding the women and girls in Afghanistan. We did send a letter asking the President to appoint an ambassador-at-large for global women's issue to be the point person for the Administration on what we can do to support the Afghan women and girls. So I hope this is an area that you will be also focused on.

Then as you talked about the Indo-Pacific AOR, one area that you did not note in your remarks, but I am sure you are very familiar with, the Compacts of Free Association with Palau, Micronesia, and the Marshall islands, and these are the FAS compacts. How would you prioritize our partnerships with these island nations to support our overall strategy in the Indo-Pacific? I am particularly interested in how we can focus on the lines of effort identified in retired Admiral Davidson's Pacific Deterrence Initiative, which you noted in your remarks, with regard to our FAS compacts.

Dr. RATNER. Senator Hirono, thank you. Those are two really important questions. First of all, on the question of women and girls in Afghanistan, thank you for your leadership and for this Committee's leadership on that issue. Of course, I share those concerns. It is a top priority for the Biden administration, and if confirmed, will work closely with my interagency partners to ensure we can try to protect the gains that have been made. Of course, even as the military presence in Afghanistan is being wound down, the United States will continue supporting economic, political, and humanitarian support for Afghanistan. So that support will continue, and if confirmed, will remain a priority of mine.

On your question of the compacts states, again, very important issue. As I understand it, the Administration is in the process of renegotiation that compact. That is a State Department-led effort. From the perspective of the Defense Department I would support that effort, from an interagency capacity. With specific question from a DOD perspective and the Pacific Deterrence Initiative, my view is that those partners could play an important role in advancing the priorities of the Pacific Deterrence Initiative, including our forward presence in the region, our efforts to improve our logistics there, exercises in training and infrastructure as well. So I would commit to you, Senator, that if confirmed, and when we begin again working on the Pacific Deterrence Initiative, that I include consideration of the compact states.

Senator HIRONO. I would just like to note that I think that we owe a lot more, we can be doing a lot more to support these island nations, particularly with regard to their economy.

Thank you, Mr. Chairman.

Senator KING. Thank you, Senator. On behalf of the chairman, Senator Tuberville.

Senator TUBERVILLE. Thank you, Chairman King. Thank you all for being here today.

Ms. Krass, bid protests have gotten ugly. How they are supposed to work, all companies should have the right to question the process, but protests cause delays to national security and hurt the taxpayer. Example, the DOD cloud computing project, JEDI, the fight has gotten so ugly that Deputy Secretary Hicks threatened to kill it altogether. What should we do to get contractors to trust the DOD process?

Ms. KRASS. Senator, I think this is a critically important issue that the American public has trust and confidence in the fairness of the acquisition process, and were I to be confirmed, one of my duties as General Counsel would be to ensure that that process is fair, and I commit to you that I would do so, if I am confirmed.

Senator TUBERVILLE. Thank you.

Ms. Jones, secure and reliable access to space is critically important to our national security and economy. China is at a forefront and contesting our supremacy in space and targeting our commercial suppliers. What can the DOD and the Air Force do to further protect intellectual property of this country's companies that support our national security and efforts?

Ms. Ortiz JONES. Senator, thank you for the question. Previously I served as the intelligence community's Senior Advisor for Trade Enforcement, and the focus there was the protection of American intellectual property. So I certainly share your concern for the need to protect American intellectual property, specifically these highly specialized areas and certainly as it relates to space.

Senator, I would like to, in order to adequately answer your question, review the current efforts underway to ensure I am fully aware of those and where there might be some opportunities to improve upon those, and if confirmed, I commit to doing so and reporting back to you in short order.

Senator TUBERVILLE. Thank you. Thank you.

Dr. Ratner, you led the DOD's China Task Force, and I have got two questions. Do you believe U.S. cyber networks are secure from our adversaries, and what can the DOD do to further protect small and medium-sized contractors from cyberattacks, because the big boys can take care of themselves.

Dr. RATNER. Senator, thank you for your question. I do think China's aggressive cyber activities continue to be a problem and one that the United States and the Department of Defense should be taking seriously and doing more on. I think an important part of that is getting our house in order inside the Department, working across components on these issues to better protect and defend our technology and working with the private sector as well, absolutely.

Senator TUBERVILLE. Yes. What can the small guy do, though? I mean, people in Alabama, we have 800 defense contractors, and it is rat race to try to keep them from getting hacked. They do not have the money the big boys have. What can we do to help them?

Dr. RATNER. Well, Senator, I think we can work more closely with these partners. I think to Senator Rounds' question, we ought to also consider the full suite of capabilities we have, including offensive capabilities, to try to shift Beijing's cost-benefit calculus about these activities.

Senator TUBERVILLE. Thank you. Thank you, Mr. Chairman.

Senator KING. On behalf of the chairman, Senator King.

Senator KAINE. Thank you, Mr. Chairman, and I do note that it must be a humbling moment to be demoted from King to chairman, albeit briefly.

[Laughter.]

Senator KING. I will live with it. Thank you, Senator.

Senator KAINE. Ms. Skelly, I want to ask you a question. I am the chair of the Readiness Subcommittee of this Committee, and Senator Sullivan is my ranking member, and we have kind of gone back and forth in those roles. Readiness, in the Committee standpoint, might be a little bit different in how we define it than within the Pentagon, but in the Committee, readiness is installations and acquisition, but also the readiness metrics that we use to determine how ready we are to perform a fight or a mission tomorrow if we need to.

We recently had a Readiness Subcommittee hearing that I found, through some testimony, and it was pretty troubling. The hearing was about acquisition programs, and I know there are all kinds of acquisition officials in the Pentagon, and it was successes and failures, sort of a greatest hits and a greatest misses and what we can learn from both.

One of our witnesses was Dr. Raymond O'Toole, who is the Acting Director of Operational Test and Evaluation, and this was an open hearing. Here was a bit of testimony that he offered that were sort of frightening, both to Senator Sullivan and me.

“Unfortunately, some programs do not properly plan for cybersecurity assessments. More critically due to poor system hardening against dynamic cyber threats driven by lack of workforce cyber capacity, talent, and tools within the program offices, virtually none of the programs assessed in fiscal year 2020 were survivable against relevant cyber threats.”

Senator Sullivan looked at me when that testimony came out and said, “I hope no adversaries are watching this hearing.” Well, it was an open hearing. Of course, adversaries were seeing it. It has made us wonder whether, in our development of readiness metrics—so we have the metrics about, you know, what percentage of platoons would be ready to fight tomorrow—in our development of readiness metrics, do we need to better incorporate assessments of cyber vulnerabilities.

Should you be confirmed—and these issues tend to kind of get siloed into this acquisition office or that service secretary’s office—but should you be confirmed, could you work with us to help make sure that there are appropriate readiness metrics that incorporate cyber vulnerability as a key component to measuring whether we are ready to fight tomorrow or not?

Ms. SKELLY. Senator, thank you for the question. Certainly. I note that, I believe it is a recent GAO report, has raised the issue of the Department’s readiness recovery framework reporting, where it is predominantly service, and their recommendation has been, I think their recommendation accepted by the Department at one point, but that it be viewed through the lens of domains, cyber being one of them.

Some of the previous conversation this morning regards around China. Our readiness for the future with China, as Dr. Ratner has

worked on, that is about potentially an all-up fight, in all domains, simultaneously, at the high end. As has been our history, we are pretty ready for the last war we had, because that is the one we know when we put billions and trillions of dollars into. The past two decades have not had us significantly challenged with regard to cyber operationally in our weapons systems in that way. So personally, with some experience in the defense acquisition system and in making that system responsive to emerging threat, it is not surprising that we are in that state. However, that state is insufficient to the future that we are charged by the President and the Secretary and the Congress to plan for. It is certainly an area that, if I were to be confirmed, is one that I want to get into as soon as possible as to how we change our appreciation of readiness for the future challenge.

Senator Kaine. Great. Ms. Skelly, thank you for that. I look forward to working with you on that matter.

Ms. Kress, just a last point, not really a question. But your office is a very important office, in tandem with others, Legal Advisor at State Department, Counsel's Office in the White House, over authority for military action, authorized use of military force, 0 declarations of war. I am a real stickler about Article II powers being as broad as they should be, but Article I powers also being very broad. I generally believe that we should not be at war as a nation without a vote of Congress unless the President is engaging in imminent defense against either an attack or an imminent attack. There are differences of opinion that go back to 1787 on how these clauses in the Constitution are interpreted.

But I have often not been happy, under Administrations of both parties, with the rationale and the information and legal justification we get from executives when they initiate military action without coming to Congress. There is lawyer-client privilege, other documents that are protected, and I get that, but I would just like your commitment—and I actually am going to applaud the Biden administration for starters, because Senator Young and I have a bill to repeal the 1991 and 2002 Iraq AUMFs that said Iraq is an enemy. Now that Iraq is a security partner we want to repeal those AUMFs. The Biden administration has issued up a statement supporting the repeal. We are going to have a vote in Senate Foreign Relations next week about it. It would be the first authorization for war that Congress has repealed in decades, maybe ever. So I do give the Biden team credit for being willing to do that.

But I just would look forward to having good communication with you—certainly the Committee would appreciate that as well—over legal authorities for initiation of military action. I just thought I would put you on notice that I will probably be calling you a lot on that.

Ms. Krass. Senator, I look forward to those conversations. Thank you very much.

Senator Kaine. We have a big task ahead of us to try to revise the 2001 AUMF too in a way that would preserve the authorities of the United States to take military action against non-state terrorist groups that threaten us, and 20 years in it is time to do that, and I look forward to working with you on that.

Ms. Krass. Senator, thank you. I agree.

Senator Kaine. Thank you, Mr. Chair.

Senator King. Thank you, Senator. On behalf of the chairman, Senator Cotton.

Senator Cotton. Thank you, and thank you all for your appearance.

Ms. Krass, in your written remarks you stated that you support the Biden administration's efforts to repeal the Authorization for Use of Military Force. I think it was the current authorizations for military force, not just the 2002 AUMF. So that includes the 2001 AUMF?

Ms. Krass. Senator, I believe my written remarks were about the 2002, but I do support President Biden's commitment to replacing the existing 2001 and 2002 AUMFs with a more narrow and specific framework. But we need to make sure that there is sufficient authority to continue to protect the nation.

Senator Cotton. Under what legal authority is the United States currently detaining 40 terrorists at Guantanamo Bay?

Ms. Krass. Under the 2001 AUMFs.

Senator Cotton. If we repeal the 2001 and 2002 Use of Force resolutions, under what authority would we continue to detain those persons?

Ms. Krass. Senator, I think that that is a very important legal question that would need to be considered carefully as the Administration talks to Congress about an appropriate replacement authority.

Senator Cotton. Can you commit to us today that any replacement resolution would give authority to continue detaining those very dangerous terrorists at Guantanamo Bay?

Ms. Krass. Senator, I commit to working with Congress to make sure that appropriate authorities remain with respect to those detainees.

Senator Cotton. Can you commit to compliance with the requirements of Section 1034 of the 2016 NDAA, that his committee must be notified 30 days before transferring any detainee from Guantanamo Bay to the continental United States?

Ms. Krass. Yes, Senator, I commit to complying with the law.

Senator Cotton. Thank you. Ms. Krass, the military has long been perceived as one of the most diverse institutions in our society, one of the places in our society where you are most likely to get ahead, based strictly on your performance and your merits, not on where you come from or what you look like, or who you are. Do you believe that the color of someone's skin or what ethnicity they might identify as should play any role in what job they perform or what rank they wear on their shoulders?

Ms. Krass. Senator, I believe that diversity does make our forces the best in the world, and I do think that all decisions should be made on merit.

Senator Cotton. Thank you. Ms. Krass, I have some concerns about what I saw in the late Obama era, as the only Republican who sits on both Armed Services and the Intelligence Committee, while you were the General Counsel of the CIA. Many of those concerns cannot be discussed in this open forum. I will simply say there was a tendency towards highly bureaucratic and highly technical distinctions between intelligence activities under title 50 and

military activities under title 10. I found those distinctions often to be tiresome and disruptive of efforts to do what our government should be doing for our people, which is to identify bad guys around the world and capture them or kill them.

Can you talk to me a little bit about your understanding of the distinction between title 10 and title 50, and give us some assurance that as the General Counsel of the Department of Defense you will not help recreate these very tedious bureaucratic distinctions between so-called title 10 activities and title 50 activities?

Ms. KRASS. Yes, Senator. The title 50 framework authorizes covert action, and one of the exceptions from what a covert action, and therefore conducted under title 50 is traditional military activity. I know that there were two clarifications, I think, in the 2019 and 2020 NDAs that particular activities of the Department of Defense are traditional military activities. Were I to be confirmed I would certainly work to further that understanding amongst the interagency.

Senator COTTON. I am glad to hear that. Again, we cannot talk about this at great length, and I think you know what I am talking about, though—highly complex, tedious distinctions that only added cumbersome bureaucratic roadblocks to protecting the country from some pretty bad guys around the world. I might want to speak to you in a classified setting, before the Committee vote, before the Senate votes on the floor, because I do think it was unnecessary in the late Obama era. I think many of these distinctions were done primarily so the Department of Defense could conduct certain operations and therefore President Obama and then Vice President Biden could speak about them publicly for political benefit. I hope that those kinds of distinctions will not be recreated, especially at a time when our troop presence in Afghanistan will be zero, and in Iraq it is very small, and therefore we might need to depend even more on our intelligence agencies to help protect the country from some very bad guys around the world.

Thank you, Ms. Krass. Thank you all again for your appearance, and I will turn it back to the acting chairman, who also knows what I am talking about, and I hope agrees with me, as he always does.

[Laughter.]

Senator KING. I try to whenever possible, Senator.

Mr. Ratner, this country is facing an intense moral obligation right now, and it is also a national security imperative, and that is the evacuation and protection of those people in Afghanistan who have served with us over the last 20 years as translator, guides, and other personnel. I hope you will commit to me to giving this question your highest level of attention and urgency. The last figures I saw were that it takes 900 days to process a special visa application, and we will be out of Afghanistan in 90 days. There is grave danger to these individuals. I would like your commitment to, as I say, the highest level of attention and urgency.

Dr. RATNER. Senator, I share your view that we have a moral obligation to support those who have been working with us in Afghanistan, and I commit to you to make it a top priority of mine and work with you and this Committee on day one.

Senator KING. I want you to be irritating within the counsels of the Defense Department on this issue. Can you manage that?

Dr. RATNER. I will commit to be irritating, Senator.

Senator KING. Thank you. Second question, we have not had much discussion about India, but I was encouraged to see that India was engaged in the talks with other allies in the region. Give me just a short precis of your thoughts about India's potential role in the security arrangements in Asia.

Dr. RATNER. Senator, I think India is an essential partner for the United States in the 21st century. The Department of Defense has made great progress across Republican and Democratic administrations in deepening our defense relations with India. There are a number of foundational agreements that have been signed over the last several years that, if confirmed, I would work hard to implement. Of course, India is now part of the Quad framework with Australia and Japan and the United States, as a foundation of the strength of our democracies in the region.

Senator KING. I think India's role could be incredibly important in our ongoing competition with China, and I urge you to pursue that opportunity, which you have already indicated.

Ms. KRASS, you are about to be a lawyer with one client, and I have been in that situation. The danger is telling your client what they want to hear. Give me your commitment that you will provide your best legal advice to the Department of Defense and to the Secretary regardless of the policy proclivities of the Secretary or the President, that your advice will be clear and unvarnished and delivered with the rule of law paramount.

Ms. KRASS. Yes, Senator, I give you that commitment. Absolutely, that is the way that I have always conducted myself.

Senator KING. You understand that it is human nature. I am not accusing anyone of malevolence, but it is human nature to want to sort of shade the advice to what the boss wants to hear. You understand that that is of danger and will actively resist it.

Ms. KRASS. Yes, Senator, I will.

Senator KING. Ms. Berger, I have a more specific question. In December of 2020, a memorandum was issued that basically puts a moratorium on new lease or general services occupancy agreements for the use of land and facilities. The Portsmouth Naval Air Station is on an island, and there is not enough room on that island for the demands that are being made on that facility, particularly in the upcoming years as a new dry dock is completed and we are talking about refueling and refurbishing our nuclear submarine fleet. I could give you a lot of figures, almost doubling the man hours required. They are already working three shifts in the limited manufacturing space.

Would you please follow up on this memorandum and whether an exception can be provide so the men and women of Portsmouth Naval Ship Yard can do their job on behalf of the Navy and the country?

Ms. BERGER. Senator, the people who are doing the work to support our Navy are critically important, and yes, I would be glad to follow up on that with you, if confirmed.

Senator KING. I appreciate that. This is critical, and it is a general purpose memorandum for the whole country, but in this case it literally does not fit.

Ms. Ortiz Jones, not much time left, but Senator Cotton and I did what amounted to a focus group with a group of pilots a year or two ago, and what we found was that the principal thing that is costing us pilots is that they want to fly, and they are not getting enough time in the air. I hope that that is something you can follow up with, and I would urge you to do something similar with younger pilots about what is it that you need? We expected to hear more about bonuses and those kinds of things. What we heard was, "We want to fly airplanes and we are not getting enough time in the air."

So is that something that you would be interested and willing to follow up on?

Ms. Ortiz JONES. Senator, if confirmed, absolutely. We need to look at all options to ensure that we have got, again, sufficient number of highly trained pilots to execute the Department of the Air Force missions.

Senator KING. Thank you. Thank you all for your commitment and your willingness to serve your country, in many cases once again.

On behalf of the chairman, Senator Tillis.

Senator TILLIS. Mr. Chairman, I will defer to Senator Hawley and follow him.

Senator KING. Senator Hawley.

Senator HAWLEY. Thank you, Mr. Chairman, and thank you, Senator Tillis. Congratulations to all the nominees 0 and thank you for being here.

Dr. Ratner, I want to start with you if I could, and I want to start by commending you for the outstanding work that you have done to help our Nation meet the China challenge, not just in the last few months, although I think you have been doing great work then too, but for the last number of years. I think you are an outstanding nominee, and I really look forward to supporting your nomination. So thank you for all you have done.

I want to drill down a little bit in some of your area of expertise here. I asked Secretary Austin and General Milley, when they were before this Committee just last week, if they agreed that the United States needs to maintain an ability to defeat a Chinese fait accompli against Taiwan. Secretary Austin said yes. General Milley said yes also, but then he said something that frankly surprised me, and I am just going to quote. This is from the transcript now. This is General Milley to me. He said, "Senator, frankly, I am not sure what a Chinese fait accompli in Taiwan is," end quote.

I wondered if you could, for the record here, tell us what a Chinese fait accompli in Taiwan looks like and why we should be concerned about it.

Dr. RATNER. Senator Hawley, thank you for your support, and let me say thank you to you as well for your 1 personal leadership on this issue. My understanding of the fait accompli challenge across the Taiwan Strait is the potential for China to attempt to make a very quick offensive action against Taiwan, thereby requiring us to have forces in the region and ready to respond immediately.

Senator HAWLEY. When we spoke in May you emphasized the need to maintain the ability to defeat that kind of an attempted quick strike. Just tell us why it is so important—and my colleagues are probably very tired of hearing me ask about this scenario, because I ask about it just about every single committee hearing. So maybe, for them and for us and for everybody, tell us why it is so important that we maintain the ability to defeat that kind of a quick strike invasion?

Dr. RATNER. Senator, the People's Republic of China has yet to renounce the use of force against Taiwan, and it is increasingly using its aggression and coercion in the region, so I think this is a real concern. In the absence of the United States to impose sufficient costs and denial capability, I think there is a potential that they would use aggression against Taiwan to achieve their political aims.

Senator HAWLEY. You and I talked a little bit about the difference between deterrence by denial and deterrence by cost imposition, and those things sound similar but they are actually quite different. Could you explain to us what the difference is between deterrence by denial and deterrence by cost imposition, and why we ought to be focused on deterrence by denial?

Dr. RATNER. Yes, so Senator, it is really important question, and I do agree that deterrence by denial is the appropriate strategy for the region and for this particular challenge. The distinction is deterrence by punishment would suggest that if China were to use aggression against Taiwan that the United States response would be to impose costs on China in another region or in another domain. My personal view is that the absolute certain way to deter China from using aggression is to ensure that they are unable to achieve that goal.

I should suggest also, at the time, that I am confident today that we have that ability to deter and defeat Chinese aggression, and Senator, if confirmed, I would look forward to working with this Committee to ensure we keep it that way.

Senator HAWLEY. Very good, and it is important, isn't it, also for our allies and partners and our potential partners in the region, in the Indo-Pacific, for them to realize and understand that we have the ability today to defeat an attempted fait accompli, and we are committed to maintaining that ability going forward. They need to know that so that they can bank on our commitment to the region and so they can make their own choices about their own security. Is that fair to say?

Dr. RATNER. Yes, Senator. I think that underscores the importance of the Pacific Deterrence Initiative, as well.

Senator HAWLEY. Very good. Let me ask you about what we are doing with regard to Taiwan in terms of helping them adopt the asymmetric defense strategy that they need. Something you said to me when we talked was that it is very important that the United States send a very clear message about what sort of defense strategy we think that our allies and partners in the region need to adopt. They need to be clear on what we think is the right approach.

Taiwan has introduced the overall defense concept several years ago that emphasized the need for them to adopt an asymmetric de-

fense strategy. I understand they have made some progress on this, but there is still some way to go. Can you give us an assessment of where Taiwan is on this and what message we need to be sending to Taiwan, and any other partners in the region you want to talk about, in terms of their own defense capabilities in partnership with us?

Dr. RATNER. Yes. Senator, another incredibly important issue. I will start by saying I think President Tsai is committed to taking Taiwan's military in the right direction, and I am encouraged by the steps she has been taking to try to develop a more mobile and resilient military, and that is an incredibly important part of the deterrent in the region. If confirmed, I would look forward to advancing that agenda.

Senator HAWLEY. Very good. I see my time has expired here. I may have a few more questions for you for the record. Congratulations again. Thanks to all of the nominees. I look forward to supporting you, Dr. Ratner, and Thank you, Mr. Chairman.

Chairman REED. [Presiding.] Thank you, Senator Hawley. I want to thank Senator King for stepping in and doing such a superb job as chair, and let me now recognize, via Webex, Senator Warren.

Senator WARREN. Thank you, Mr. Chairman, and congratulations to all of you on your nominations.

Ms. Berger, I want to spend some time this morning talking about military housing and climate change. Now these are going to be questions that I have asked the Air Force and the Army Secretary nominees. I will ask the Navy Secretary nominee as well. But since you are the person who has got primary responsibility for ensuring that our sailors will live in safe, clean housing, and make sure that our Navy is climate resilient and energy efficient, I want to ask you as well.

We have all heard the stories from military families about the deplorable conditions of on-base privatized housing. The companies hired by the DOD escaped accountability by fudging their numbers and just sweeping complaints under the rug. My office still hears from military spouses that the problem is not getting any better and that landlords are not following the laws that Congress passed to protect tenants.

So let me ask you, Ms. Berger, if confirmed, will you commit to using all the tools available to hold landlords and private companies accountable, to make sure that they build and maintain quality housing for sailors, and to ensure that they can no longer profit off substandard housing?

Ms. BERGER. Senator, thank you for your attention to this important issue, and yes, if confirmed, I will use all tools available to me to make sure that we are doing the best that we can for our sailors, our marines, and their families. This is an essential element of readiness, and ensuring that we are taking care of people, as you said, and putting them in quality housing, and safe housing, and ensuring that everyone is held to the standard that is available is critically important.

I will note that the Navy and Marine Corps recently put into place all 18 of the Tenant Bill of Rights that are important enforcement mechanisms as well, to ensure that all of these standards are being held up, and also that there are opportunities to enforce

them. So yes, Senator Warren, if confirmed, this would be a priority of mine.

Senator WARREN. I very much appreciate that. I want to see real change, and it is time. You know, some of these housing providers are not providing accessible housing to military families who have a physically disabled family member who needs accommodation. So do I have your commitment that you will immediately dig into this issue and work to make sure that all Navy families have access to reasonable accommodation in their housing, when they need it?

Ms. BERGER. Yes, Senator. If confirmed, I commit to ensuring that we look into this, and I will look forward to being in good touch with you on this important issue.

Senator WARREN. Good. Good. I am looking forward to too, because I am going to stay on this.

So you have got quite a challenge ahead of you, as our Navy bases are obviously the military installations that are most susceptible to rising seas. For example, according to one scientific study, Naval Base Norfolk has some access roads that will be under water during high tides for 50 days out of the year, by 2037. That is just high tides, not storms.

So will you commit to using all the tools and authorities at your disposal to make the Navy more climate resilient?

Ms. BERGER. Yes, Senator Warren. This issue is of critical importance. Our bases, our installations are often by the water, because it is where the Navy operates. But our installations are critical considerations in this composition as well, and so as we think about our installations being the places that we project our power from, it is where our submarines, our ships, our aircraft, our sailors, our marines are training. It is where they are going back to resupply and to refuel. It is where families are, and family readiness is important too.

These installations and the ability to keep them resilient to climate is of critical importance, as you note, and if confirmed, I will use all of the tools and authorities available to me to ensure that we are guarding against this threat.

Senator WARREN. Good, and on the subject of climate change, there is no way to address the climate crisis without confronting DOD's role as the largest consumer of fossil fuel on the planet. Will you commit to using all the tools and authorities at your disposal to make the Navy reduce its carbon footprint, wherever possible, and to make it more energy resilient?

Ms. BERGER. Senator Warren, the Navy has a good history and a good track record of looking into this, and I share your concern that this is of importance. If confirmed, this is something that we are always balancing against readiness and the ability to be able to fight, but it is something that we can use to enhance our readiness and ability to fight. If confirmed, I will surely review and put to good use the authorities available to ensure that the Navy is continuing to progress on this important track.

Senator WARREN. Good, and I am glad to hear you describe this not as balancing one against the other but as truly enhancing. You know, it is critical that the Navy continue to double down on investments in microgrids and battery storage and appropriate infra-

structure projects to improve resiliency on shore, and electric or hybrid electric engine technologies at sea.

You know, you are right to describe these as military readiness issues. So I plan to hold you to these commitments, and I also plan to look forward to working with you to help make them happen.

Thank you, Mr. Chairman.

Chairman REED. Thank you, Senator Warren. Let me recognize Senator Tillis, please.

Senator TILLIS. Thank you, Mr. Chairman. Congratulations to all of you for being nominated in some very important roles.

Ms. Krass, I want to ask you a little bit about, in responding to advance policy questions you stated, “If pending legislative proposals to address sexual assault and harassment are enacted, ensuring that such reforms are executed seamlessly will be a challenge facing the next General Counsel.” Could you explain to me, give me a little bit more meat on the bones—

Ms. KRASS. Yes, Senator.

Senator TILLIS.—what the challenges would be?

Ms. KRASS. Yes, Senator. As you know, the Secretary has received preliminary recommendations from the Independent Review Commission on the accountability prong of the four prongs that that commission is looking at, and I know that there are legislative proposals as well that are under serious consideration. Depending on how that unfolds and what recommendations ultimately Secretary Austin makes to President Biden and then to this committee, and whatever ensues from a legislative front, a significant task that I would face, were I to be confirmed, would be to ensure that those measures are implemented effectively. If I am confirmed, I would do my best. You know, I think it will require very careful attention to make sure that we make meaningful progress on this matter.

Senator TILLIS. What is your understanding of the 0 proposals that are coming from the 90-day independent review, and if you are familiar with the legislative proposals here, what kind of gaps do we need to work out between the commission’s recommendations and some of the proposals that will be considered as a part of our NDAA mark-up?

Ms. KRASS. Senator, I have not yet had a chance to be briefed on the Independent Review Commission’s proposals, because I am not yet confirmed. But were I to be confirmed, that would be the first thing I would want to do, to look at those proposals and evaluate those in connection with legislation, potential legislation that has already been proposed.

Senator TILLIS. The Military Justice Improvement and Increasing Prevention Act proposes to take disposition authority for felony offenses, really any offense, I think, with a sentence over 1 year, away from the UCMJ [Uniform Code of Military Justice], away from the commanders, and vest it in a group of lawyers. In your view, it seems to me there is a lot of work that needs to be done on military sexual assault, but the net that we are casting with some of the proposals right now go far beyond that. Barracks larceny would be something that would be taken out of the chain of command. Just intuitively, do you think that is a good idea or a reasonable proposal, coming from Congress? 1

Ms. KRASS. Senator, I know that last week Secretary Austin stated that he would study that issue of the broader versus the narrower scope, in terms of reforms to the UCMJ, and I similarly, if I were confirmed, would want to study that issue.

Senator TILLIS. Well, I do know that the timing problem with your confirmation may make it difficult for you to play a role in the DOD putting forth a recommendation before we have to set an NDAA mark-up and take up proposals. So this is less for you when you get in—Congratulations on the confirmation, now get to work—but we have got to make sure that the DOD is moving fairly quickly to get the commission recommendations before the President, and for the President to take a position on it, if it is going to have any impact on our proceedings in the next month.

Ms. Berger, I have spent a lot of time on military housing. I have spent a lot of time down at Fort Bragg and Camp Lejeune. I am going to go back down there for town halls. I have been doing military family town halls down there, and it has improved the situation just by putting pressure on the military housing vendors. I think that the Bill of Rights is a great idea, but I also think that if you are confirmed, in order to take best care of our sailors and marines, we have to take a step back and see if the entire framework that we have in place for military housing makes sense. It is almost 25 years old. There are 80-some-odd contracts. It seems to me that if we only think about going after the housing providers, when I think there is a legitimate shared responsibility for a lack of focus by the garrison commanders, a lack of modernizing these contracts, can I get your commitment to maybe take a step back and not only look at putting out the fires that I am doing with the town halls but look at the underlying programs and figure out if there is way to modernize them, to make them more resilient and more responsive to military family needs?

Ms. BERGER. Senator, the military housing issue, as you noted, is an important one, and thank you for the work that you have done on it, to take good care of our sailors, marines, and their families. If confirmed, it would be important to me to make sure to get and actually visit with the people who are living in the houses, who are taking care, on the ground, on the installations, and also to do a careful review of how everything is operating, to your point, to ensure maximizing resilience and the care that we need to take for the families and the sailors and marines that are living in this house.

So yes, if confirmed, I would be glad to do those things.

Senator TILLIS. Yes, and if confirmed, I would like to get a commitment from either you or a designate to participate in some of these town halls that we are doing. We will have a number of people there, and I think it is good, fresh feedback, and I think it would be helpful to have you or, like I said, a designate there when I do host the town hall sometime in August.

Ms. BERGER. Senator, thank you for the invitation. I would be glad to follow up with you and figure out the appropriate way to attend, if confirmed. Thank you.

Senator TILLIS. Thank you, and thank you all. Congratulations on your nominations. Thank you, Mr. Chair.

Chairman REED. Thank you, Senator Tillis. Now let me now recognize, via Webex, Senator Rosen.

Senator ROSEN. Thank you, Chairman Reed, of course Ranking Member Inhofe, for holding this hearing. I would also like to thank the nominees for testifying today, and Ms. Berger for meeting with me recently. Thank you.

I would like to speak a little bit about the Air Force, so Ms. Ortiz Jones, the Air Force last year requested a 300,000-acre expansion of the Nevada Test and Training Range within the Desert National Wildlife Refuge, of course, in order to modernize the range. It also asked for primary jurisdiction over the 800,000 acres of land currently shared with the refuge.

The fiscal year 2021 NDAA renewed the Air Force existing withdrawal of almost 3 million acres of public lands for 25 years, and included a provision that Senator Cortez Masto and I authored that mandates an intergovernmental executive committee between the Air Force and the U.S. Fish and Wildlife Service, to help improve the administration of, and resolve conflicts, on jointly managed lands. I believe we must continue supporting the Air Force's modernization requirements to keep up with current and emerging threats while maintaining Nevada's natural and cultural resources, and this is one way to do so.

So Ms. Ortiz Jones, as the Air Force pursues modernization of the Range, can you commit, if confirmed, to exchanging information and collaborating with local, state, and Tribal governments, along with the relevant environmental stakeholders on any proposals to withdraw Nevada's public lands?

Ms. Ortiz JONES. Senator, I think it is extremely important that the Department of the Air Force is a good partner, both with local stakeholders as well as those within the interagency. So if confirmed, you have my commitment to do just that.

Senator ROSEN. Will you also commit to working with me and the rest of the delegation on any future land withdrawal requests, and confirm that you will stand up the Intergovernmental Executive Committee and get its first meeting scheduled, as the Navy has already done so for its own proposed expansion in Fallon, Nevada?

Ms. Ortiz JONES. Senator, my understanding is that is mandated, and if confirmed, I will execute that in short order.

Senator ROSEN. Thank you. I look forward to being part of that.

I am going to move on to our land withdrawal at Fallon Naval Air Station. So Ms. Berger, of course we had a great time to talk this week, and I want to turn to the proposed Naval Air Station Fallon land withdrawal. The Navy seeks to continue operations on its current 240,000 acres and take ownership of over 600,000 acres of Federal land and over 65,000 acres of non-Federal land, an action that would expand the training complex to about 900,000 acres.

Federal land managers currently allow the public to have access to much of the proposed expansion area for grazing, for hunting, for mineral exploration, and for geothermal development. Due in large part to safety concerns, the Navy's proposal would curtail many of these activities. Recently, the Navy sent over a legislative proposal to this Committee, which unfortunately is almost identical

to the request from last year and does not incorporate any of the suggested changes from the Nevada delegation.

So Ms. Berger, as the Navy pursues modernization on the Range, can you commit, if confirmed, to exchanging information, collaborating with local, state, and Tribal governments, along with relevant stakeholders on any proposals to Nevada's public lands and work with me and the rest of the Federal delegation on any land withdrawal requests?

Ms. BERGER. Senator Rosen, thank you for the time to visit with you and for the conversation, and I understand the diverse interests that are at stake here and also the importance that Nevada provides to our aviators and our Special Forces who train in this critical area.

If confirmed, it is important to look at the ability of these people to be able to train as they will fight and also to consider the diverse interests that you listed, and if confirmed, I will be glad to have an ongoing conversation, share information, and collaborate with you.

Senator ROSEN. Thank you. Quickly, I just want to mention, again, in 1959, the Navy dropped an inert ordnance outside Fallon's B-19 range, contaminated nearly 6,000 acres of the Walker River Paiute's Tribe reservation. Ms. Berger, if confirmed, will you commit to working with me and the Nevada delegation on assuring that the Tribe is fairly compensated for this?

Ms. BERGER. Senator, if confirmed, I will be glad to continue to speak with you on this issue and follow up and collaborate so that we can do the best that we can for the Tribes who are important stakeholders in this issue.

Senator ROSEN. Thank you very much. My time is up, Mr. Chairman.

Chairman REED. Thank you, Senator Rosen. Senator Kelly, please.

Senator KELLY. Thank you, Mr. Chairman. I want to follow up a little bit on Senator Hawley's questions with you, Dr. Ratner. As you know, the integration and synchronization of forces is key to winning complex, dynamic military operations, and, you know, China's ability to operate jointly, they are late to the game, I think, here, and they are probably trying to catch up.

Is that an area that you looked at as you led the Department's China Task Force, their ability to operate jointly?

Dr. RATNER. Yes, Senator.

Senator KELLY. Their command and control of their joint operations, would you be able to comment about where they were and where they are today, and then how that impacts—you know, what is the operational impact to us as they improve their joint ability?

Dr. RATNER. Senator, it is a great question. As you know, the People's Liberation Army has been undergoing a very rapid, intense modernization that has included an effort to try to develop a more joint force that would be capability of offensive operations in the Western Pacific that certainly impact our interests, our alliances, and our presence there.

Senator KELLY. Are they increasing the number of joint exercises that they do?

Dr. RATNER. Yes, Senator.

Senator KELLY. What do you feel the impact on us is, specifically, at this point?

Dr. RATNER. Senator, I think their increasing capability continues to threaten our interests, as does their aggressive behavior, and it is all the more reason why we need to be thinking about our posture, our operational concepts, and our capabilities in the region to bolster deterrence and maintain peace and stability there, as we have for decades.

Senator KELLY. So one of our strengths is amplified, and a strength that we have, is our relationships with our allies. Considering their movement towards jointness within their own force, what should we be doing today to strengthen our alliances and partnerships to counter their increasing effectiveness?

Dr. RATNER. Senator, our alliances and partnerships are absolutely fundamental to our strategy in the region. It is also one of our critical advantages over China. They do not have the kind of alliances and partnerships that we do. We are in constant contact, trying to deepen the interoperability of those relationships, trying to develop joint technologies as well as starting to talk about potential contingencies, and if confirmed, I would commit to try to strengthen those partnerships to the best capability possible.

Senator KELLY. Thank you. I think that is key to our long-term success in the region.

I want to switch to Ms. Ortiz Jones for a second. Ms. Jones, it is clear that space is going to be an increasingly important domain for the military in future conflicts, and already today we are seeing signs of increased orbital congestion. Yet our ability to coordinate effectively with other nations regarding activities in space, and particularly to have countries like Russia and China engage meaningfully in this coordination could be improved, from shared challenges, challenges that I have dealt with personally, like space debris. G-7 countries announced new commitments on this just this week, but to major security threats this coordination is badly needed.

So, Ms. Jones, if confirmed, you will help oversee the Service's role on these issues. How will you work to improve coordination and cooperation with these nations while ensuring the integrity of U.S. missions?

Ms. Ortiz JONES. Senator Kelly, thank you for the question. One of my top priorities, if confirmed, would be to review the status of the efforts for the U.S. Space Force to reach full operational capability. A key part of that, as you mentioned, will be reviewing the status of our input to the shaping of norms and behaviors in space that are so key to addressing some of the behaviors, the dangerous behaviors that you just identified. So I would want to ensure that the Space Force is working in full coordination with our inter-agency partners to ensure Department of the Air Force equities are best represented in shaping those.

Senator KELLY. I have heard specifically from leadership at the Space Force that often, especially with regards to Russia, even though we are trying to make our best effort to coordinate, not always received well from the other side, you know, often instead of direct contact where, you know, leaving messages, sending emails. These are significant events, often, that we are trying to prevent

a conjunction between spacecraft, and these are high-value assets, not only for us but for other nations, specifically our allies. So I appreciate you being willing to look into this. Thank you.

Thank you, Mr. Chairman.

Chairman REED. Thank you, Senator Kelly, and I recognize Senator Sullivan, and note that the vote is in 1 process and we have to vote. Thank you, sir.

Senator SULLIVAN. Thank you, Mr. Chairman, and thank you to all the witnesses for your service to our country and your continued service here. Congratulations on your nominations.

I want to begin by—there was a hearing many, many years ago, several decades ago, Armed Services Committee. The father of the U.S. Air Force, Billy Mitchell, stated that “(blank) place,” this place, “was the most strategic place in the world. Anyone who controlled this place could control North America, Europe, and Asia.” Do any of you know what place Billy Mitchell was talking about when he said this in front of the Congress of the United States? Take a guess.

Ms. Ortiz JONES. Alaska.

Senator SULLIVAN. There you go. Alaska. All right. So can I get a commitment from each of you to come to Alaska soon in your tenure and see why it is so strategic, particularly as we are reorienting towards the INDOPACOM region? Can I get a yes from everybody?

Ms. KRASS. Yes, Senator.

Ms. Ortiz JONES. Yes.

Dr. RATNER. Yes.

Ms. BERGER. Yes.

Ms. SKELLY. Yes.

Senator SULLIVAN. Everybody? Did I get a yes? Okay, good.

I want to follow up on that. You know, Ms. Skelly, I want to get your commitment, and Mr. Ratner, Dr. Ratner, with regard to JPARC. That is our training ranges up in Alaska. We just conducted—hopefully you saw it—the Northern Edge exercise. JPARC is a first-class, probably some of the best training areas in the world. Like I said, the Northern Edge exercise we just did had an entire MEU/ARG that participated, carrier strike group.

Can I get your commitment to take a look at JPARC and see all the opportunities it has for training high-end, fifth-gen training that we need to be ready, you know, for the great power competition that, in many ways, is upon us?

Dr. RATNER. Yes, Senator.

Ms. SKELLY. Yes, Senator.

Senator SULLIVAN. Thank you. Dr. Ratner, one thing that is often, I think, a little bit forgotten is, again, the Alaska base force is our kind of at the classic scenes of different COCOMs. You have a significant threat coming from EUCOM. Those forces are OPCON to PACON. I had Admiral Aquilino up in Alaska just a couple of weeks ago, and when you are looking at the different opportunities but also force posture in the region, can you commit to me to make sure you are keeping Alaska in mind? We are NORTHCOM, STRATCOM because of our missile defense, but again, we are going to have over 100 fifth-gen fighters, by the end of this year, based in Alaska. Oftentimes, even with our most sophisticated

strategists, they kind of look at International Date Line, east or west, and they forget to go north. Alaska forces are much closer to Japan and Korea than many of our forces that are east of the International Date Line, even though we are west.

Can I get your commitment to make sure that as you are looking at force posture you strongly consider Alaska and the forces there, not just what we have but for future forces?

Dr. RATNER. Absolutely, Senator, and I still have the map you gave me, showing those flight times, so it is on my desk at the Pentagon.

Senator SULLIVAN. Good. I appreciate that.

You know, the outgoing INDOPACOM commander, in a hearing that made a fair amount of news just about 2 months ago, a question that I asked him, given the aggressiveness of Xi Jinping, Communist Chinese Party, you know how aggressive they have been with other countries—India, Australia, Hong Kong—I asked him what does that entail, from his perspective, with regard to Taiwan.

I was just in Taiwan. I led a group of Senators, Senator Duckworth, who is on this Committee, very good meetings. But we were there to support a strong, traditional partner, as the Taiwan Relations Act mandates that we do, as a country. It came from this Senate body. Admiral Davidson said he thought within 6 years the Chinese Communist Party would move to probably try to forcefully retake Taiwan. Do you agree with that timeline? It was kind of a shocking statement, and if called upon, I know it is a bit of a vague commitment that we have, one way or the other, are they, or if need be, if called upon, if we make that decision, are we ready to make sure that that kind of aggressive action would not succeed? Do you agree with that timeline?

Dr. RATNER. Senator, it is a very important question. I agree with Admiral Davidson's sense of urgency. I do not think it is particularly useful to put a pin on a timeline. I think what we have to do is ensure that we are maintaining combat-credible deterrence going forward, whether that is 5 years from now, 10 years from now, 15 years from now. As I said to Senator Hawley, I think we have the capability today to deter and defeat Chinese aggression, and I think it is important that we maintain that going forward.

Senator SULLIVAN. Good. I look forward to working with all of you. Thank you, Mr. Chairman. I will have several additional questions for the record.

Chairman REED. Thank you very much, Senator Sullivan. I want to thank the nominees for your excellent testimony, and more importantly, your willingness to serve the nation. With that I will adjourn the hearing. Thank you very much.

[Whereupon, at 11:55 a.m., the Committee adjourned.]

[Prepared questions submitted to Honorable Caroline D. Krass by Chairman Reed prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES

Section 140 of title 10, U.S. Code, provides that the General Counsel of the Department of Defense (DOD General Counsel) is the chief legal officer of the Department.

Question. What is your understanding of the breadth and scope of the DOD General Counsel's duties and responsibilities?

Answer. The General Counsel serves as the chief legal officer of DOD, is the primary legal adviser to the Secretary of Defense and other senior DOD leaders, and performs such functions as the Secretary of Defense may prescribe. The General Counsel provides legal advice and counsel on the full scope of the Department's mission and responsibilities, which can range from contracting and acquisitions, to the provision of health care to servicemembers and their families, to the law of armed conflict, and military justice, to name just a few areas. If confirmed, I anticipate I will be responsible for overseeing and ensuring the provision of timely and accurate legal advice on myriad DOD activities.

Question. What is your view of the responsibility and authority associated with the DOD General Counsel's designation as the chief legal officer of the Department of the Defense?

Answer. The DOD General Counsel serves as the "chief legal officer of the Department of Defense," in accordance with 10 U.S.C. § 140. DOD Directive 5145.01 provides that the DOD General Counsel "[o]versees, as appropriate, legal services performed within the DOD, including establishing professional responsibility standards and determining, or referring to the cognizant authority, DOD attorneys' adherence to these standards." The Directive further assigns the General Counsel the responsibility to "Establish[] DOD policy on general legal issues, determine[] the DOD position on specific legal problems, and resolve[] disagreements within the DOD on such matters." If confirmed, I will work to ensure consistent and well-reasoned legal advice and counsel are provided across the Department.

Question. What is your view of the responsibility and authority vested in the DOD General Counsel by virtue of her service as the Director, Defense Legal Services Agency?

Answer. DOD Directive 5145.04 provides that the Defense Legal Services Agency "shall provide legal advice, services, and support to the Defense Agencies, DOD Field Activities, and, as assigned, other organizational entities within the DOD," and further provides that the Defense Legal Services Agency is "under the authority, direction, and control of the General Counsel of the Department of Defense" who also serves as its Director. As Director, the DOD General Counsel is responsible for the professional supervision of the Defense Legal Services Agency attorneys, including, in consultation with the DOD Component Head concerned, authority for evaluation of their performance, awards, promotions, professional development, and disciplinary or adverse actions. If confirmed, I will work to ensure consistent and well-reasoned legal advice and counsel is provided across the Department, including to the DOD Agencies and Field Activities by the Defense Legal Services Agency attorneys.

Question. What is your view of the responsibility and authority vested in the DOD General Counsel by virtue of her service as a Designated Agency Ethics Official?

Answer. I believe the role of the DOD Designated Agency Ethics Official is to ensure that the Department maintains a robust and effective ethics program that focuses not only on technical compliance with ethics laws and regulations, but also on the importance of assuring public confidence in our government. If confirmed, I will work closely with senior leaders to set a strong "tone from the top" to reinforce the expectation of ethical conduct by all DOD personnel and ensure the Department devotes the resources needed to administer an effective ethics program.

Question. If confirmed, what additional duties and functions might you recommend the Secretary of the Defense prescribe for you, particularly in light of the lines of effort comprising the National Defense Strategy (NDS)?

Answer. I have no additional duties or functions to recommend at this time. If confirmed, I will continually review the duties and functions of the DOD General Counsel, and consider how best to support the Secretary of Defense and the Department in carrying out the missions and functions of the Department under DOD strategic guidance, including the National Defense Strategy.

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

Answer. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 enhanced civilian control of the Armed Forces and clearly delineates the operational and administrative chains of command and the responsibilities of DOD senior leadership. The requirement for civilian control of the military is clear. If confirmed, I will work to ensure the Department fully adheres to this law and any related legal provisions. I have been privileged to serve my country as a civilian official in support of our national security, most recently as the Central Intelligence Agency's General Counsel, and I understand and appreciate that civilian control of the military is a foundational aspect of our democracy; it is a key foundation for our exceptional military, as well as a critically important guarantor of our freedoms. If confirmed, my conduct and legal advice will promote the understanding of, and adherence to, civilian control and authority over the military.

Question. Who is the client of the DOD General Counsel?

Answer. The Department of Defense and its senior leaders, when acting in their official capacities, are the clients of the DOD General Counsel, and through them the American people.

Question. If confirmed, what innovative ideas would you consider providing to the Secretary of Defense to improve the organization and operations of Office of the DOD General Counsel? To improve the delivery of legal services DOD-wide?

Answer. I believe that it is important to be working within an institution before deciding what organizational and operational changes are needed. If confirmed, I will continually evaluate ways to improve the effectiveness and efficiency of the Office of General Counsel and the Defense Legal Services Agency.

QUALIFICATIONS

Question. What background and experience do you possess that qualify you for this position?

Answer. If confirmed, I believe that my prior experience will serve me well in providing sound and clear legal advice to Secretary Austin and the Department's leadership team. As General Counsel of the Central Intelligence Agency (CIA), my responsibilities included ensuring compliance with all applicable domestic and international laws. I also spent over a decade at the Office of Legal Counsel (OLC) at the Department of Justice, where I provided legal advice to the Department of Defense on a wide range of difficult legal issues. Those issues, some of which I also worked on at the National Security Council (NSC), included matters related to the interpretation of the UCMJ, the application of the Law of Armed Conflict, and domestic and international law principles governing detention and the use of force. For my work at OLC, I was honored to be awarded the Department of Defense Exceptional Civilian Service Award during the George W. Bush Administration and the Department of Defense Medal for Outstanding Public Service during the Obama Administration.

Over the course of my career, including two tours at the NSC, I have developed productive and collegial relationships with lawyers throughout the national security community, including among the career civil service. I have also been a member of the interagency lawyers' group while at the NSC, CIA and Justice. Those relationships will heighten my effectiveness at assisting the men and women of the U.S. Armed Forces, together with the civilian DOD personnel, in protecting our Nation's security. In addition, I have been fortunate to work with many of the lawyers in the Department's Office of General Counsel and Chairman's Legal, and I have been impressed by their dedication to the rule of law.

During my career, I have also worked closely with lawyers and other representatives of many of our Allies, including the Five Eyes and the West Point group, as well as the International Committee of the Red Cross. I believe that our national security is strengthened when the international legal community has a common understanding of each country's approach to legal issues in the national security realm.

Question. What leadership and management experience do you possess that you would apply to your service as DOD General Counsel, if confirmed?

Answer. Over the past three years, I have served as General Counsel of General Insurance at American International Group, leading and overseeing a global team of 250 legal professionals providing advice in over 80 countries through a time of transformational change in a turn-around environment.

Previously, I served from 2014-2017 as the General Counsel of the CIA, leading and managing a team of approximately 200 attorneys and working to enhance professional development and growth opportunities in a time of constrained resources.

I also led OLC at the Department of Justice as Acting Assistant Attorney General before joining the CIA.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the DOD General Counsel? If so, what are they?

Answer. If confirmed, I am eager to meet with the Department's leadership to discuss their strategic priorities as well as to conduct deep-dives with my team in the Office of General Counsel on the myriad complex legal issues currently facing the Department. Although I have previously worked with many of the senior lawyers in the national security community, I would also reach out to the General Counsels of the Defense Agencies early in my tenure, as well as to other lawyers across the interagency.

MAJOR CHALLENGES AND PRIORITIES

Question. In your view, what are the major challenges that will confront the next DOD General Counsel?

Answer. Although it is not possible to predict all of the major challenges that will confront the next DOD General Counsel, several are apparent now. Secretary Austin has outlined his top priorities for the Department, which provide an outline of the major challenges facing DOD. Initially, the General Counsel will need to advise on DOD's key role in supporting U.S. Government efforts in response to COVID-19. If pending legislative proposals to address sexual assault and harassment are enacted, ensuring that such reforms are executed seamlessly will be a significant challenge facing the next General Counsel. The next General Counsel will also need to advise on the legal issues related to the Department's efforts to combat extremism in the ranks. In addition, the next General Counsel will confront legal issues relating to DOD's response to emerging advanced, persistent threats from States such as Russia, Iran, and North Korea and threats from transnational and non-State actors, particularly in the realm of cyber and space. Finally, the next General Counsel will be required to advise on legal issues related to DOD's number one pacing challenge—China.

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

Answer. The Department has experienced and capable attorneys who are experts in relevant areas of law, in the Office of the DOD General Counsel, the Defense Legal Services Agency, and in the wider DOD legal community. If confirmed, I would support those attorneys in their efforts to provide the best possible legal advice to decision-makers throughout the Department of Defense to address these significant challenges, and I will also endeavor to assist the Secretary of Defense by providing him with the legal advice needed to lead the Department.

Question. If confirmed, what broad parameters would you establish as to the types of legal and policy issues on which you and the Office of the DOD General Counsel must be consulted?

Answer. If confirmed, I will focus my efforts on the challenges outlined in the Secretary's priorities, and I will draw on the significant legal expertise and dedication of the Office of the DOD General Counsel, the Defense Legal Services Agency, and other lawyers serving in the Department of Defense. If confirmed, I will endeavor to ensure that the Office of the DOD General Counsel is a key player in providing legal advice regarding the development of strategies, plans, and activities within the Department beginning from early stages, and regardless of operational sensitivity. I would strive to accomplish this involvement in a cooperative manner as a matter of routine within the Department, particularly within the Office of the Secretary of Defense.

RELATIONS WITH CONGRESS

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

Answer. I believe Congress, and this Committee in particular, are critical partners with the Office of General Counsel. Maintaining a strong partnership with both Members and staff is essential to ensuring the necessary support for those in uniform and the Department overall.

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

Answer. Communication is key. If confirmed, I am committed to building and maintaining open and regular lines of communication to ensure collaboration with committee Members and staff alike.

Question. If confirmed, what factors would you consider in determining whether or not to recommend the invocation of Executive Privilege in regard to a request

from the Senate Armed Services Committee for information under the cognizance of a component of the Department of Defense?

Answer. As a general matter, I believe the Department should make every effort to produce to Congress the information it seeks. If I am confirmed, I commit to working closely with Congress to facilitate its oversight responsibilities and ensure that the Department is working appropriately to serve the American people

LEGAL OPINIONS

Question. Are the legal opinions of the Office of the DOD General Counsel binding on all Department of Defense attorneys?

Answer. The legal opinions of the DOD General Counsel generally are binding throughout the Department of Defense. 10 U.S.C. § 140 makes the DOD General Counsel the “chief legal officer of the Department of Defense,” and DOD Directive 5145.01 assigns the General Counsel the responsibility to “Establish[] DOD policy on general legal issues, determine[] the DOD position on specific legal problems, and resolve[] disagreements within the DOD on such matters.” If confirmed, I would fulfill those responsibilities, including issuing legal opinions that are binding on the Department of Defense. One exception to this rule applies to the lawyers in the Office of the DOD Inspector General. 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 National Defense Authorization Act for Fiscal Year 2009 (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. If confirmed, are there specific matters on which your predecessor General Counsels have issued legal opinions that you would expect to reconsider and possibly revise? If so, which opinions, in which practice areas, do you believe might merit reconsideration?

Answer. At this time, I am not aware of any legal opinions of the DOD General Counsel that I expect to reconsider and revise, if confirmed. However, if confirmed and such a need arises, I would review those opinions in consultation with the appropriate attorneys and subject matter experts within the Department.

Question. If confirmed, how would you ensure that legal opinions of your office are available to all Department attorneys, including judge advocates? Would you consider implementation of a program similar to that through which the Office of Legal Counsel, Department of Justice, makes certain of its opinions available to the public?

Answer. If confirmed, I will meet regularly with senior lawyers throughout the Department to keep them informed of relevant opinions and decisions of the DOD General Counsel and will circulate legal opinions generally to the attorneys in the Department, but in particular to those affected by them. If confirmed, I would consider whether any of the DOD General Counsel’s written opinions should be made available to the public.

RELATIONSHIP WITH THE DEPARTMENT OF JUSTICE (DOJ)

Question. What is your understanding of 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 lawyers 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 of Defense need more independence and litigation-focused resources—either to conduct its own litigation or to increase its capacity and capability to act—as it does currently—in a supporting role to DOJ?

Answer. My understanding is that DOD’s lawyers have exceptionally strong relationships with their counterparts at the Department of Justice and that the current arrangement serves DOD well. Accordingly, I am not aware of any changes that need to be made at this time.

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 of the Department of Justice that directly affect the Department of Defense?

Answer. If confirmed, I expect to work closely and regularly with the Office of Legal Counsel (OLC) at the Department of Justice in a collegial and collaborative

fashion on the most complicated legal issues that directly affect the Department of Defense.

Question. If confirmed, what actions would you take to address an opinion issued by the Office of Legal Counsel with which you disagreed as a matter of proper interpretation of the law?

Answer. If confirmed, should the Office of Legal Counsel (OLC) issue an opinion affecting the Department of Defense with which I disagreed as a matter of proper interpretation of the law, I would express my opinion to the head of OLC and, if necessary and appropriate, the Attorney General, and ask for reconsideration of the OLC opinion. If confirmed, I also expect to continue my close working relationship with OLC and that OLC would follow its prior practice of soliciting my input prior to the issuance of any legal opinion affecting DOD's interests.

ALTERNATE DISPUTE RESOLUTION

Question. Alternate Dispute Resolution (ADR) programs encourage the use of dispute resolution and conflict management processes and techniques to assist parties to a dispute in coming to an agreement, short of litigation.

What is your view of the role of the DOD General Counsel in facilitating the provision of ADR services to components of the Department of Defense?

Answer. As provided in DOD Instruction (DODI) 5145.5, it is the policy of DOD that each Component establish and implement ADR programs to resolve disputes at the earliest possible stage of the conflict and at the lowest possible organizational level. DODI 5145.5 further provides that the DOD General Counsel establishes policy and provides guidance on the administration of ADR and oversees ADR activities within DOD. Through the Deputy General Counsel (Legal Counsel), the DOD General Counsel monitors the implementation of policies and procedures pertaining to the use of ADR and serves as the DOD Dispute Resolution Specialist in accordance with title 5, U.S.C. and DOD Directive 5145.01.

Question. Are there particular types of disputes in the context of DOD activities, as to which you perceive ADR may be of particular utility?

Answer. It is DOD policy that DOD Components shall use ADR techniques as an alternative to litigation or formal administrative proceedings when appropriate and that any dispute, regardless of subject matter, is a potential candidate for ADR. Based on my experience, I believe that ADR may be particularly useful in certain personnel and acquisition disputes.

INDEPENDENT LEGAL ADVICE BY JUDGE ADVOCATES

Question. What is your view of the requirement 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 the Secretaries of the Military Departments, the Chairman of the Joint Chiefs, and the Service Chiefs?

Answer. I fully support the ability of the Judge Advocates General of the Military Departments, 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 the Department officials they advise. These officers are responsible for providing legal advice, along with the General Counsels of the Military Departments, to the senior leadership of their respective military departments and to the Chairman. Title 10 expressly directs that no officer or employee of the Department of Defense interfere with the ability of these counsel to give independent legal advice to the leaders they advise. See 10 U.S.C. §§ 156, 7037, 8046, 8088, and 9037.

Question. What is your view of the responsibility of uniformed judge advocates to provide independent legal advice to military commanders?

Answer. It is essential that Judge Advocates, operating under the supervision of their respective Judge Advocate General, be able to provide timely and effective day-to-day legal advice to military commanders in the field. As in all circumstances concerning the provision of legal advice, I believe that such 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. As noted above, provisions of title 10 prohibit interfering with the ability of the Judge Advocates General in providing independent legal advice. If confirmed, I will work to foster open lines of communication with colleagues in uniform to ensure we best serve our respective leadership and the Department as a whole.

Question. What is your understanding of the DOD General Counsel's responsibilities with regard to military justice and the Judge Advocates General?

Answer. My understanding is that decisions in military justice cases are made independently by various personnel in the military justice system, including staff judge advocates, convening authorities, military judges, and court-martial members. Appellate review of cases arising under the Uniform Code of Military Justice sometimes falls under the authority of the Judge Advocates General, and sometimes military appellate courts (and potentially the United States Supreme Court), depending on the severity of the sentence. The General Counsel must protect the independence of those decision makers.

One important role of the DOD General Counsel is to advise the Secretary of Defense, the Deputy Secretary of Defense, and other officials in the Office of the Secretary of Defense on military justice matters. I understand that 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 or create the appearance of unlawful command influence.

I understand that the DOD General Counsel plays a role in determining whether the Department will ask the Solicitor General of the United States to seek Supreme Court review of cases decided against the government by the Court of Appeals for the Armed Forces and sometimes assists the Office of the Solicitor General in preparing briefs for the Supreme Court in military justice cases. Additionally, I understand that the General Counsel establishes DOD policy on general legal issues, determines the DOD position on specific legal problems, and resolves disagreements within DOD on such matters. Accordingly, in some cases, the General Counsel will establish DOD's legal position that counsel for the government would advocate in military justice proceedings.

I understand that the DOD General Counsel also plays a role in the development of military justice policy, including by reviewing recommendations of the Joint Service Committee on Military Justice for amendments to the Manual for Courts-Martial and the Uniform Code of Military Justice. The General Counsel offers advice to appropriate policy makers concerning those recommendations. I also understand that, traditionally, the General Counsel has served as an informal DOD liaison to the U.S. Court of Appeals for the Armed Forces. If confirmed, I anticipate that I will continue to fill those roles.

Question. If confirmed, what relationship would you establish with the General Counsels of the Military Departments?

Answer. If confirmed, I will strive to foster an open and collaborative relationship with the General Counsels of the Military Departments. I fully expect that, if confirmed, I will work closely with them and assist in their providing timely and accurate legal advice to the senior leadership of their respective military departments, and I would further expect they will similarly assist me in the provision of legal advice to the senior leadership of the Department of Defense. The DOD General Counsel serves as the chief legal officer of the Department, but must rely on and work closely with the Military Department General Counsels to best serve the Department and its leadership.

Question. If confirmed, what steps would you take to ensure the coordination of legal issues of significance to multiple components of DOD with the Military Department General Counsels and the Service Judge Advocates General?

Answer. It is my intention, if confirmed, to meet regularly with the Military Department General Counsels, the Judge Advocates General, Counsel to the Commandant of the U.S. Marine Corps and the Legal Advisor the Chairman of the Joint Chiefs of Staff. Such meetings will serve to exchange information and views, and identify as early as possible issues of significance facing the multiple components of the Department. I will also encourage communication and collaboration, as appropriate, by counsel under my supervision with their Military Department, Military Service and Joint Staff colleagues.

DETAINEE MATTERS

Question. What role do you expect to play, if confirmed, in addressing legal issues regarding detainees?

Answer. If confirmed, I would play a primary role in advising the Secretary of Defense and those who fall under his command on legal issues regarding persons detained by the U.S. military.

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 August 19, 2014?

Answer. Yes.

Question. If confirmed, what role would you establish for yourself in the ongoing triennial review and revision of FM 2–22.3, Human Intelligence Collector Operations? (Intel)

Answer. If confirmed, I will work with the Under Secretary of Defense for Intelligence and Security to ensure that the review of FM 2–22.3, Human Intelligence Collector Operations is thorough and complete and that any proposed revisions are consistent with U.S. and international law. As part of that process, consistent with Section 1045 of the National Defense Authorization Act for Fiscal Year 2016, I will ensure that the Army Field Manual complies with the legal obligations of the United States and that the practices for interrogation described therein do not involve the use or threat of force.

Question. In your view, how will President Biden’s ordered withdrawal of U.S. forces from Afghanistan affect the Department’s authority to detain unlawful enemy combatants at Guantanamo?

Answer. The President has stated that all United States Forces will be withdrawn from Afghanistan by September 11, 2021. The conflict with Al Qaeda and its associated forces continues, however, and its geographic scope extends beyond Afghanistan. If confirmed as General Counsel, I will work with the Secretary and the Departments of Justice and State to assess the legal basis for continued detention at Guantanamo Bay when that withdrawal is complete.

Question. What role would you expect to play, if confirmed, under the procedures for Periodic Review Board applicable to detainees at Guantanamo?

Answer. If confirmed, I would expect to provide legal advice to the Secretary of Defense on the status of Guantanamo detainees. In addition, the General Counsel appoints and supervises the legal advisor to the Periodic Review Board.

Question. In your view, how has the establishment of a Chief Medical Officer to oversee the provision of medical care to individuals detained at Guantanamo, affected the standard of medical care provided to such detainees?

Answer. It is my understanding that Congress established the position of Chief Medical Officer at Guantanamo, reporting to the Assistant Secretary of Defense for Health Affairs, in order to ensure that medical care decisions are sufficiently independent of any non-clinical considerations. I am not personally familiar with the degree to which day-to-day medical care of detainees has been affected. If confirmed, I will support the Assistant Secretary of Defense for Health Affairs in ensuring that the Chief Medical Officer is able to perform his or her duties appropriately and in accordance with applicable law.

Question. Section 2441 of title 18, United States Code, 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 way that provides U.S. detainees in the custody of other nations, as well as foreign detainees in U.S. custody, appropriate protections from abusive treatment?

Answer. Yes.

MILITARY COMMISSIONS

Question. 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. If confirmed, I would review whether these processes could be improved.

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. If confirmed, I would review whether military commission processes could be improved.

Question. What changes to the Military Commissions Act of 2009 would you propose, if confirmed, to improve the efficiency and effectiveness of the military commissions system and process?

Answer. If confirmed, I may consider, consistent with my responsibilities as chief legal officer for the Department of Defense, recommended amendments to the 2009 Military Commissions Act.

Question. As regards military commissions, what is your understanding of the relationship between the DOD General Counsel and the legal advisor to the convening

authority, the chief prosecutor, and the chief defense counsel for the military commissions?

Answer. The DOD 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 DOD leaders. By regulation, the Legal Advisor to the Convening Authority and the Chief Prosecutor are supervised by the Deputy General Counsel (Legal Counsel). The Chief Defense Counsel is supervised by the Deputy General Counsel (Personnel & Health Policy). Both the Deputy General Counsel (Legal Counsel) and the Deputy General Counsel (Personnel & Health Policy) report to the General Counsel. The Chief Prosecutor and the Chief Defense Counsel, who play important roles in the military commission process, must exercise independent legal judgment in accordance with the rules and regulations for military commissions promulgated by the Secretary.

AUTHORIZATION FOR THE USE OF MILITARY FORCE (AUMF)

Question. In your view, in what circumstances should the President seek authorization from Congress before using military force?

Answer. I respect the essential constitutional role of Congress in decisions to declare war, and I recognize that the War Powers Resolution prescribes that the President shall consult with Congress before introducing United States Armed Forces into hostilities “in every possible instance.”

In general, the President may order certain military action without the prior approval of Congress either (1) pursuant to an existing statutory authorization for use of military force that would apply to the specific circumstances for the contemplated military action, or (2) pursuant to his or her Article II authority to protect important national interests, subject to important constitutional and statutory limitations on the scope and duration of those military operations.

Congress enacted the 2001 AUMF shortly after 9/11 to provide the President authority to take action against al-Q’aida, the Taliban, and their associated forces, and to detain enemy personnel captured during the course of the armed conflict. Congress enacted the 2002 AUMF in the run-up to the 2003 United States invasion of Iraq. It authorized the United States to defend against the threat posed by Saddam Hussein’s regime and weapons of mass destruction program. Both the 2001 and 2002 AUMFs remain in effect today.

Question. What is your understanding of the role of the DOD General Counsel in interpreting the 2001 and 2002 AUMFs and in the application of these AUMFs to military activities?

Answer. The DOD General Counsel is responsible for advising the Secretary of Defense and other personnel of the Department of Defense on the interpretation and application of the 2001 and 2002 AUMFs to military operations. The DOD General Counsel also participates in discussions and consultation with attorneys across U.S. departments and agencies to share views on the interpretation and application of the 2001 and 2002 AUMFs to current or proposed military operations.

Question. In your view, were Congress to rescind the 2001 AUMF, would the United States have the legal authority to continue to detain alleged members and supporters of Al Qaeda and the Taliban as enemy combatants? Please explain your answer.

Answer. Whether the United States may continue lawfully to detain such individuals would depend on the specific facts and circumstances presented, including whether any new or replacement AUMF might apply and whether the United States remained in hostilities against those groups. Any U.S. detention under the law of armed conflict must comply with applicable domestic and international law, including the humane treatment provisions of Common Article 3 of the Geneva Conventions of 1949.

Question. In your view, how would U.S. and foreign partner military and detention operations be affected were Congress to rescind the 2002 Authorization for the Use of Military Force? Please explain your answer.

Answer. I understand that the United States does not currently rely on the 2002 AUMF as the sole domestic legal basis for any ongoing military operations, but the statute has been cited by administrations over at least the past decade as an “additional authority” that supports United States counterterrorism operations against the Islamic State of Iraq and Syria (ISIS) in Iraq and, in certain circumstances, in Syria. On that understanding, repealing the 2002 AUMF likely would not have a significant impact on current U.S. military activities.

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 United States always reserves the inherent right to act in self-defense, including against an imminent threat of armed attack. Determining whether an attack is imminent for purposes of a lawful resort to the use of force would depend on the specific facts and circumstances at the time.

Question. Some commentators have recommended rescission of the 2001 and 2002 AUMFs and the enactment of a “replacement” AUMF that would impose one or more temporal, geographic, or other limits (e.g., limits on targeted groups, limits on type of military force) on the President’s authority to use military force.

What do you consider to be the factors that would need to be weighed in any decision to enact a replacement AUMF?

Answer. I support the Administration’s stated desire to work with Congress to replace the current AUMFs with a narrow and specific framework that will address current threats to the United States, including continuing terrorist threats.

Question. In your view, should the American public be provided a clear, unclassified explanation of the legal and policy frameworks under which military force can be used abroad generally, and in each specific case in which the President authorizes such a use of force?

Answer. Yes, although operationally sensitive material might need to remain classified in certain circumstances.

Question. How has the legal analysis of criteria applicable to the President’s authority to authorize the use of military force pursuant to Article II of the United States Constitution changed over the past several Administrations?

Answer. The President may direct certain military operations pursuant to Article II of the Constitution when that action serves sufficiently important national interests and the reasonably anticipated nature, scope, and duration of the operation would not rise to the level of “war” under the Constitution. This has been the long-standing view of both Democratic and Republican administrations across several decades, as reflected in a series of opinions drafted by the Department of Justice’s Office of Legal Counsel.

IDENTIFICATION OF POTENTIAL EXTREMIST VIEWS

Question. Press reports document the involvement of a small number of active duty military personnel, retired military officers, members of the National Guard, and military veterans in events at the U.S. Capitol on January 6.

Are the Department’s policies adequate to address, document, and track extremism in the military and in the DOD civilian workforce, in your view?

Answer. It is my understanding that, since taking office in January, Secretary Austin has renewed DOD’s efforts to address and eliminate extremist activities within the Department of Defense. In an April 9th memorandum, the Secretary directed a number of lines of effort and established the Countering Extremism Working Group and various sub-working groups to examine specific issues. I am informed that these efforts are currently underway. If confirmed, I will support these efforts, carefully review current Department policies and the recommendations of the working groups and provide my best legal advice to the Secretary of Defense and other senior leaders to develop effective, comprehensive, and legally appropriate policies to confront extremism.

Question. What is your understanding of how the Department balances the need to identify and respond to potentially harmful extremist views held by servicemembers and civilian employees against individual privacy and respect for the rights of servicemembers and civilians to hold and express personal beliefs?

Answer. It is my understanding that DOD policy seeks to preserve the right of expression for all DOD personnel to the maximum extent possible in accordance with the U.S. Constitution and consistent with good order and discipline and the national security. Although the vast majority of the men and women of the Department serve with honor and uphold its core values, I agree with the Secretary that the Department cannot tolerate actions of the few that go against the fundamental principles of the oath that servicemembers and civilian employees take to support and defend the Constitution of the United States against all enemies, foreign and domestic. If confirmed, I will carefully review current Department policies and the recommendations from ongoing reviews by the Countering Violent Extremism Working Group and its sub-working groups, and will provide my best legal advice to the Secretary of Defense and other senior leaders to develop effective, comprehensive, and legally appropriate policies to confront extremism.

Question. Do you see a need for a change in this balance?

Answer. As noted previously, the Countering Violent Extremism Working Group and its sub-working groups are examining how the Department addresses extremism. These efforts are continuing and have not reported out any recommendations of which I am aware. If confirmed, I look forward to working with the Secretary of Defense and Department leadership to review and provide my best legal advice on the recommendations presented.

Question. In your view, do current Department of Defense policies limit the ability to include information about an individual's extremist views in official records that may assist in the identification of potential insider threats?

Answer. I am aware that the Department is actively reviewing such issues to develop a policy that is effective, efficient, and legally appropriate, and that will allow for the identification of Department personnel and applicants who possess such views. I anticipate such policy would require careful and appropriate inclusion of information about extremist views in official records. If confirmed, I will work closely with my colleagues and provide my best legal advice in support of these ongoing efforts to address privacy and other issues that may arise in efforts to better identify potential insider threats.

Question. In your view, do current Department procedures hinder the ability to share this type of information with other federal and state agencies charged with identifying and monitoring potential extremist activities?

Answer. It is my understanding that such information sharing is one of the issues currently under review by the Department as part of the ongoing lines of effort directed by Secretary Austin. If confirmed, I will work closely with my colleagues and provide my best legal advice in support of these ongoing efforts to factor in privacy and other issues that are associated with sharing such information with other federal and state agencies to better identify potential insider threats.

GENERAL/FLAG OFFICER NOMINATIONS

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

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

Answer. It is my understanding 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 the Under Secretary of Defense for Personnel and Readiness. This review comes after similar legal reviews have been conducted at the Military Service and Military Department levels. 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, as the case may be, of the irregularities and to recommend appropriate corrective action. I am also aware that the Office of the DOD General Counsel reviews the nomination package for each officer recommended for appointment to the grade of O-9 or O-10 while serving in a position of importance and responsibility, ensuring that any adverse or reportable information pertaining to an officer is accurately summarized. The Office of the DOD General Counsel also has a role in ensuring that officer promotion policies in DOD regulations accurately reflect the law in title 10.

Question. Do you perceive a need for change in this role? Please explain your answer.

Answer. I am not aware of any need to change the role the DOD General Counsel plays in the officer promotion system. If confirmed, I will assess whether that role should change.

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

Answer. It is my understanding that the current policies and procedures, many of which are based on law, provide the Secretary of Defense, the President, and the Senate sufficient information on which to make informed decisions as to which officers should be promoted and/or assigned to positions of importance and responsibility. If confirmed, I will recommend changes to the current policies and procedures if I determine they are appropriate.

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

Answer. Yes, it is my understanding that these policies and procedures are fair. When adverse information pertaining to the officer is involved, I am aware that the officer's statement regarding such information is included in the appointment or nomination package. If confirmed, I will recommend changes to the policies and procedures if I determine they are appropriate.

The Department of Defense Inspector General (DOD IG) has reported that the number of allegations of ethical and other misconduct against senior Department officials has increased over the past several years.

Question. Do you believe ethical violations and other misconduct among the general and flag officer corps and other Department senior officials are on the rise? If so, to what do you attribute this increase?

Answer. Based on recent DOD Inspector General semi-annual reports to Congress, I understand that the number of substantiated cases against senior officials, as well as the substantiation rate, has recently decreased. As the Department of Defense Designated Agency Ethics Official, I will, if confirmed, carry out an effective ethics program to prevent, detect, and address ethical misconduct by DOD personnel.

Question. If confirmed, what role would you establish for yourself in combatting any such increase?

Answer. As the Department of Defense Designated Agency Ethics Official, I will, if confirmed, carry out an effective ethics program to educate and train personnel not only on the rules, but on the importance of maintaining the public's confidence. I will work closely with senior leaders to set a strong "tone from the top" to reinforce the expectation of ethical conduct by all DOD personnel.

Question. What resources has DOD made available to provide its senior officials—both military and civilian—the training, legal advice, and assistance they need to adhere to legal and ethical standards, including travel regulations, and ensuring that government resources, including the official time of their military and civilian subordinates—are used only for official purposes? Please explain your answer.

Answer. I understand that all new DOD personnel are required, by regulation, to receive initial ethics training within 90 days of joining the Department. The DOD Standards of Conduct Office has established procedures providing for Senate-confirmed Presidential appointees to be trained within seven days of appointment and other senior officials to be trained within 30 days of appointment. Ethics counselors throughout the Department train senior officials at least annually. The DOD Standards of Conduct Office maintains a robust public website with training material and topic-specific information. I am informed that the DOD Standards of Conduct Office experts participate in annual courses to train the almost 3,000 ethics counselors in the Department. Finally, I understand that the Standards of Conduct Office works closely with senior officials and their staffs to provide legal advice on ethics issues that may arise. As the Department of Defense Designated Agency Ethics Official, I will, if confirmed, advocate for sufficient resources to administer an effective ethics program.

SEXUAL ASSAULT AND SEXUAL HARASSMENT PREVENTION AND RESPONSE

Question. What is your understanding of the role of the DOD General Counsel in addressing the sexual assault and sexual harassment in the Department of Defense?

Answer. It is my understanding that the DOD General Counsel provides legal advice and assistance in support of the Department's efforts to prevent and respond to sexual assault and harassment. The DOD General Counsel works closely with the Judge Advocates General of the Military Departments and the Staff Judge Advocate to the Commandant of the Marine Corps to ensure an equitable and fair military justice system that promotes justice, good order and discipline, efficiency and effectiveness in the military establishment, thereby strengthening the national security of the United States.

The General Counsel provides legal advice to the Secretary of Defense, the Deputy Secretary of Defense, and the Under Secretary of Defense for Personnel and Readiness on proposed policies, program initiatives, and legislative proposals, and also advises on sexual assault and harassment-related changes impacting the military justice system.

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

Answer. As the Secretary of Defense has made clear, more must be done to address sexual assault and harassment in the Department. If confirmed, I will support the efforts of the Secretary of Defense to combat sexual assault and harassment, which continues to be of significant concern. I will work with my colleagues in the

Department to implement effective and lasting change to prevent and respond to sexual assault and harassment.

Question. What is your assessment of the efficacy of the Department's initiatives focused on the prevention of sexual harassment and assaults in the armed forces?

Answer. I understand the Department has undertaken initiatives in the area of prevention to include publishing a Prevention Plan of Action and establishing a Violence Prevention workforce. Recently, the Secretary of Defense directed a Department-wide data-driven assessment of sexual assault and harassment prevention and accountability measures. If confirmed, I will review those assessments to better assess the efficacy of the Department's initiatives.

Question. An independent committee of civilian experts recently conducted a comprehensive assessment of the command climate and culture at Fort Hood, Texas. The Committee's report documents its finding that the Army's Sexual Harassment/Assault Response and Prevention (SHARP) program at Fort Hood "appeared to be compliant on the surface, but was hollow and lacking in leadership attention, day-to-day implementation, broad acceptance by the enlisted Soldiers, and full inculcation into the culture and character of the Fort Hood Community."

What is your understanding of the adequacy of Office of the Secretary of Defense oversight of Military Department and Service implementation of policies for the prevention of and response to sexual assaults and sexual harassment in the armed forces?

Answer. I was disturbed by the findings of the Fort Hood Independent Committee Review report. Effective oversight by the Office of the Secretary of Defense of Military Department and Service implementation of policies for the prevention of and response to sexual assaults and sexual harassment in the armed forces is imperative. I know that Secretary Austin has committed to do everything in his power to make progress on this critically important issue and to ensure a safe, secure and productive environment for all personnel. If confirmed, I would provide my best advice to the Secretary regarding any improvements needed.

Question. In your view, what is the role of the DOD General Counsel in providing such oversight?

Answer. The General Counsel provides legal advice to various components in DOD with oversight responsibility for the sexual assault and harassment programs. If confirmed, I will examine the Office of General Counsel's role in the Department's oversight efforts.

Question. What is your view of the adequacy of the human resources the Department has in place to investigate and prosecute allegations of sexual assault in the armed forces and of the training provided to such investigators and prosecutors?

Answer. I believe it is critically important to have sufficient human resources in place to investigate and prosecute allegations of sexual assault in the armed forces and to adequately train such personnel. If confirmed, I will work with the Military Departments' General Counsels, Judge Advocates General, and the Staff Judge Advocate to the Commandant of the Marine Corps to ensure adequate resources are in place to conduct competent investigations and prosecutions of sexual assault allegations.

Question. What is your view of the value of the Military Departments' Special Victims' Counsel and Victims' Legal Counsel programs? In your view, have these programs had an effect on the reporting and prosecution of allegations of sexual assault in the armed forces? Please explain your answer.

Answer. My understanding of the Special Victims' Counsel and Victims Legal Counsel programs is that the victim has access to an attorney-client privileged relationship with his or her counsel that enables the victim to disclose details of their allegations, be informed of their rights, and understand what to expect from the military justice process. If confirmed, I will seek to better understand the effectiveness of these programs in terms of increased reporting and prosecution of allegations of sexual assault in the armed forces.

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

Answer. I believe the role of the chain of command is essential to changing military culture. The chain of command is comprised of leaders who are expected to set the example and the tone of a unit. Leaders who demonstrate decency, dignity and respect at every level of command foster positive command climates. Command climate is a leadership issue, and leaders must be held appropriately accountable in promoting a culture of dignity, respect and inclusion.

Question. DOD reports on sexual assault and sexual harassment in the military generally, and at the Military Service Academies, more specifically, consistently document the correlation of incidents of sexual harassment and incidents of sexual assault.

What is your view of the Department's program to prevent and respond to sexual harassment in the armed forces?

Answer. If confirmed, I will closely examine this issue.

Question. If confirmed, what role would you establish for yourself, in addressing the problem of sexual assault and sexual harassment in the armed forces?

Answer. If confirmed, I would support the Department with any legislative, policy, or regulatory efforts to address the problem of sexual assault and harassment proposed by the Department, and provide legal advice on implementation of policies to ensure compliance with applicable laws and regulations.

Question. What actions has DOD taken to establish a comprehensive sexual harassment prevention and response policy for its civilian workforce?

Answer. I understand that, in addition to its integrated violence prevention policy, in the last year the Department also issued its first comprehensive civilian employee anti-harassment policy, which provides procedures for training, education, and response to all forms of harassment.

Question. In your view, does the Department's method for tracking the submission and monitoring the resolution of informal complaints of harassment or discrimination provide DOD leaders, supervisors, and managers, with an accurate picture of the systemic prevalence of these adverse behaviors in the civilian workforce?

Answer. I understand that the Department is engaged in a variety of data collection efforts concerning workplace relations. If confirmed, I will support the Department's ongoing efforts to review these data collection tools to ensure leaders have relevant and accurate data concerning the environment and culture of the civilian workforce.

Question. Does the Department's method for recording the outcomes of informal complaints of harassment or discrimination provide DOD leaders, supervisors, and managers, with a means of identifying repeat perpetrators in the civilian workforce?

Answer. If confirmed, I will support the Department's efforts to provide civilian employees a healthy work environment free from harassment and discrimination and I will evaluate current methods for recording the outcomes of informal complaints and whether those methods assist in identifying repeat perpetrators.

Question. Does the Department's method for responding to complaints of harassment or discrimination in the civilian workforce provide appropriate care and services for victims?

Answer. I understand that the Department is committed to providing its civilian employees who believe they have been harassed or discriminated against in the workplace with protection, care, and information about available support resources, including services provided by DOD and public and private entities in the local area. If confirmed, I will support the Department's efforts to provide effective and compassionate care to civilian employees who experience workplace harassment and discrimination.

Question. If confirmed, what role would you play in shaping policies and processes for the prevention of harassment and discrimination in the DOD civilian workforce?

Answer. If confirmed, I will ensure that the Office of General Counsel supports any legislative or regulatory efforts proposed by the Department to prevent harassment and discrimination in the civilian workforce, and that OGC provides legal advice on implementation of policies to ensure compliance with applicable laws and regulations.

WHISTLEBLOWER PROTECTION

Question. Section 1034 of title 10, U.S. Code, prohibits taking or threatening to take an unfavorable personnel action against a member of the armed forces in retaliation for making a protected communication. Section 2302 of title 5, U.S. Code, provides similar protections to Federal civilian employees.

If confirmed, what role would you establish for yourself in ensuring that servicemembers and civilian employees of the Department of Defense who report fraud, waste, and abuse, or gross mismanagement are protected from reprisal?

Answer. If confirmed, I will work closely with the DOD Inspector General, who has responsibility for reprisal investigations, to support efforts to educate and inform senior civilian and military leaders regarding the importance of reporting fraud, waste, abuse, and gross mismanagement and protecting personnel who make such reports from reprisal.

Question. If confirmed, what actions would you take to ensure that senior civilian and military leaders understand the need to encourage servicemembers and civilians to report fraud, waste, abuse, and gross mismanagement—within or outside the chain of command or supervision—and to ensure that they can make such reports without fear of reprisal?

Answer. As indicated above, if confirmed, I will work closely with the DOD Inspector General, who has responsibility for reprisal investigations to support efforts to educate and inform senior civilian and military leaders regarding the importance of reporting fraud, waste, abuse, and gross mismanagement and protecting personnel who make such reports from reprisal.

Question. What role, if any, does the DOD General Counsel play in ensuring the legal sufficiency and consistent execution of DOD IG whistleblower investigations?

Answer. The DOD Inspector General has his or her own legal counsel who advises the Inspector General with respect to the legal sufficiency of DOD IG investigations. Under 10 U.S.C. § 1034, however, if a complainant is not satisfied with the disposition of a whistleblower investigation, he or she may submit the matter to the Secretary of Defense for review. It is under this authority the DOD General Counsel may perform a legal review of the investigation and thereby help to ensure consistency of application and interpretation of whistleblower protections across the Department of Defense.

Question. What role does or should the DOD General Counsel play in ensuring consistency of application and interpretation of whistleblower protections across DOD and its components?

Answer. If confirmed, I would work to ensure consistent application and interpretation of whistleblower protections across DOD and its components when providing legal advice on these matters.

SUPPORT TO THE DEPARTMENT OF DEFENSE INSPECTOR GENERAL

Question. What is the relationship between the DOD General Counsel and the DOD Inspector General?

Answer. The position of General Counsel to the DOD IG is established by law in an amendment to 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 DOD General Counsel does not review the legal sufficiency of Inspector General investigations, including whistleblower investigations, as that role is performed by the General Counsel to the IG. If confirmed, I will assist the Office of the Inspector General as requested and appropriate, and I will provide appropriate legal advice to the Department in conjunction with actions stemming from an investigation.

Question. Is the DOD Inspector General bound by the legal opinions of the DOD General Counsel?

Answer. Although legal opinions of the DOD General Counsel generally are binding throughout the Department of Defense under 10 U.S.C. § 140, 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 National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2009 (5 U.S.C. App. Inspector General Act of 1978 § 8(h)).

Question. What role, if any, does the DOD General Counsel currently have in reviewing DOD IG reports of investigation and inspections? In your view, do you see a need for a change in this role?

Answer. My understanding is that the DOD General Counsel reviews certain DOD IG reports of investigation and inspections prior to finalization and release but that the DOD General Counsel does not review the legal sufficiency of Inspector General investigations and recommendations. If confirmed, I will examine whether any changes are needed to this role.

Question. Is DOD or component information otherwise protected by the attorney client privilege made available to the DOD Inspector General in the execution of his duties pursuant to the Inspector General Act of 1978, as amended? Please explain your answer.

Answer. My understanding is that information otherwise protected by the attorney client privilege is made available to the DOD Inspector General.

CIVILIAN ATTORNEY RECRUITING AND RETENTION

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

Answer. While I am not aware of any gaps in attorney staffing impacting mission performance, if confirmed, I will review staffing to ensure that the DOD Office of General Counsel can continue performing its many missions successfully.

Question. What is your assessment of your ability, if confirmed, to hire and retain high quality attorneys in the Office of the DOD General Counsel, as well as to provide sufficient opportunity for their development and advancement?

Answer. If confirmed, I am confident I will be able to hire and retain high quality attorneys. If I were to become aware of any barriers to hiring, advancing and retaining quality attorneys, I would work to address those barriers.

Question. Do you believe that the DOD legal community needs additional incentives and talent management tools to recruit, develop, sustain, and retain a 21st century career civilian attorney workforce? If so, what sort of incentives and tools do you perceive would be helpful?

Answer. If confirmed, I will work with senior leaders in the Office of General Counsel and Defense Legal Services Agency to determine if any additional incentives and talent management tools are needed to ensure a high quality career civilian attorney workforce in the coming years. If any incentives and tools are needed, I would work to obtain them.

Question. Do you foresee that in the coming years, DOD's demand for civilian attorneys with certain technical-legal expertise (e.g., cyber, space, and intellectual property law) will increase, commensurate with the Department's evolving missions and the 2018 NDS? If so, in what technical-legal specialties would you expect DOD's requirements to increase, and why?

Answer. If confirmed, I will continuously assess the level of technical legal expertise in these areas to determine whether DOD's civilian attorneys possess the requisite skills to remain effective in these critically important subject areas, particularly as needs increase based on the Department's evolving missions.

Question. The DOD General Counsel serves as the selecting official for all OSD career Senior Executive Service (SES) attorney positions.

What do you view as the most important executive competencies of an SES attorney and how would you assess these in deciding whether to recommend a particular candidate for selection and appointment to an attorney's position in the career SES?

Answer. First and foremost, SES attorneys must be exceptional lawyers with high levels of integrity. Being an exceptional attorney necessarily involves many of the competencies expected of SES members, and I would look for these competencies when assessing candidates through written submissions and interviews. In addition to having excellent problem-solving and technical skills, exceptional attorneys must be innovative and flexible thinkers who can work strategically with senior leaders to lawfully implement the Department's initiatives in a rapidly-changing landscape. They must encourage constructive discussion of differing views to arrive at the best possible legal advice. They must be masterful coalition builders with the ability to persuade others. Finally, they must understand DOD's mission, as well as internal and external factors that affect the organization in order to be effective in providing legal options for senior leader action.

ACQUISITION

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

Answer. The General Counsel, as chief legal officer, plays a vital role in ensuring that DOD carries out its acquisition programs consistent with applicable law and policy. Attorneys play meaningful roles throughout every acquisition to ensure that DOD acts in full accord with Congressional and Executive intent as expressed through law and policy. If confirmed, I will lead the many hardworking acquisition attorneys throughout the Department in making certain that procurements are conducted fairly and, wherever possible, transparently.

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

Answer. My understanding is that dividing the Office of the Undersecretary of Defense for Acquisition, Technology, and Logistics into the Under Secretary for Research and Engineering and the Under Secretary for Acquisition and Sustainment has allowed the successor organizations to focus their efforts on different areas within the technology life cycle and deliver more rapid, robust capabilities to the warfighter.

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

Answer. If confirmed, my job as General Counsel would be to ensure that the flexibilities provided by Congress are utilized whenever they can benefit DOD. Training attorneys and other acquisition professionals on flexibilities provided legis-

lately will facilitate expanded use of alternative pathways in the Adaptive Acquisition Framework, which will in turn allow DOD to tailor their acquisition strategies to deliver better, faster solutions.

Question. Do you perceive benefit to DOD in establishing major acquisition programs under Section 804 authority? What are the risks of doing so? Please explain your answer.

Answer. In Section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), Congress gave the Department the authority to create a new type of acquisition pathway, the Middle Tier of Acquisition (MTA) that provides for rapid fielding or rapid prototyping of capabilities needed by the warfighter. The NDAA also amended 10 U.S.C. § 2430(a)(2)(A) to exclude 804 MTA programs from the definition of a Major Defense Acquisition Program (MDAP), which results in the Department having flexibility to tailor an MTA program without the need to comply with the rigid statutory requirements applicable to MDAPs. The principal benefits of an MTA program are a function of this flexibility. There is risk that the provision of information to Congress outside the rigid MDAP statutory framework could fall short of what Congress needs to fulfill its oversight and authorization functions, because there would be no express statutory mandate for providing the information. If confirmed, I will work to mitigate that risk by providing information to Congress even where not statutorily required.

Question. If confirmed, what role would you establish for yourself in promoting compliance by both DOD acquisition personnel and contractor personnel with procurement integrity and other ethics laws and policy?

Answer. Fair and open procurements are critical to meeting the needs of our warfighters and safeguarding our national security. My role, if confirmed as General Counsel, will be to ensure that the acquisition workforce understands the importance of procurement integrity and the standards of conduct by maintaining a robust ethics and procurement integrity training program and encouraging leaders to set a strong “tone from the top” to reinforce the expectation of ethical conduct by all personnel.

Question. In February 2019, the Congressionally-established Advisory Panel on Streamlining and Codifying Acquisition Regulations (the “809 Panel”) submitted its final report, detailing 98 recommendations to enhance DOD’s ability to acquire and deliver warfighting capability in a cost-effective and timely manner, better to address the concerns raised by the current international security environment.

Given the recommendations of the 809 panel, are there any additional acquisition reforms you would endorse for consideration by Congress?

Answer. Although I am not fully versed in the details of the 809 Panel report, if confirmed, I will be happy to review the detailed recommendations of the Panel to identify whether there are additional acquisition reforms for Congress to consider.

Question. If confirmed, how would you assess and implement the Panel’s recommendation to reorganize acquisition statutes, including statutory notes?

Answer. I understand that the Office of the Under Secretary of Defense for Acquisition and Sustainment has established a working group to assess the 809 Panel’s recommendations on the reorganization of the Title 10 U.S. Code acquisition statutes and accompanying statutory notes. If confirmed, I will continue to work with the working group to complete its efforts and to review the implementation plan for updating the Federal Acquisition Regulations, the DOD FAR Supplement, and DOD issuances.

RISK AVERSION

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

In your view, what role should the assessment of “risk” play in an attorney’s provision of legal advice?

Answer. In my view, an attorney’s role is to provide DOD leaders with assessments of legal risks associated with proposed actions to enable senior leaders to make informed decisions. If a particular course of action is legally impermissible, it is the attorney’s obligation to provide that advice. Attorneys should suggest, whenever possible, alternative courses of action that would allow achievement of policy goals, together with the attorney’s assessment of the associated legal risk.

SECURITY CLEARANCE REFORM

Question. “Trusted Workforce 2.0” represents a significant overhaul of the system for granting or denying security clearances for access to classified information. In January 2021, the Office of the Director of National Intelligence and the Office of Personnel Management published a proposed new doctrine intended “to guide transformative efforts to reform the U.S. Government personnel security vetting processes [in order] to promote mobility, improve efficiencies and move towards an enhanced risk management approach.” Another January 2021 memorandum brought all Department of Defense civilian, military and contractor clearance disputes under the umbrella of the Defense Office of Hearings and Appeals (2021, the Office of the Director of National Intelligence and the Office of Personnel Management published a proposed new doctrine intended “to guide transformative efforts to reform the U.S. Government personnel security vetting processes [in order] to promote mobility, improve efficiencies and move towards an enhanced risk management approach.” Another January 2021 memorandum brought all Department of Defense civilian, military and contractor clearance disputes under the umbrella of the Defense Office of Hearings and Appeals (2021, the Office of the Director of National Intelligence and the Office of Personnel Management published a proposed new doctrine intended “to guide transformative efforts to reform the U.S. Government personnel security vetting processes [in order] to promote mobility, improve efficiencies and move towards an enhanced risk management approach.” Another January 2021 memorandum brought all Department of Defense civilian, military and contractor clearance disputes under the umbrella of the Defense Office of Hearings and Appeals (

If confirmed, what role would you and the Office of the DOD General Counsel play in the implementation of “Trusted Workforce 2.0”?

Answer. I understand the “Trusted Workforce 2.0” is part of the Federal Personnel Vetting Core Doctrine, which is a general policy statement published by the Acting Director of the Office of Personnel Management as the Suitability and Credentialing Executive Agent and the Director of National Intelligence as the Security Executive Agent. Separately, a February 4, 2021, memorandum from President Biden established an interagency working group to, among other things, “assess implementation of security clearance reforms and reciprocity proposals, additional reforms to eliminate bias, and ensure efficient timelines for completion of security clearance investigations.” If confirmed, I would provide my best legal advice in support of DOD efforts to reform, align, and modernize the DOD personnel security vetting process.

Question. What role would you play in the oversight of DOHA and its actions on appeals from the denial of a security clearance? In your view, what benefits attach to the assignment of all security clearance disputes to DOHA?

Answer. I am committed to the goal of keeping the Nation safe while providing a fair, consistent, and transparent administrative process to the men and women who serve in important sensitive National security roles. If confirmed, I will oversee the Defense Office of Hearings and Appeals (DOHA). Through this direct line of supervision and oversight, I would ensure the independence, fairness, and consistency of DOHA decisions in the established administrative processes for which DOHA has responsibility. I will also, if confirmed, verify that the rights of individuals are being protected consistent with the Constitution, U.S. statutes, Executive Orders, regulations, and DOD policy. If confirmed, I will have to study further the implications of consolidating additional responsibilities in the Defense Office of Hearings and Appeals.

CONFLICTS OF INTEREST

Question. Servicemember and DOD civilian employee conflicts of interest have long been a concern.

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

Answer. I believe preventing potential conflicts of interest is paramount to maintaining the public’s trust and confidence in the Department’s operations. Based on annual data reported on the Office of Government Ethics website for Calendar Year 2019, I understand that there were only seven statutory violations and 366 regulatory violations in a Department of over 1.7 million full-time personnel. That represents far less than 1% of the total DOD workforce. As the Department of Defense Designated Agency Ethics Official, I will, if confirmed, carry out an effective ethics program to prevent and resolve conflicts of interest and the appearance of conflicts of interest.

Question. What role do attorneys in the Office of the DOD General Counsel and in the Defense Legal Services Agency play in ensuring that DOD personnel—military and civilian—timely identify and disclose potential conflicts of interest and take all appropriate steps to avoid or mitigate them?

Answer. I understand that experienced and capable attorneys who are experts in this area of the law help DOD personnel identify and prevent potential conflicts of interest through financial disclosure reviews and robust training programs. All senior personnel are required to file public financial disclosure forms within 30 days of arrival and annually thereafter. Likewise, non-senior personnel whose duties require them to participate in matters affecting the financial interests of outside entities are required to file confidential financial disclosure forms. I understand that ethics counselors promptly and thoroughly review these forms for potential conflicts of interest and provide appropriate legal advice. They also work with filers and their supervisors to implement any necessary actions to avoid conflicts of interest. As the Department of Defense Designated Agency Ethics Official, I will, if confirmed, carry out an effective ethics program to prevent and resolve conflicts of interest and the appearance of conflicts of interest.

Question. In your view, what essential purpose is served by legal and policy restrictions on post-government employment of DOD personnel—both military and civilian?

Answer. I believe the essential purpose served by legal and policy restrictions on post-Government employment of DOD personnel is to preserve the public's trust in the integrity of Department of Defense operations. As the Department of Defense Designated Agency Ethics Official, I will, if confirmed, carry out an effective ethics program to ensure that the public's trust in the Department is maintained.

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

Answer. I believe it is important to have a congruent body of ethics laws applicable to all Government employees and under the authority of the Office of Government Ethics (OGE) to regulate. This ensures fairness and consistency throughout the Federal Government and among former federal employees, and avoids confusion that may lead to inadvertent violations. If confirmed, I will ensure all ethics laws are implemented effectively.

Question. How might such body of laws and regulations be improved, in your view?

Answer. I understand that the Government Accountability Office is currently studying the post-Government employment laws and regulations that apply to former DOD personnel, and that the current National Defense Authorization Act requires the Department to brief this Committee, as well as the House Armed Services Committee, on the implementation of these laws and regulations. If confirmed, and the Secretary of Defense designates me to participate, I look forward to speaking with the committees about these issues, and to participating in the briefing.

ANTI-DEFICIENCY ACT (ADA)

Question. What are your ideas for streamlining the investigative and review process attending a determination that an ADA violation has occurred?

Answer. The timely, accurate and thorough investigation, review and reporting of Anti-Deficiency Act violations is essential to ensuring the transparency with which the Department stewards appropriated funds. I understand that DOD has robust policies and procedures to ensure the defense agencies and military departments can detect potential ADA violations; however, I believe all processes can benefit from ongoing reviews. If confirmed, I will work to support the Under Secretary of Defense (Comptroller) in improving the Department's current process for addressing Anti-Deficiency Act violations.

PROFESSIONAL RESPONSIBILITY

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

Answer. The DOD General Counsel is responsible for the critically important duty of establishing professional responsibility standards for civilian attorneys under her supervision and for overseeing adherence to these standards, in accordance with DOD Directive 5145.01. If confirmed, I will review the rules and procedures currently in place to ensure legal services are provided with the highest degree of professionalism.

Question. What is your understanding of the role of the DOD General Counsel with respect to adherence to the Rules of Professional Conduct by DOD component civilian attorneys not under the supervision of the DOD General Counsel and military judge advocates?

Answer. My understanding is that the DOD General Counsel retains overall responsibility for the legal services performed by all DOD attorneys, civilian and military. That said, most matters of attorney professional responsibility are handled by the individual DOD Components through their respective General Counsel or Judge Advocates General.

Question. The American Bar Association's Standing Committee on Pro Bono and Public Service asserts that "[w]hen society confers the privilege to practice law on an individual, he or she accepts the responsibility to promote justice and to make justice equally accessible to all people. Thus, all lawyers should aspire to render some legal services without fee or expectation of fee for the good of the public."

If confirmed, would you favor the creation of a program to permit civilian attorneys in DOD OGC or in a DOD component to engage in pro bono work? If not, why not? If so, what would be the appropriate parameters of such a program, in your view?

Answer. It is my understanding that a program to permit civilian attorneys in the DOD Office of General Counsel to participate in pro bono work currently exists in accordance with Section 2 of Executive Order 12988, on Civil Justice Reform. I also understand that through this program, DOD participates in the larger Federal Agency Pro Bono Program and the Office of General Counsel provides a Pro Bono Program Coordinator for DOD. In my judgment, DOD Office of General Counsel personnel participation in pro bono activities should be encouraged, consistent with the law. If confirmed, I am prepared to review the current DOD Office of General Counsel Pro Bono Policy to ensure it meets the current needs of DOD and the attorneys who wish to participate in providing pro bono services.

Question. If confirmed, what actions would you expect a DOD or component civilian attorney or judge advocate to take should that attorney become aware of improper activities by an officer or employee of the Department who has sought, but failed to follow, the attorney's legal advice?

Answer. As with any DOD servicemember or civilian employee, DOD attorneys have an obligation to report activities of DOD officials that are in violation of law, regulation, or DOD policy to the Inspector General or another appropriate authority. I understand that DOD has established reporting requirements for doing so.

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

Answer. If confirmed, and if it were brought to my attention that an appointment or designation was potentially in violation of the Federal Vacancies Reform Act (FVRA) of 1998, as amended, I would take steps to ascertain the facts, inform the Department's leadership if I have concerns, and provide them with my best advice to resolve the situation.

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

Answer. I share the Committee's concern that a nominee to a Presidentially-appointed, Senate-confirmed position should not do anything to presume confirmation. If confirmed, and if it was brought to my attention that a nominee was acting contrary to the policies of the Senate Armed Services Committee regarding the presumption of confirmation, I would take steps to determine the facts, inform the Department's leadership, including the Assistant Secretary of Defense for Legislative Affairs, of the issue, and provide them with my best advice to resolve the situation.

ANNUAL DEPARTMENT OF DEFENSE LEGISLATIVE PROGRAM

Question. One of the responsibilities of the DOD General Counsel 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 would you take to ensure that the Department's legislative proposals are submitted to the Armed Services Committees of the Senate and the House of Representatives in a timely manner, so as to ensure ample opportunity for consideration of such proposals by Congress and the public before markup of the annual NDAA?

Answer. If confirmed, I will work with Committee staff to set realistic deadlines for legislative proposal submissions. I will work within DOD and with OMB to ensure those deadlines are respected.

Question. What actions would you take, if confirmed, to ensure Congress receives the Department's views on other proposed legislation in a timely manner?

Answer. If confirmed, I will work with my colleagues in Legislative Affairs and throughout the Department to ensure timely replies to informal requests for views on specific legislation.

REVIEW OF DECISIONS OF MILITARY DEPARTMENT BOARDS FOR THE CORRECTION OF
MILITARY RECORDS AND DISCHARGE REVIEW BOARDS

Question. When will DOD implement and make available to servicemembers the process for conducting a final review of a request for a discharge upgrade, as required by section 1553a of title 10, U.S. Code?

Answer. It is my understanding that the Department of Defense implemented the final review process through the Deputy Secretary of Defense's Memorandum, "Department of Defense Implementing Section 523 of the National Defense Authorization Act for Fiscal Year 2020," dated January 29, 2021. It designated the Secretary of the Air Force, under the oversight of the Under Secretary of the Defense for Personnel and Readiness, as the lead agent for the Department with responsibility for the formation, operation and management of the final review process of requests for an upgrade in the characterization of a discharge or dismissal as required by section 1553a of Title 10 of the U.S. Code. The January 29th Memorandum also provided procedures for servicemembers, and their legal representatives, to apply to the new review process, referred to as the Department of Defense Discharge Appeal Review Board, or DARB for short.

Question. If confirmed, what role would you establish for the Office of the DOD General Counsel in the operation of this process?

Answer. If confirmed, I will review the current Department of Defense Discharge Appeal Review Board (DARB) process and determine the appropriate role for the Office of the DOD General Counsel in its operation.

EXECUTE ORDERS (EXORDS)

Question. The NDAA for Fiscal Year 2020 requires the Secretary of Defense, upon request by the Chairman or Ranking Member, to provide the Armed Services Committees with access to, and the ability to review, EXORDs signed by the Secretary or the commander of a combatant command. The law allows for an exception to this requirement only in "extraordinary circumstances necessary to protect operations security or the sensitivity of the execute order."

Will you commit to complying with this requirement, if confirmed?

Answer. Section 1744 of the NDAA for FY 2020 requires the Secretary to provide access to the relevant execute orders absent extraordinary circumstances. If confirmed, I will provide my best legal advice regarding compliance with this law.

Question. Under what "extraordinary circumstances" do you believe it would be appropriate for the Secretary of Defense to limit review of an EXORD by the Armed Services Committees?

Answer. If confirmed, I commit to working to accommodate any request from this Committee, including requests for specific execute orders. Limiting review of an execute order would be appropriate when the Secretary concludes that it is required to protect operations security or the sensitivity of the execute order, or otherwise concludes that the execute order may be protected by executive privilege and refers the matter to the White House. If confirmed, I will provide the Secretary with legal advice regarding such determinations to limit review in order to help ensure that they meet the letter and intent of the law.

MILITARY MALPRACTICE CLAIM FRAMEWORK

Question. Section 731 of the NDAA for FY 2020 authorized the Secretary of Defense to allow, settle, and pay claims against the United States for personal injury or death incident to the service of a member of the uniformed services that was the result of medical malpractice caused by a Department of Defense health care provider.

When can the Congress expect publication and implementation of the final DOD regulations governing the filing, adjudication, approval, and payment of such claims?

Answer. I am informed that the draft interim final rule to implement section 731 of the NDAA for FY 2020 is currently with the Office of Management and Budget for review and interagency coordination. Decisions on claims can begin to be issued

and payments made to claimants once the interim final rule is published. Once the interim final rule is published, public comments will be considered and a final rule issued within one year thereafter.

Question. If confirmed, what role would you establish for yourself in overseeing the implementation of these regulations, once published, across affected DOD components?

Answer. If confirmed, I will continue to exercise oversight in the implementation of the regulations to ensure that they are implemented consistently and so that any necessary adjustments are made.

MILITARY HEALTH SYSTEM REORGANIZATION

Question. Section 702 of the NDAA for FY 2017, as clarified by sections 711 and 712 of the NDAA for FY 2019, transferred the Administration and management of military treatment facilities (MTFs) from the Military Services to the Defense Health Agency (DHA). Yet, the Department's implementation of this transfer has been delayed.

If confirmed, what role would you establish for yourself in promoting the rapid and efficient transfer to DHA of responsibility and authority for the Administration and management of Military Department MTFs?

Answer. It is my understanding that both Congress and the Office of the Secretary of Defense have identified the transfer of military medical treatment facilities to the Defense Health Agency as a significant priority. If confirmed, I will support Office of the Secretary of Defense leadership, including the Under Secretary of Defense for Personnel and Readiness and the Assistant Secretary of Defense for Health Affairs, in ensuring the transfer of responsibility for military medical treatment facilities is done effectively and in accordance with all statutory requirements.

CONGRESSIONAL OVERSIGHT

Question. 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, reports, records (including documents and electronic communications) and other information from the Department.

Do you agree, without qualification, if confirmed, and on request, to appear and testify before this Committee, its subcommittees, and other appropriate committees of Congress? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to provide this Committee, its subcommittees, other appropriate committees of Congress, and their respective staffs such witnesses and briefers, briefings, reports, records (including documents and electronic communications), and other information as may be requested of you, and to do so in a timely manner? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to consult with this Committee, its subcommittees, other appropriate committees of Congress, and their respective staffs, regarding your basis for any delay or denial in providing testimony, briefings, reports, records—including documents and electronic communications, and other information requested of you? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to keep this Committee, its subcommittees, other appropriate committees of Congress, and their respective staffs apprised of new information that materially impacts the accuracy of testimony, briefings, reports, records—including documents and electronic communications, and other information you or your organization previously provided? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, and on request, to provide this Committee and its subcommittees with records and other information within their oversight jurisdiction, even absent a formal Committee request? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to respond timely to letters to, and/or inquiries and other requests of you or your organization from individual Senators who are members of this Committee? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to ensure that you and other members of your organization protect from retaliation any military member, federal employee, or contractor employee who testifies before, or communicates with this Committee, its subcommittees, and any other appropriate committee of Congress? Please answer with a simple yes or no.

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR GARY C. PETERS

SKILLBRIDGE

1. Senator PETERS. Ms. Krass, North Korea is a criminal syndicate with a flag—does the Department of Defense (DOD) have a role in combating their cybercrimes?

Ms. KRASS. Defending our Nation from increasingly sophisticated cyber threats from both nation state actors and cyber criminals is a whole-of-government mission. Building enduring partnerships among DOD Components, the Department of Justice (DOJ), other U.S. Government departments and agencies, and our allies and foreign partners is crucial for the United States to be able to disrupt the malicious cyber activities of our adversaries, including North Korea, and their agents and proxies.

Moreover, as President Biden emphasizes in Executive Order 14028, “Improving the Nation’s Cybersecurity,” May 12, 2021, “cybersecurity requires more than government action. Protecting our Nation from malicious cyber actors requires the Federal Government to partner with the private sector.” If confirmed, I look forward to working closely with the DOD Components, DOJ, other departments and agencies, and the private sector to counter this growing threat.

QUESTIONS SUBMITTED BY SENATOR THOM TILLIS

MILITARY JUSTICE SYSTEM

2. Senator TILLIS. Ms. Krass, in responding to advance policy questions, you stated, “if pending legislative proposals to address sexual assault and harassment are enacted, ensuring that such reforms are executed seamlessly will be a challenging facing the next General Counsel.” Can you explain what you meant by this?

Ms. KRASS. The DOD General Counsel plays a major role in the development of military justice policy. One significant aspect of this role is the General Counsel’s oversight of the Joint Service Committee on Military Justice, which is tasked with proposing changes to the Manual for Courts-Martial to implement amendments to the Uniform Code of Military Justice (UCMJ). Upon the enactment of any UCMJ amendments affecting the handling of sexual assault and/or sexual harassment cases, the DOD General Counsel will be responsible for ensuring that necessary changes to the Manual for Courts-Martial are drafted with effective implementation in mind. The General Counsel’s office also will need to ensure that revisions are forwarded to the Office of Management and Budget for the President’s consideration before the effective date of such UCMJ amendments.

3. Senator TILLIS. Ms. Krass, what is your understanding of the role in the military justice system that would be assigned to the DOD General Counsel in the proposals generated by the Department’s 90-day Independent Review Commission (IRC) on Sexual Assault in the Military?

Ms. KRASS. If confirmed, I will focus my attention on this important issue, which is a priority for Secretary Austin and President Biden. As a private citizen, I have not been briefed on the Independent Review Commission’s (IRC’s) recommendations on sexual assault in the military. I have also not yet discussed the IRC’s recommendations with Secretary Austin or heard his views on any proposals that the IRC may have advanced thus far. Accordingly, I am unable at this time to offer any specific assessment of whether the IRC’s proposals would impact the role of the DOD General Counsel in the military justice system.

4. Senator TILLIS. Ms. Krass the Military Justice Improvement and Increasing Prevention Act proposes to take disposition authority for felony offenses under the Uniform Code of Military Justice (UCMJ) away from commanders and vest it in a group of lawyers. In your view, can we “prosecute our way out” of the problem of military sexual assault?

Ms. KRASS. Prosecution of sexual offenses is an essential aspect of any sexual assault prevention and response system, including in the military. But prosecutions are not the sole aspect of an effective prevention and response system. The IRC is charged with making recommendations to improve prevention, culture, and victim support within the military, and I look forward to the opportunity to review such recommendations, if confirmed.

5. Senator TILLIS. Ms. Krass, in your view—what would be the effects of operating “dual systems” of military justice: placing responsibility for disposing of felonies with the lawyers and leaving “military” offenses (like absent without leave (AWOL) and disrespect) with commanders?

Ms. KRASS. If confirmed, I will look into this issue with care, as I have not previously studied the proposal in depth. I am committed to keeping an open mind on all proposals for military justice reform and to consulting with the IRC, lawyers within the Office of General Counsel, the Judge Advocates General, and other military justice experts when considering any proposed reforms to ensure that they are effective, meet the objectives for reform, and enable commanders to have tools they need to maintain good order and discipline.

6. Senator TILLIS. Ms. Krass, is there any data to support the assertion that giving disposition authority to lawyers will result in MORE prosecutions for sexual assault or in MORE sexual assault convictions?

Ms. KRASS. My understanding is that proposals for assigning independent prosecutors the authority to determine whether to refer charges for sexual assault are designed to address two issues: (1) improving confidence in the military justice system and dispelling any perception that commanders unfairly protect high-performers, and (2) ensuring that decisions to prosecute are based on the likelihood of conviction. I have not seen any studies suggesting that an outcome of giving disposition authority to independent prosecutors will result in increased prosecutions or convictions, but if confirmed, I will continue to study this issue.

7. Senator TILLIS. Ms. Krass, in your view, how would removing UCMJ authority from military commanders help to prevent sexual assault from happening in the first place?

Ms. KRASS. I do not believe prosecution alone can address all issues of climate and culture that are needed to reduce the likelihood of sexual assault occurring in the military. But increased success in prosecution of sexual offenses would likely positively impact deterrence.

8. Senator TILLIS. Ms. Krass, it has been asserted that taking disposition authority away from commanders would improve the timeliness and efficiency of legal processes and court-martial adjudications. What do you think about this claim? Would centralizing prosecutions speed up the process?

Ms. KRASS. Transferring prosecutorial discretion from commanders to judge advocates could improve somewhat the military justice system’s timeliness and efficiency because a single authority would make the decisions that Article 34 of the UCMJ currently bifurcates between a staff judge advocate and a commander.

9. Senator TILLIS. Ms. Krass, is there any data of which you are aware to support the assertion that removing commanders from the system would lead to a more timely and efficient system of justice?

Ms. KRASS. As discussed in my answer to QFR 16, above, it is possible some improvement to the military justice system’s timeliness and efficiency would result from a transfer of prosecutorial discretion to a judge advocate due to the consolidation of all Article 34 functions in a single individual, but I am not familiar with any studies that have been conducted on this issue.

10. Senator TILLIS. Ms. Krass, in your responses to advance policy questions you spoke about the essential role of the military commander in changing military culture. Will taking commanders out of the military justice system help or hurt a commanders’ ability to change military culture? Can you give me an example?

Ms. KRASS. If confirmed, I will work to better understand how any military justice reform will affect commanders and their role in setting military culture. Currently, most military commanders have no authority to refer any charges to a special or general court-martial. In addition, for penetrative sexual assaults, only commanders who are in the grade of at least O-6 and who are authorized to convene special courts-martial may initially dispose of such allegations and only general court-martial convening authorities may refer such cases to trial. Furthermore, special review

procedures are in place when a general court-martial convening authority opts not to refer such charges for trial. Nevertheless, noncommissioned officers, platoon leaders, company commanders, battalion commanders, and regimental commanders—none of whom has the ability to refer penetrative sexual assault charges for trial by a general court-martial—currently play an enormously important role in establishing unit culture. Accordingly, I believe military leaders have the ability to change military culture independent of their ability to refer charges for trial by special or general courts-martial. I am committed to ensuring that any future military justice reform takes into consideration the significant role of commanders in establishing culture and enforcing good order and discipline.

[The nomination reference of Honorable Caroline D. Krass follows:]

NOMINATION REFERENCE AND REPORT

PN485

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 28, 2021.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Caroline Diane Krass, of the District of Columbia, to be General Counsel of the Department of Defense, vice Paul C. Ney, Jr.

_____, 2021.
(Date)

Reported by Mr. Reed _____
(Signature)

with the recommendation that the nomination be confirmed.

- The nominee has agreed to respond to requests to appear and testify before any duly constituted committee of the Senate.

[The biographical sketch of Honorable Caroline D. Krass, which was transmitted to the Committee at the time the nomination was referred, follows:]

Bio
Caroline D. Krass

Education:

- Stanford University
 - 1985-1989
 - BA
- Yale Law School
 - 1990-1993
 - JD

Employment Record:

<u>EMPLOYER</u>	<u>POSITION/TITLE</u>	<u>LOCATION</u>	<u>DATES</u>
American International Group	SVP & General Counsel, General Insurance and Deputy General Counsel, AIG	New York	4/2018-present
Gibson Dunn	Partner & Chair National Security Practice	Washington, DC	5/2017-2/2018
Central Intelligence Agency	General Counsel	Langley, VA	3/2014-1/2017
Office of Legal Counsel	Acting Assistant Attorney Attorney General; Principal Deputy Assistant Attorney General	Washington, DC	1/2011-3/2014
The White House	Special Counsel to the President for National Security Affairs, Special Assistant to the President, Deputy National Security Staff Legal Adviser	Washington, DC	1/2009-12/2010
U.S. Attorney's Office for the District of Columbia (on detail from OLC)	Special Assistant U.S. Attorney	Washington, DC	12/2007-1/2009
Office of Legal Counsel	Senior Counsel Attorney-Adviser	Washington, DC	9/2000-12/2007
National Security Council (on detail from OLC)	Deputy Legal Advisor	Washington, DC	1/1999-9/2000

Office of Legal Counsel Department of Justice	Attorney-Adviser	Washington, DC	7/1997-12/1998
Office of the General Counsel Department of the Treasury	Special Assistant to the General Counsel	Washington, DC	9/1996-7/1997
Office of the Legal Adviser U.S. Department of State	Attorney-Adviser	Washington, DC	9/1994-9/1996
The Hon. Patricia M. Wald	Law Clerk	Washington, DC	8/1993-7/1994
Covington & Burling	Summer Associate	Washington, DC	6/1993-8/1993
The Hon. Ralph K. Winter, Jr.	Law Clerk Intern	New Haven, CT	9/1992-5/1993
Yale Law School	Teaching Assistant for Prof. Harold H. Koh	New Haven, CT	9/1992-1/1993
Office of the Legal Adviser U.S. Department of State	Summer Intern	Washington, DC	8/1992-9/1992
Cleary, Gottlieb, Steen & Hamilton	Summer Associate	New York, NY	6/1992-8/1992
Morrison & Foerster	Summer Associate	San Francisco, CA	5/1992-6/1992
Hunton & Williams	Summer Associate	Washington, DC	7/1991-9/1991
Pepper, Hamilton & Scheetz	Summer Associate	London, UK	5/1991-7/1991

Honors and Awards:

- Federal Civilian Awards

Department of the Treasury Award for Assistance in Restructuring the IRS (1997)

Department of State Superior Honor Award (2000)

Department of Defense Exceptional Civilian Service Award (2002)

Attorney General's Award for Furthering the Interests of U.S. National Security (2007)

Intelligence Community Legal Award for Team of the Year (2007)

Department of State Superior Honor Award (2011)

John Marshall Award (highest Department of Justice award for an attorney) (2014)

Department of Defense Medal for Outstanding Public Service (2014)

CIA Distinguished Intelligence Medal and CIA Director's Award (2017)

Director of National Intelligence Medallion for Service to the Intelligence Community (2017)

- Academic Awards

Bishop's Scholar, National Cathedral School, Washington, D.C. (1985)

Phi Beta Kappa, Stanford University (1989)

Departmental Honors, Stanford University (1989)

Lane Grant for Extended Research, Stanford University (1988)

Stanford Women's Honors Society (1988-1989)

Editor, Yale Law Journal (1992-1993)

Coker Fellow, Yale Law School (1992)

[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 Honorable Caroline D. Krass in connection with her nomination follows:]

117th CONGRESS, 2020 -- 2021
UNITED STATES SENATE
COMMITTEE ON ARMED SERVICES
ROOM SR-228
WASHINGTON, D.C. 20510-6050
(202) 224-3871

COMMITTEE ON ARMED SERVICES QUESTIONNAIRE
INFORMATION REQUESTED OF CIVILIAN NOMINEES

INSTRUCTIONS TO THE NOMINEE: Answer all questions and provide all requested information. If more space is needed, attach an additional sheet of paper to the Questionnaire and cite the part of the Questionnaire and the question number (e.g., A-9, B-4) to which the continuation of your answer applies. Unless otherwise required, an answer of "yes", "no", or "not applicable" is appropriate.

QUESTIONNAIRE, PART A

NOTE: Information furnished in this part of the Questionnaire will be made available in Committee offices for public inspection prior to the hearing, if any, and will be entered in the hearing record, also available to the public.

BIOGRAPHICAL INFORMATION TO BE MADE PUBLIC

1. **Name (Include any former names you have used):** Caroline Diane Krass
2. **Position to which nominated:** General Counsel, Department of Defense
3. **Date of nomination:** April 28, 2021
4. **Education (List names of secondary and higher education institution attended, type of school [vocational, technical, trade school, college, university, military college, correspondence, distance, extension, and on-line], dates attended, degree received, and date degree granted):**

<u>INSTITUTION</u>	<u>DATES ATTENDED</u>	<u>DEGREE RECEIVED</u>	<u>DATE GRANTED</u>
National Cathedral School	1981-1985	H.S. Dipl.	June 1985
Stanford University	1985-1989	BA	June 1989
Yale Law School	1990-1993	JD	June 1993

5. Employment record (List all jobs held since college, or in the last 10 years, whichever is less, including the title or description of the job, name of employer, location of work, and dates of employment. If the employment activity was military duty, show each change of military duty station as a separate period of employment):

<u>EMPLOYER</u>	<u>POSITION/TITLE</u>	<u>LOCATION</u>	<u>DATES</u>
American International Group	SVP & General Counsel, General Insurance and Deputy General Counsel, AIG	New York	2018-present
Presidential Transition Team	Volunteer	Washington, DC	10/21-11/21
Gibson Dunn	Partner & Chair National Security Practice	Washington, DC	2017-2018
Central Intelligence Agency	General Counsel	Langley, VA	2014-2017
Office of Legal Counsel	Acting Assistant Attorney Attorney General; Principal Deputy Assistant Attorney General	Washington, DC	2011-2014

6. Government experience (List any advisory, consultative, honorary, and other part-time service or positions with Federal, State, or local governments, other than those listed in response to question 5, above):

Office of the Legal Adviser U.S. Department of State	Summer Intern	Washington, DC	Summer 1992
The Hon. Ralph K. Winter, Jr.	Law Clerk Intern	New Haven, CT	1992-1993
The Hon. Patricia M. Wald	Law Clerk	Washington, DC	1993-1994
Office of the Legal Adviser U.S. Department of State	Attorney-Adviser	Washington, DC	1994-1996
Office of the General Counsel	Special Assistant to the	Washington, DC	1996-1997

Department of the Treasury	General Counsel		
Office of Legal Counsel Department of Justice	Attorney-Adviser	Washington, DC	1997-1998
National Security Council (on detail from OLC)	Deputy Legal Advisor	Washington, DC	1999-2000
Office of Legal Counsel	Attorney-Adviser Senior Counsel	Washington, DC	2000-2005 2005-2007
U.S. Attorney's Office for the District of Columbia (on detail from OLC)	Special Assistant U.S. Attorney	Washington, DC	2007-2008
The White House	Special Counsel to the President for National Security Affairs, Special Assistant to the President, Deputy National Security Staff Legal Adviser	Washington, DC	2009-2010
NSA Compliance Advisory Board	Member	Fort Meade, MD	2018-2020
CIA General Counsel's External Advisory Board	Member	Langley, MD	2017-present
Secret Service Cybersecurity Investigations Advisory Board	Member	Washington, DC	2020-present

7. 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, and of any educational or other institution):

- Senior Vice President and Deputy General Counsel, AIG & General Counsel, General Insurance

The following are wholly-owned AIG subsidiaries:

- Global Loss Prevention, Inc. Corporation, Executive Vice President
- American Home Assurance Company Corporation, Executive Vice President, General Counsel
- AIG Claims, Inc. Corporation, Executive Vice President, General Counsel
- AIU Insurance Company Corporation, Executive Vice President, General Counsel
- AIG Specialty Insurance Company Corporation, Executive Vice President, General Counsel
- AIG Property Casualty Company Corporation, Executive Vice President, General Counsel
- Commerce and Industry Insurance Company Corporation, Executive Vice President, General Counsel

- The Insurance Company of the State of Pennsylvania Corporation, Executive Vice President, General Counsel
- Lexington Insurance Company Corporation, Executive Vice President, General Counsel
- National Union Fire Insurance Company of Pittsburgh, Pa. Corporation, Executive Vice President, General Counsel
- New Hampshire Insurance Company Corporation, Executive Vice President, General Counsel
- Illinois National Insurance Co. Corporation, Executive Vice President, General Counsel
- Granite State Insurance Company Corporation, Executive Vice President, General Counsel
- AIG Assurance Company Corporation, Executive Vice President, General Counsel
- AIG Property Casualty U.S., Inc. Corporation, Executive Vice President, General Counsel
- Eaglestone Reinsurance Company Corporation, Executive Vice President, General Counsel
- Health Direct, Inc. Corporation, Executive Vice President, General Counsel
- AIG Property Casualty International, LLC Corporation, Executive Vice President, General Counsel
- AIG PC Global Services, Inc. Corporation, Senior Vice President
- AIG Property Casualty Inc. Corporation, Executive Vice President, General Counsel
- DSA P&C Solutions, Inc. Corporation, Executive Vice President, General Counsel

8. Memberships (List all memberships and offices that you currently hold, as well as any memberships and offices you have previously held in professional, fraternal, scholarly, civic, business, charitable and other organizations):

<u>ORGANIZATION</u>	<u>OFFICE HELD</u>	<u>DATES</u>
Aspen Cybersecurity Group	Alternate Member	2019-present
Association of Corporate Counsel	Member	2018-present
Advisory Panel to Georgetown Law Cybersecurity Law Institute	Member	2017-present
Advisory Board to the National Security Institute at George Mason Law School	Member	2017-present
Historical Society of the DC Circuit Board	Member	2017-present
American Bar Association Standing Committee on Law And National Security	Member	2017-2020
American Bar Association Standing Committee on Law And National Security Advisory Committee	Member	2007-2010
Cleveland Park Historical Society Board	Member	2008-2009

District of Columbia Bar	Member	1997-present
California Bar	Member (inactive status)	1995-present
Stanford Alumni Association	Member (lifetime)	1989-present

9. Political affiliations and activities:

- a. If you have ever been a candidate for, or have been elected or appointed to a political office, list the name of the office(s); whether you were a candidate/elected/appointed; the year(s) during which you were a candidate, or in which the election was held or the appointment was made; and the term of office (if applicable): N/A
- b. List all memberships and offices held in, and services rendered to, all political parties or election committees during the last 5 years: N/A
- c. Itemize all individual political contributions of \$100 or more to any individual, campaign organization, political party, political action committee, or similar entity during the past 5 years. List each individual contribution (not the total amount contributed to the person or entity) over this period:

Bennet for Colorado	\$1,000	04-16-2021
Biden Victory Fund/DNC	\$250	09-08-2020
Biden Victory Fund/DNC	\$250	08-31-2020
Biden for President	\$2,550	06-01-2020
Biden for President	\$250	04-29-2020
Biden for President	\$2,800	03-14-2020
Nick Colvin	\$250	06-28-2019
Mike Bennett	\$500	06-06-2019
Hillary for America	\$500	10-30-2016
Hillary for America	\$250	10-09-2016

10. Honors and awards (List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognition received for outstanding service or achievements):

Bishop's Scholar, National Cathedral School, Washington, D.C. (1985)

Phi Beta Kappa, Stanford University (1989)

Departmental Honors, Stanford University (1989)

Lane Grant for Extended Research, Stanford University (1988)

Stanford Women's Honors Society (1988-1989)

Editor, *Yale Law Journal* (1992-1993)

Coker Fellow, Yale Law School (1992)

Department of the Treasury Award for Assistance in Restructuring the IRS (1997)

Department of State Superior Honor Award (2000)

Department of Defense Exceptional Civilian Service Award (2002)

Attorney General's Award for Furthering the Interests of U.S. National Security (2007)

Intelligence Community Legal Award for Team of the Year (2007)

Department of State Superior Honor Award (2011)

John Marshall Award (highest Department of Justice award for an attorney) (2014)

Department of Defense Medal for Outstanding Public Service (2014)

CIA Distinguished Intelligence Medal and CIA Director's Award (2017)

Director of National Intelligence Medallion for Service to the Intelligence Community (2017)

11. Published writings (List the titles, publishers, and dates of books, articles, reports, or other published materials that you have written or for which you served as co-author or editor, including articles and blogs published on the internet):

Amicus Curiae Brief of Allard K. Lowenstein International Human Rights Clinic and the Center for Constitutional Rights, *United States v. Alvarez-Machain*, No. 91-712 (U.S. Supreme Court, October Term, 1991) (on the brief as a law student)

Bringing the Perpetrators of Rape in the Balkans to Justice: Time for an International Criminal Court, 22 Denv. J. Int'l L. & Pol'y 317 (1993-1994)

ASIL Holds Town Meeting on Trade Policy Environment, Reports of ASIL [American Society of International Law] Programs, ASIL Newsletter (Jan.-Feb. 1995)

Rita Hauser Named Wilig Prominent Woman in International Law, Reports of ASIL Programs, ASIL Newsletter (June-Aug. 1995)

Memorandum Opinion for the General Counsel, Environmental Protection Agency, from Caroline D. Krass, Principal Deputy Assistant Attorney General, *Re: Reimbursement or Payment Obligation of the Federal Government Under Section 313(C)(2)(B) of the Clean Water Act* (Feb. 25, 2011).

Memorandum Opinion for the Attorney General, from Caroline D. Krass, Principal Deputy Assistant Attorney General, *Re: Authority to Use Military Force in Libya* (Apr. 1, 2011).

Memorandum Opinion for Chair and Members of the Access Review Committee, from Caroline D. Krass, Principal Deputy Assistant Attorney General, *Re: Applicability of the Foreign Intelligence Surveillance Act's Notification Provision to the Security Clearance Adjudications by the Department of Justice Access Review Committee* (June 3, 2011).

Memorandum Opinion for the Counsel to the President, from Caroline D. Krass, Principal Deputy Assistant Attorney General, *Re: Constitutionality of Legislation Extending the Term of the FBI Director* (June 20, 2011).

Caroline Krass, Jason Kleinwaks, Ahmed Baladi and Emmanuelle Bartoli (all also from Gibson Dunn), *A GDPR Primer for U.S.-Based Cos. Handling EU Data: Parts I and II*, Law 360 (Dec. 12, 2017 & Dec. 13, 2017).

Caroline Krass & Stuart Delery, *Key Implications for Business of Trump Administration National Security Policies*, *Financier Worldwide* (Nov. 2017).

Gibson Dunn Client Alerts Listing Me Among Several Others as Contributors:

Trump Administration Implements Congressionally Mandated Russia Sanctions – Significant Presidential Discretion Remains (Nov. 21, 2017).

Cuba Sanctions: The Trump Administration Takes Steps to Implement Rollback of Obama Era Sanctions Relief (Nov. 16, 2017).

Proposed Changes to the CFIUS Review Process (Nov. 10, 2017).

Trump Decertifies the Iran Deal, Creating Both New Uncertainties and Potentially Unexpected Clarity (Oct. 16, 2017).

Congress Seeks to Force (and Tie) President's Hand on Sanctions through Passage of Significant New Law Codifying and Expanding U.S. Sanctions on Russia, North Korea, and Iran (July 28, 2017).

A Blockbuster Week in U.S. Sanctions (June 19, 2017).

Barbara Babcock – Making a Difference, Based on Barbara A. Babcock's Oral History for the ABA's Women Trailblazers Project (2020), Website for Historical Society of the D.C. Circuit, <https://dcchs.org/judges/babcock-barbara/>.

12. **Speeches (Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years—of which you have copies—in which you addressed matters relevant to the position to which you have been nominated).**

N/A

COMMITMENTS IN FURTHERANCE OF CONGRESSIONAL OVERSIGHT

NOTE: In order to exercise their legislative and oversight responsibilities, it is important that this Committee, its subcommittees, and other appropriate committees of Congress timely receive testimony, briefings, reports, records—including documents and electronic communications, and other information from the executive branch. A simple “yes” or “no” response is appropriate.

13. Do you agree, if confirmed, and on request, to appear and testify before this Committee, its subcommittees, and other appropriate Committees of Congress?

Yes
14. Do you agree, if confirmed, to provide this Committee, its subcommittees, other appropriate Committees of Congress, and their respective staffs such witnesses and briefers, briefings, reports, records—including documents and electronic communications, and other information, as may be requested of you, and to do so timely?

Yes
15. Do you agree, if confirmed, to consult with this Committee, its subcommittees, other appropriate Committees of Congress, and their respective staffs, regarding your basis for any delay or denial in providing testimony, briefings, reports, records—including documents and electronic communications, and other information requested of you?

Yes
16. Do you agree, if confirmed, to keep this Committee, its subcommittees, other appropriate Committees of Congress, and their respective staffs apprised of new information that materially impacts the accuracy of testimony, briefings, reports, records—including documents and electronic communications, and other information you or your organization previously provided?

Yes
17. Do you agree, if confirmed, and on request, to provide this Committee and its subcommittees with records and other information within their oversight jurisdiction, even absent a formal Committee request?

Yes

18. Do you agree, if confirmed, to respond timely to letters to, and/or inquiries and other requests of you or your organization from individual Senators who are members of this Committee?

Yes

19. Do you agree, if confirmed, to ensure that you and other members of your organization protect from retaliation any military member, federal employee, or contractor employee who testifies before, or communicates with this Committee, its subcommittees, and any other appropriate committee of Congress?

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 Parts A and B of the foregoing Senate Armed Services Committee Questionnaire, and that the information provided therein and in any document appended thereto, is, to the best of my knowledge and belief, current, accurate, and complete.



This 19th day of May, 2021

[The nomination of Honorable Caroline D. Krass was reported to the Senate by Chairman Reed on June 22, 2021, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 22, 2021.]

[Prepared questions submitted to Ms. Gina Ortiz Jones by Chairman Reed prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES AND RESPONSIBILITIES

Question. What is your understanding of the current duties and functions of the Under Secretary of the Air Force?

Answer. The Under Secretary of the Air Force position is established within the Office of the Secretary of the Air Force by Title 10 United States Code § 8015. The Under Secretary of the Air Force, subject to the direction and control of the Secretary of the Air Force, exercises the full authority of the Secretary (except as limited by law and regulation, or restrictions of Office of the Secretary of Defense or Secretary of the Air Force) in all affairs of the Department of the Air Force (DAF) and relationships and transactions with Congress and other governmental and non-governmental organizations and individuals. In addition to performing additional duties as assigned by the Secretary of the Air Force, the Under Secretary of the Air Force shall: co-chair the Air Force Council with the Vice Chief of Staff of the Air Force; serve as the advisor to the Secretary of the Air Force for senior personnel matters; serve as DAF Chief Management Officer with primary management responsibilities for DAF business operations; serve as the Senior Sustainability Official, responsible for overseeing the establishment of sustainability performance goals and objectives; approving the Department's sustainability plans; managing policy, strategy, international relations, and interagency relations that pertain to or impact on sustainability; and serving as the primary interface to the Office of the Secretary of Defense for sustainability matters; serve as the Secretary of the Air Force representative to Department of Defense's Senior Governance Councils (e.g., the Deputy's Management Action Group), as required; serve as a member of the Defense Human Resource Board; serve as a member of the Air Force Nuclear Oversight Board; serve as a member of the Special Access Program Oversight Committee; direct and oversee activities of the Office of the Administrative Assistant; direct and oversee activities of Deputy Under Secretary of the Air Force; direct and oversee activities of the Director, Air Force Small Business Programs; direct and oversee activities of the Deputy Under Secretary of the Air Force. When the position of the Secretary of the Air Force is vacant, the Under Secretary of the Air Force is the acting Secretary of the Air Force.

Question. What background and experience do you possess that render you highly qualified to perform these duties and responsibilities?

Answer. I have been fortunate to serve in a number of positions, and at various levels, working to protect our economic and national security. I attended Boston University on a four-year Air Force ROTC Scholarship and earned a BA in East

Asian Studies, and BA and MA in Economics. I also earned advanced degrees from the U.S. Army School of Advanced Military Studies and the University of Kansas Global & International Studies Program. The latter program was designed by U.S. Army Special Operations Command for Army Special Operations officers and select Interagency students.

Following commissioning, I served as an intelligence officer assigned to Pope Air Force Base supporting close air support missions for the U.S. Army XVIII Airborne Corps. I deployed to Camp Victory Iraq with the 682nd Expeditionary Air Support Operations Center and worked closely with the Combined Air Operations Center at Al Udeid Air Base, Qatar as we executed close air support operations. This invaluable experience shaped my appreciation early on for jointness.

I served under “Don’t Ask, Don’t Tell,” and that experience—specifically, the fear I felt every day as a cadet and officer that I could lose my opportunity to serve if it became known that I was a lesbian—showed me the importance of ensuring people ready and willing to serve our country should have the opportunity to do so to their full potential, absent the threat of discrimination or harassment of any sort. If confirmed, that would be a guiding principle for my service as the Under Secretary of the Air Force.

My professional experiences include having worked for a major defense company as a counterterrorism and political-military intelligence analyst supporting U.S. Army operations in Central and South America, before joining the Defense Intelligence Agency (DIA) as a civil servant and inaugural member of U.S. Africa Command (USAFRICOM) assigned to Stuttgart, Germany. From supporting planning efforts related to the referendum for independence in southern Sudan, to serving in the Libya Crisis Intelligence Cell, to deploying to the continent for partner engagement and security cooperation activities, my time at USAFRICOM deepened my appreciation for Interagency contributions and intelligence, surveillance, and reconnaissance requirements at a combatant command, as well as the need to ensure military activities were clearly linked to well-defined U.S. diplomatic ends.

Within the DIA Strategic Planning Office and as the Special Advisor to the DIA Deputy Director, I supported the development and execution of strategic budgetary planning documents for the Defense Intelligence Enterprise. As the Special Advisor, I also led innovative efforts that utilized data management tools to improve transparency and support talent management and succession planning for DIA senior executives.

As the Intelligence Community’s Senior Advisor for Trade Enforcement and detailed to the Interagency Trade Enforcement Center, I crafted intelligence requirements and worked with the Office of the Director of National Intelligence and across the Intelligence Community to support interagency efforts to protect American intellectual property and identify risks to the defense critical supply chain. My time as a Director for Investment at the Office of the U.S. Trade Representative leading the Committee on Foreign Investment in the U.S. portfolio deepened my appreciation for emerging technologies, specifically those with potential dual-uses, and the challenges and opportunities associated with protecting such technologies.

I have been honored to lead a diverse set of regional and substantive portfolios at the intersection of our economic and national security, many of which touched upon Department of the Air Force equities. If confirmed, I look forward to bringing my broad set of professional experiences in service to helping to lead the Department of the Air Force.

Question. Do you believe there are any steps you need to take to enhance your ability to perform the duties and responsibilities of the Under Secretary of the Air Force?

Answer. No. There would be much to learn in office; however, I believe that, if confirmed, I am prepared to perform the duties of the Under Secretary of the Air Force.

Question. In your view, what should be the role of the Under Secretary of the Air Force in bringing the United States Space Force to full operational capability?

Answer. If confirmed, I would work closely with the Secretary of the Air Force to evaluate the progress being made to stand up the U.S. Space Force and execute the direction from the Congress in that regard. If confirmed, I would be fully committed to making the U.S. Space Force a success starting with evaluating the plans and directions currently being implemented. Pending that review, and in accordance with the Secretary of the Air Force’s guidance and priorities, I would work closely with the Vice Chief of Space Operations to bring the service to full operational capability.

Question. If confirmed, specifically what would you do to ensure that your tenure as Under Secretary of the Air Force epitomizes the fundamental requirement for ci-

vilian control of the Armed Forces embedded in the U.S. Constitution and other laws?

Answer. If confirmed, I would work closely with senior military leaders, especially the Vice Chief of Staff of the Air Force and the Vice Chief of Space Operations. If confirmed, I would view their inputs as invaluable, and accord them due weight when advising the Secretary of the Air Force who has sole statutory responsibility for the direction of the Department of the Air Force.

Question. What additional duties and functions would you expect and/or recommend the Secretary of the Air Force to prescribe for you, if confirmed?

Answer. At this time, I do not have any specific recommendations for the Secretary of the Air Force regarding additional duties and functions to be prescribed to the Under Secretary of the Air Force.

Question. If confirmed to be the Under Secretary of the Air Force, what role would you establish for yourself in the overall supervision of the Assistant Secretaries of the Air Force and the Air Force General Counsel?

Answer. If confirmed, I would work with the Secretary of the Air Force to evaluate the effectiveness of the current level of supervision employed by the Under Secretary of the Air Force over the Assistant Secretaries of the Air Force and the Air Force General Counsel. Based on that evaluation, if confirmed, I would work with the Secretary of the Air Force to determine appropriate modifications moving forward in the interest of making the Department more efficient and effective.

Question. If confirmed, what innovative ideas would you consider providing to the Secretary of the Air Force regarding the organization and operations of the Department of the Air Force?

Answer. At this time, I do not have any specific recommendations for the Secretary of the Air Force regarding the organization and operations of the Department of the Air Force. If confirmed, I would work closely with the Secretary to evaluate the progress being made with respect to bringing the U.S. Space Force to full operational capability. Informed by that assessment, and if I am confirmed, I may have recommendations for the Secretary of the Air Force in this area.

DUTIES AND RESPONSIBILITIES AS AIR FORCE CHIEF MANAGEMENT OFFICER (CMO)

Question. What is your understanding of the duties and responsibilities of the Under Secretary of the Air Force in the capacity of CMO of the Department of the Air Force?

Answer. As I understand it, the CMO of the DAF is responsible for the business capabilities and processes of the Department. If confirmed, I plan to work with the DAF leadership to understand current efforts while continuing to identify additional opportunities for business efficacy.

Question. Please provide an example of a situation in which you took action to improve the effectiveness and efficiency of the business operations of a large organization and describe the outcomes of your actions.

Answer. DIA employs more than 16,500 personnel worldwide. As the Special Advisor to the DIA Deputy Director, I led the development and execution of the Deputy Director's deliberative body that convened the Agency's principals to increase awareness of and transparency surrounding strategic decisions affecting DIA and the larger Defense Intelligence Enterprise. Based on the body's success, I was asked to lead an initiative to support the principals' senior executive succession planning efforts. I developed an approach to identify critical positions and key developmental assignments, as well as a corresponding data management and visualization tool that enabled the DIA Director, Deputy Director, and the agency principals for the first time to effectively see their pipeline of talent among DIA senior executives. With the data management and visualization tool, senior leaders could now understand the depth of their bench across the agency and within directorates. The data-driven approach and visual display highlighted the over/under-representation of certain professional experiences and demographics within directorates and specialized assignments. This transparency enabled a broader conversation about the unintended messages these realities may have been sending to the workforce about what was valued for promotion within the agency. The data-driven approach and visualization tool also allowed the principals to quickly identify racial and gender disparities amongst the senior executives, while also serving as a useful management tool to help monitor and address those disparities moving forward.

Question. What additional resources and authorities do you perceive would better enable the Under Secretary of the Air Force/CMO to organize successfully the business operations of the Department of the Air Force?

Answer. If confirmed, I intend to work with the DAF leadership to review the adequacy of current business operations, and use that review to determine what, if any,

additional resources or authorities would be required to improve DAF business operations.

Question. If confirmed, on which specific business operations would you focus your improvement efforts and why?

Answer. At this time, I do not have access to DAF-internal information that would allow me to determine the state of current business operations, nor those requiring the most immediate attention. If confirmed, I will work with DAF leadership to review current business operations and work with the DAF staff to identify opportunities to improve the efficiency and effectiveness of support to the warfighter.

Question. What performance goals and measures would you establish for evaluating increases in the overall efficiency and effectiveness of each business operation you cite?

Answer. At this time, I do not have access to DAF-internal information regarding current goals and measures to assess their adequacy and how well the DAF is meeting those. If confirmed, I would work with DAF leaders to review those for adequacy and relevancy, specifically focused on understanding any underlying assumptions that may be informing the scope of those goals and measures. Moreover, I would work with DAF leaders to ensure our processes and timelines for reviewing progress toward any goals and measures were appropriately timed to inform key decision points for the DAF.

Question. To the extent the Air Force performs functions—operational or institutional—that overlap with those of other Department of Defense (DOD) components, what would be your approach, if confirmed, to consolidating and reducing those redundancies?

Answer. If confirmed, I would work with the Secretary of the Air Force and the Under Secretaries of the Army and Navy to identify and to reduce unnecessary duplication, understanding there may be some operational benefits to overlapping capabilities given the importance of certain mission sets. In other instances, I would work to eliminate unnecessary duplication and redundancy and am open to initiatives that would help to accomplish that.

Question. If confirmed as the Under Secretary of the Air Force, and given your role as the Air Force CMO, how would you interpret your relationship with the Deputy Secretary of Defense in his role as Chief Operating Officer of the Department of Defense under provisions of Title 31, U.S. Code, Section 1123?

Answer. If confirmed, I will work closely with the Deputy Secretary of Defense, as well as the Secretary of the Air Force, to assist with setting and achieving the management and performance goals set for the Department of Defense and Department of the Air Force. In the course of managing the DAF and conveying progress to goals, as part of my relationship with the Deputy Secretary of the Air Force I would prioritize clearly communicating the key assumptions underlying analytical assessments and measurements, given the impact those may have other portfolios within the Department of Defense.

Question. If confirmed, how would you work to improve the quality and quantity of Air Force management personnel and expertise?

Answer. If confirmed, I will work with the DAF leadership to review the current levels of DAF management personnel and expertise to understand where improvements might help the DAF better compete for diverse talent and help to create an inclusive work environment.

Question. How would you make use of advanced business practices and technologies, and leverage the capabilities of Air Force laboratories and research universities and business and public administration schools to improve Air Force management capabilities, if confirmed?

Answer. If confirmed, I would work with DAF leaders to understand how the DAF currently leverages these critical resources and where there may be room to improve doing so. No organization ever has a monopoly on best practices, technologies, or capabilities, and I would prioritize regularly engaging with these entities understanding them to be critical mission enablers.

MAJOR CHALLENGES AND PRIORITIES—MS. JONES

Question. What do you consider to be the most significant challenges you would face if confirmed as Under Secretary of the Air Force?

Answer. If confirmed, I would consider the following to be the most significant challenges: modernizing DAF capabilities in the face of great power competition, namely with China, and to a lesser extent Russia; maintaining current mission capabilities while making necessary investments in future capabilities in the DAF's contributions to the nuclear triad; addressing personnel-related challenges that degrade readiness and affect recruiting and retention, specifically sexual harassment

and assault, extremism, and suicide; and lastly, bringing the Space Force to full operational capability.

Question. What plans do you have for addressing each of these challenges, if confirmed?

Answer. If confirmed, my initial step would be to work with the Secretary of the Air Force to assess the current state of these challenges as it relates to the overall posture of the DAF. In addition to understanding the current state of these programs, I would work with the Secretary to review how the programs are currently being measured for efficiency and effectiveness. A comprehensive review of these programs and the Secretary's guidance and priorities would inform how I address these challenges moving forward. Lastly, I understand there are several efforts examining the personnel-related challenges noted, specifically extremism and sexual assault and harassment, and, if confirmed, I would work with the Secretary of the Air Force to execute resulting directions and guidance.

2018 NATIONAL DEFENSE STRATEGY

Question. The 2018 NDS prioritized "great power competition and conflict" with China and Russia as the primary challenge with which the United States must contend, while also recognizing the need to deter and counter rogue regimes like North Korea and Iran and move to a more resource sustainable approach to counterterrorism. In addition to reviewing the NDS, Secretary of Defense Austin has announced that the Department will conduct a Global Posture Review to assess requirements for military capability.

If confirmed, what role would you expect to play in that review?

Answer. The Department of the Air Force will play a critical role in this review, and, if confirmed, I would prioritize my efforts to support the Secretary of the Air Force's ability to articulate how the evolving security environment impacts the organize, train, and equip function of the DAF. To that end, I would work with the Secretary to review the DAF's efforts toward implementing the strategy, specifically its development of new operational concepts and identification of new capabilities. Based on this review and evaluation, I will work with DAF leaders to conduct any necessary follow-on analyses to support the Secretary's ability to best inform the Secretary of Defense-led review of the strategy.

Question. In your view, what, if any, changes should be considered in reshaping the 2018 NDS?

Answer. The 2018 NDS accurately assesses the strategic environment; however, it insufficiently addresses the criticality of our allies and partners in addressing the challenges and opportunities this environment presents. If confirmed, I would work with DAF leaders and Office of the Secretary of Defense counterparts to continually evaluate and modify the application of the NDS as circumstances evolve. Moreover, great power competition, specifically with China, demands an agility in our decision-making that could be aided by an NDS that involved deliberate prioritization to inform trade-offs and risk management.

AIR FORCE READINESS

Question. How would you assess the current readiness of the Air Force—across the domains of materiel and equipment, personnel, and training—to execute its required missions?

Answer. At this time, I do not have access to DAF-internal information to accurately assess the current readiness of the Air Force. I appreciate that the Department must continue to balance near-term readiness with the modernization required to deter and defeat competitors and potential peer adversaries. If confirmed, I commit to supporting the Secretary of the Air Force's efforts to ensure the Total Force is manned, trained, and equipped to provide the readiness needed to meet the growing global security challenges that face our Nation.

Question. In your view, what are the priority missions for which current and future Air Force forces should be trained and ready in the context of day-to-day activities, as well as for contingencies?

Answer. Current operations and great power competition require the DAF be trained and ready to accomplish the following: execute two-thirds of the nuclear triad and essential elements of the nuclear command and control network; provide critical missile attack warning; provide command, control, and communications upon which the Joint Force relies across all domains; support geographic combatant commands with global strike and tactical airpower; provide essential supporting capabilities to our allies and across the Joint Force such as global air mobility and position, navigation, and timing (PNT) services that are critical today and certainly will be in any contested environments.

Question. Does the Air Force have the requisite analytic capabilities and tools to support you, if confirmed as the Under Secretary of the Air Force, in measuring its readiness to execute the broad range of potential Air Force missions envisioned by 2018 NDS and associated operational plans—from low-intensity, gray-zone conflicts to protracted high intensity fights? Please explain your answer.

Answer. I do not have an adequate basis to answer this question. If confirmed, I will work with the Secretary of the Air Force to assess the analytic capacity and capability within the DAF to conduct this type of analysis and support decision making necessary to deal with current and emerging threats. It is essential that the Department has the tools, expertise, and skills in place, to conduct the high-quality analysis necessary to support sound decision making in this rapidly advancing environment.

Question. If confirmed, how would you prioritize maintaining readiness in the near term, with modernizing the Air Force to ensure future readiness?

Answer. I would follow the guidance of the Secretary of the Air Force and the direction implicit or explicit in statutory requirements. Near-peer competitors continue to invest in capabilities that aim to diminish our military superiority, and the DAF must invest and plan with these considerations in mind.

BUDGET

Question. In its 2018 report, the National Defense Strategy Commission recommended that Congress increase the base defense budget at an average rate of three to five percent above inflation through the Future Years Defense Program. The President has released budget totals that indicate that the DOD budget for fiscal year 2022 will not increase from fiscal year 2021, but will be essentially flat.

If confirmed, by what standards would you measure the adequacy of funding for the Air Force?

Answer. If confirmed, I would work to ensure the DAF is able to execute the missions it has been asked to accomplish, with acceptable risk to current and future operations. This requires balancing the need to fulfill current requirements with the need to invest in modernizations efforts that posture the DAF for success, particularly when faced with a near-peer competitor. If confirmed, I would also regularly review the adequacy of our investments in our personnel, their families, and their quality of life to ensure the Total Force is well cared for and ready to accomplish the mission.

ACQUISITION

Question. As Under Secretary of the Air Force, what would be your role in the Air Force acquisition process—including in the processes of defining requirements, acquisition, and budgeting?

Answer. If confirmed, I will fulfill my role in the acquisition process as assigned to me by the Secretary of the Air Force and as prescribed by 10 U.S.C. § 9015. This will include executing all aspects of acquisition and budgeting as requested by the Secretary and in accordance with department policy. Additionally, I will work the Secretary of the Air Force, the Service Chiefs for the Air Force and the Space Force, and their staffs, to ensure acquisition, requirements, and budgets align. Finally, I will continue to serve on the Space Force Acquisition Council as required by 10 U.S.C. § 9021.

Question. If confirmed, what specific actions would you take to improve each of the three aspects of the Air Force acquisition process—requirements, acquisition, and budgeting?

Answer. If confirmed, one of my immediate actions will be to team with the Assistant Secretaries for Financial Management; Acquisition, Technology, and Logistics; and Space Acquisition and Integration to review current processes to understand where they may be opportunities to improve within the three aspects of the DAF acquisition process to ensure the budget is allocated to deliver effective programs that meet requirements.

Question. What actions would you propose to take, if any, to ensure that Air Force requirements are realistic, technically achievable, and prioritized?

Answer. Appropriately scoped requirements are fundamental to delivering operational capabilities and making sound resource decisions. If confirmed, I would review the agile requirements process to determine potential modifications, if any, that may help ensure requirements are realistic, technically achievable, and prioritized.

Question. What specific measures would you recommend to take to control “requirements creep” in the Air Force acquisition system?

Answer. If confirmed, I would ensure the Department continues to conduct configuration steering boards, required by statute, to prevent unnecessary changes to program requirements that could have an adverse impact on program cost or schedule. The Department cannot allow “requirements creep” to degrade its ability to deliver as much planned capability as possible, at the program baseline or better.

Question. If confirmed, how would you utilize your authority as Under Secretary of the Air Force, to arrest the exponential escalation in cost that, in recent history, has marked the acquisition life-cycle of Military Service platforms and weapons systems?

Answer. If confirmed, I would work with the Secretary of the Air Force to review all options to address the exponential cost escalation seen across service platforms and weapons, to include potentially working to ensure the DAF can obtain and preserve government data rights to avoid vendor lock and provide opportunities for all contractors to compete for sustainment work in order to keep costs affordable.

Question. In your view, in whom should accountability for large-scale acquisition failures and/or extraordinary cost overruns vest?

Answer. Accountability should rest with the leaders who made the key decisions that caused the failure and overruns, irrespective of when those failures are exposed and where those individuals are at that time. If confirmed, I would work with acquisition executives before the point at which requirements, schedule, and cost are approved to ensure we have adequately accounted for potential risks that may need to be mitigated.

Question. Are there other roles or responsibilities in the acquisition process that should be assigned to the Military Services rather than to OSD, in your view?

Answer. If confirmed, I will work with Air Force and Space Force acquisition executives to review current roles and responsibilities to understand where potential modifications, if any, may best serve the DAF and OSD.

Question. In your view, what is the appropriate focus the Air Force should have on life cycle costs when executing acquisition programs?

Answer. The Department of the Air Force must focus on developing and delivering new capabilities with an eye toward affordability of all elements: development, production, and sustainment. If confirmed, I would be open to all approaches to reduce sustainment costs—the majority of a program’s life-cycle costs—in order to ensure the DAF is best postured to afford critical modernization efforts.

Question. Were the Secretary of the Air Force to continue the assignment to the Chief of Staff of the Air Force of responsibility for those aspects of the function of research and development relating to test and evaluation for Air Force acquisition programs, how would you exercise oversight of the Chief’s execution of this responsibility, if confirmed?

Answer. If confirmed, I will work with the Secretary of the Air Force to understand their priorities, as well as engage with DAF research, development, and test communities in order to exercise the appropriate oversight.

Question. Under what circumstances, if any, do you believe it appropriate to procure weapon systems and equipment that have not been demonstrated through test and evaluation to be operationally effective, and operationally suitable?

Answer. If confirmed, I would work with DAF acquisition professionals to determine when such a procurement was necessary to support an urgent and clear warfighter need.

Question. What do you see as the role of the developmental and operational test and evaluation communities with respect to rapid acquisition, spiral acquisition, and other streamlined acquisition processes?

Answer. The test and evaluation enterprise is the critical link that enables rapid acquisition to support the joint warfighter. Test and evaluation, both developmental and operational, ensures rigor, credibility, and relevance in expediting warfighting capabilities to the operational user. If confirmed, I will review existing partnerships between DAF testing and evaluation centers to determine how to further strengthen them.

Question. To what extent should the Air Force exploit non-developmental or commercial off-the-shelf solutions to meet Air Force requirements?

Would this put capabilities into the hands of airmen and guardians more quickly, in your view?

Answer. Under the right circumstances, commercial off-the-shelf acquisitions can be an exceptional way to quickly and cost-efficiently bring solutions to the warfighter. If confirmed, I would work with acquisition executives to understand additional areas where such solutions make operational and financial sense.

SPACE

Question. In your view, does the 2018 NDS accurately assess the strategic environment as it pertains to the domain of space?

Answer. The 2018 NDS accurately assesses the current strategic environment, including as it applies to space, insofar as it identifies the emerging great power competition with China and Russia and highlights the criticality of our partners and allies.

Question. In your view, what will “great power competition” look like in space and to what extent do you view China’s and Russia’s activities related to the space domain as a threat or challenge to U.S. national security interests?

Answer. We can expect that China and Russia will continue to invest in capabilities critical to modern warfare, to include in the space domain. I believe it would be appropriate to assess that China and Russia’s activities in space are an extension of their overall efforts to neutralize our strategic military advantages and reduce our combat effectiveness.

Question. Are there other nation-states or other actors operating in space that you perceive as a risk to the United States or as cause for concern? If so, why?

Answer. My general understanding is that Iran and North Korea are capable of holding U.S. space capabilities at some level of risk, albeit less advanced than that posed by China or Russia. The proliferation of commercial and private activity in space also highlights the importance of establishing space norms and standards so as to minimize the risk posed to U.S. space assets.

Question. How would you assess the current readiness of the Space Force—across the domains of materiel and equipment, personnel, and training—to implement the NDS and U.S. strategic objectives as they relate to the space warfighting domain?

Answer. At this time, I do not have an adequate basis to assess the current and prospective readiness of the Space Force. I understand the Space Force has made great strides toward reaching full operational capability. If confirmed, I look forward to working with Department of Defense leaders and Congress to focus on improving readiness across all facets (e.g., personnel, equipment, and training) to ensure the Space Force stands ready to support U.S. strategic objectives and the National Defense Strategy.

Question. Is there anything you would do, if confirmed, to change the framework of the United States Space Force, as presently envisioned? Please explain your answer.

Answer. At this point, I do not have any recommended changes to the framework of the U.S. Space Force. If confirmed, I will work with Secretary of the Air Force, Chief of Space Operations and others in the Department to bring this service to full operational capability.

Question. If confirmed, what would be your relationship with:

The Commander, U.S. Space Command (USSPACECOM)

Answer. If confirmed, I will work to ensure the DAF is providing necessary institutional support and is adequately organizing, training, equipping and presenting forces to USSPACECOM to accomplish its assigned missions. If confirmed, I will work with the Secretary of the Air Force and the Chief of Space Operations to execute those responsibilities and ensure our forces are meeting the USSPACECOM commander’s requirements.

Question. The Commander, U.S. Space Force

Answer. If confirmed, I will work closely with the Chief of Space Operations and the Vice Chief of Space Operations to organize, train, equip and present Guardians and ensure Space Force equities are adequately accounted for when executing my duties as the DAF Chief Management Officer.

Question. The Assistant to the Secretary of the Air Force for Space Acquisition and Integration (SAF/SAI)

Answer. If confirmed, I will work closely with all of the Assistant Secretaries and DAF staff elements to ensure the Department operates effectively and efficiently. Subject to the duties prescribed by the Secretary of the Air Force, part of my role will be to enable close coordination, collaboration, and consistency across the staff, so that the Secretary of the Air Force can arrive at the best decisions on behalf of the Department.

Question. The Director, National Reconnaissance Office

Answer. If confirmed, both in my role as Under Secretary, and as a statutory member of the Space Force Acquisition Council, I will work with the Director of the National Reconnaissance Office to further strengthen the long-standing partnership between the DAF and the NRO.

Question. If confirmed, specifically what would you do to cultivate a warfighting ethos in the U.S. Space Force?

Answer. If confirmed, I will ensure suitable policy, guidance and resources are in place to support our Guardians' ability to attain a high level of proficiency in the new tactics, techniques, and procedures required to fight and win in the warfighting domain of space.

Question. If confirmed, how would you and the Department of the Air Force, writ large, support the Chief of Space Operations in recruiting and retaining space warfighters who will form the new Space Force?

Answer. Recruiting and retaining Guardians is a warfighting imperative and essential to bringing this service to full operational capability and ensuring its future success. If confirmed, I will ensure the Department's recruiting, retention, and training programs are casting a wide net for highly-qualified and diverse talent, highlighting the truly unique and exciting professional opportunities only afforded to Guardians, and are identifying innovative approaches to compete with private-sector opportunities.

Question. What is your vision for the inclusion of the Reserve components as a part of the U.S. Space Force and as contributors to Joint Force space operations and activities?

Answer. I see significant value in integrating the reserve components into the Space Force. If confirmed, I will work with DAF leaders to review Space Force requirements and evaluate how best to integrate Reserve Component capabilities to satisfy Space Force and Joint Force needs.

Question. Were there to be a conflict in a space or related domain, what are your views on the importance of unity of command as compared to unity of effort between DOD and Intelligence Community assets, both in space and on the ground?

Answer. Generally speaking, during any conflict, we should leverage all instruments of national power to reach resolution. Unity of command is critical to the success of military operations; however, unity of effort, especially between the DOD and Intelligence Community, ensures we can adequately assess the efficacy and effectiveness of our efforts in any conflict.

Question. Do you support the creation of a Service Acquisition Executive for Space as required under section 957 of the Fiscal Year 2020 National Defense Authorization Act (NDAA)?

Answer. If confirmed, I will work with the Secretary of the Air Force to ensure this individual has the resources and support needed to be successful.

Question. If confirmed, what would be your role, and that of the Department of the Air Force, in ensuring the direction and management of Space acquisition?

Answer. The Department must deliver space acquisitions both cheaper and faster to outpace our adversaries, and we must take advantage of the rapidly emerging and innovative commercial space capabilities, and collaborate closely with allies and other government partners. If confirmed, I will work across the Department and with the Office of the Secretary of Defense, Executive Branch, and Congress to optimize space acquisitions in all areas, including requirements, budget, and acquisition processes.

Question. How would you ensure the full integration of acquisition programs across the national security space enterprise—to include the members of the Intelligence Community?

Answer. I have not had the opportunity to review the current level of integration among the acquisition programs across the national security space enterprise. If confirmed, I would prioritize this review to understand where greater integration may be achieved.

Question. What specific actions would you take, if confirmed, to enhance existing Department of the Air Force acquisition policies and processes to move space operations projects to orbit faster and cheaper?

Answer. In general, I am committed to ensuring DAF acquisition policies and processes are more cost-effective and can more rapidly and efficiently field capabilities. If confirmed, I will ensure space programs are tailored to the most efficient acquisition strategy possible, and support the Secretary of the Air Force's efforts to ensure DAF space capabilities are able to operate to meet evolving and pacing threats.

Question. Do you support the National Security Space Launch (NSSL) competition Phase II program as it is currently being executed?

Answer. I have not had the opportunity to review the NSSL Phase II acquisition program as it is currently being executed. In general, I support increased competition among domestic launch services and appreciate the importance of effectively transitioning from non-allied space capabilities. If confirmed, I will review the Phase II program and related efforts to ensure the DAF can execute its national requirements.

Question. How do you see the "delivery on orbit as a service" in relation to NSSL?

Answer. I understand the criticality of assured access to space, and if confirmed, I would work to ensure the DAF has access to launch services necessary to meet our national requirements.

AIR FORCE PROGRAMS

Question. What is your understanding and assessment of the research, development, and acquisition programs supporting Air Force modernization?

Answer. I have not had the opportunity to review the full extent of the DAF's research, development, and acquisition programs supporting Air Force modernization. If confirmed, I will prioritize this review to ensure each are adequately resourced to support DAF decision-making processes.

The Air Force is on record as stating a need to purchase a minimum of 72 fighter aircraft per year to maintain requisite force structure.

Question. In your opinion, what is the optimum mix of 4th and 5th generation aircraft required to meet the threat outlined in the NDS?

Answer. I understand the Air Force is utilizing war games, as well as conducting analysis of our would-be competitors' capabilities in order to identify the appropriate mix of 4th and 5th generation aircraft. If confirmed, I will review this analysis with the Secretary of the Air Force, to ensure the mix of 4th and 5th generation fighters reflects relevant budget constraints and acceptable levels of risk across the DAF.

Question. Given the importance of extending the range of U.S. aircraft, what do you believe to be the overall tanker requirement for the Air Force and at what rate and on what schedule must the Air Force procure the new KC-46 to meet that requirement?

Answer. I do not have the basis to answer this question, as I have not had the opportunity to review operational plans and requirements for tanker support. If confirmed, I will review the overall fleet requirements, in light of DAF projected requirements and cognizant of the fact that the National Defense Authorization Act for Fiscal Year 2021 directs the Air Force to maintain 412 primary mission aircraft inventory tanker aircraft through 2025.

Large-scale exercises such as Red Flag have illustrated that 5th generation fighters such as the F-22 and F-35 need to fly against multiple adversary aircraft to conduct much of their required training. The Air Force has taken a number of steps to address shortages in adversary air, including using contract air and requiring units in training to supply their own adversary air.

Question. What are your views as to the appropriate balance of contract and organic adversary air capability?

Answer. I do not have the information needed to answer this question. If confirmed, I would review the Air Force's current adversary air programs to determine whether they are sufficiently meeting training needs and determine where improvements may be warranted to meet operational requirements.

Question. If confirmed, how would you ensure that the Air Force properly addresses the challenges associated with the availability of adversary air to ensure that its 5th generation fighters are properly trained and ready for combat?

Answer. If confirmed, I would review the Air Force's current plans to ensure its 5th generation fighter force is mission ready and determine where modifications may be warranted to meet operational requirements.

Question. Given that the F-35 is the least costly fighter aircraft currently available for purchase, as well as the most capable, what is your view on increasing the F-35 procurement rate in order to meet the stated 72 fighter aircraft per year requirement?

Answer. The F-35 is an extremely capable aircraft, and if confirmed, in consultation with the Secretary of the Air Force, I would need to review the findings of the on-going Tactical Air study, as well as related DAF-internal analyses, to order to provide the best-informed recommendation regarding procurement rates.

Question. What is your assessment of the readiness of the Air Force heavy bomber fleet?

Answer. I do not have the information needed to make this assessment. The heavy bomber fleet provides vital conventional strike and nuclear deterrence capabilities, and, if confirmed, I would review the readiness of the collective force and work to ensure recapitalization and modernization efforts adequately supported future requirements.

Question. As to each of the airframes listed below, what improvements would you direct, if confirmed, to increase the mission readiness of each airframe?

B-1, B-2, or B-52?

Answer. I have not had the opportunity to be briefed on the current readiness of each airframe, so I am not in a position to identify necessary improvements that would enhance the readiness of the B-1, B-2, or B-52.

MUNITIONS

Question. Air Force munitions inventories—particularly for precision guided munitions and air-to-air missiles—have declined significantly due to high operational usage, insufficient procurement, poor program execution, and a requirements system that does not adequately account for the ongoing need to transfer munitions to our allies.

If confirmed, what steps would you take to ensure the Air Force has sufficient inventories of munitions to meet the needs of combatant commanders?

Answer. If confirmed, I will work to ensure the DAF has sufficient munitions inventories to achieve our national security objectives. I will review the current requirements system to ensure our partners and allies maintain sufficient munitions inventories to adequately support combatant command regional objectives.

Question. What changes in budgeting and acquisition processes would you recommend to facilitate faster Air Force munitions replenishment rates?

Answer. If confirmed, I would review the current budget for munitions and work with acquisition executives to understand business approaches that would help expedite replenish rates and potentially help realize cost savings.

Question. How should the Air Force adapt to self-imposed DOD restrictions on area attack and denial munitions, consistent with the Ottawa Agreements?

Answer. I understand the Administration has initiated a policy review in this area. If confirmed, I will ensure the DAF supports this review consistent with the direction of the Secretary of Defense, and if confirmed, I will ensure that the Air Force continues to follow the DOD policy.

TEST AND EVALUATION

Question. Are you satisfied with the Air Force's test and evaluation capabilities, including the test and evaluation workforce and infrastructure?

Answer. I have not had the opportunity to evaluate DAF test and evaluation capabilities. If confirmed I will review these capabilities and work with the Secretary of the Air Force to make any adjustments accordingly.

Question. In which areas, if any, do you feel the Air Force should be developing new test and evaluation capabilities?

Answer. Space, cybersecurity, hypersonic, directed energy, and autonomous systems are all areas where the DAF has opportunities to develop test and evaluation capabilities.

Question. If confirmed, how would you accelerate the development of these new capabilities?

Answer. If confirmed, I would work with DAF leaders, in conjunction with counterparts at OSD, to identify where partnerships with academia and research facilities, as well balanced investments, might help to accelerate the development of these new capabilities.

Question. What are your views on the appropriate roles of OSD developmental and operational testing organizations with respect to testing of Air Force systems?

Answer. OSD developmental and operational testing organizations fulfill a critical role in the testing of DAF systems. Through their support of test infrastructure and independent oversight, these organizations enable emerging technologies to ensure airmen and guardians receive the capabilities they need to meet national priorities. If confirmed, I would work with our testing and evaluation community to further strengthen this partnership.

AIR FORCE MILITARY END STRENGTH

Question. Is the Air Force's current end strength sufficient to meet national defense objectives?

Answer. I have not had the opportunity to review current Air Force end strength. If confirmed, I will work with the Secretary of the Air Force to review Air Force and Space Force end-strength requirements to ensure the DAF is adequately balancing the trade-offs between meeting current operational requirements and future force requirements.

Question. If not, what end strength do you believe is necessary to do so?

Answer. If confirmed, I will work with the Secretary of the Air Force in ensuring the Department has the right end strength to sustain a force structure able to adequately provide support the combatant commands. If confirmed, I will also work with the Secretary of the Air Force to review Air Force and Space Force end-

strength requirements to ensure the DAF is adequately balancing the trade-offs between meeting current operational requirements and future force requirements.

Question. How will the continued stand up of the Space Force, and the related transfer of Air Force personnel, impact Air Force and Space Force end strength requirements over the next 5 years, in your view?

Answer. As the Space Force continues to mature, I understand their end strength will see modest growth in order to meet space requirements, with mission transfers from the other services largely supporting this growth. I also understand the Air Force will provide support services to Space Force personnel. This model appears to make operational and fiscal sense, and if confirmed, I would work to ensure the Space Force is adequately supported in these areas. If confirmed, I will work with the Secretary of the Air Force to review Air Force and Space Force end-strength requirements to ensure the DAF is adequately balancing the trade-offs between meeting current operational requirements and future force requirements.

Question. What additional force shaping authorities and tools does the Air Force need, in your view?

Answer. At this point, I am not aware of any additional force shaping authorities the Air Force requires. If confirmed, I will review existing authorities and tools to ensure the DAF is best postured to manage force strength.

AIR FORCE RECRUITING AND RETENTION

Currently, the Air Force is experiencing a 20-year high in personnel retention levels. This will challenge leaders to ensure that there is sufficient room for fresh talent to enlist or commission.

Question. If confirmed, how would you ensure the Air Force can continue to bring in new talent, while managing high retention?

Answer. If confirmed, I would work with DAF leaders to ensure we are focused on the equally important tasks of maintaining high standards and meeting authorized end strength. Much of this depends on the strength of our recruiting, retention, and training programs, and, if confirmed, I would work to ensure the Air Force and Space Force's respective programs were adequate to meet each service's needs.

Question. How would an individual's job performance factor in to your decisions to grant enlistment extensions or officer continuation?

Answer. If confirmed, I would work with DAF leaders to ensure an individual's job performance is a critical factor in any such decisions. If confirmed, I will continue to emphasize exceptional performance when making retention decisions, while also balancing our need to fill critical skill areas.

Question. If confirmed, how would you ensure that the Air Force maintains sufficiently high recruitment and retention standards?

Answer. The strength of the DAF relies on its ability to recruit and develop top talent. If confirmed, I will work to maintain high standards and strengthen our recruiting processes. As part of this, I would review the DAF's recruiting outreach into communities with lower than average Active Duty and veteran populations, understanding a key determinant of whether someone will serve is if they know someone who has served. I will also be committed to reviewing our standards to ensure we can identify and remedy potential artificial barriers to service.

Question. What impact do current medical and other qualifications for enlistment in the Air Force have on restricting the number of individuals eligible for military service?

Answer. Unfortunately, medical reasons, to include diet-related diseases, are a significant reason why most of those in the 17–24 age range are deemed ineligible for military service. These trends coupled with decreased birthrates strain the talent pool available for military service. If confirmed, I will work with the Department of Defense, other Services and with Congress on developing approaches to increase the number of young Americans qualified for military service, to include reviewing current medical standards to ensure continued applicability.

Question. If confirmed, what changes to such qualifications, if any, would you recommend to increase the number of individuals eligible for Air Force service without degrading the quality of recruits?

Answer. If confirmed, I will work to ensure that the Department does not have artificial barriers to entrance while maintaining high standards for service. I will also work to assess both the propensity and qualifications for military service. I am committed to working with Congress to determine how the Department as a whole can increase interest and eligibility for service.

Question. What factors do you consider to be key to the Air Force's future success in retaining the best qualified personnel for continued service in positions of greater responsibility and leadership in the Air Force?

Answer. Quality-of-life considerations, job satisfaction, and unit leadership are key to the DAF's ability to retain the best-qualified airmen and guardians. If confirmed, I will work with DAF leaders to improve upon each of these, and ensure we are taking adequate steps to address disproportionate retention challenges in certain specialties and/or demographics.

Question. The Air Force reversed recently a decision to cancel Reserve Officers' Training Corps (ROTC) scholarships and eliminated necessary field training opportunities for hundreds of high-performing cadets. Included in this group of cadets were scholarship recipients pursuing technical majors at some of the nation's most elite universities.

How do you view the effectiveness and utility of the various officer commissioning sources?

Answer. The DAF's various officer-commissioning sources are important and necessary mechanisms to ensure our officer corps is diverse in terms of demographics, lived-experiences, and skillsets. These avenues strengthen the DAF's ability to attract and commission its next generation of leaders.

Question. Do you believe the Air Force should prioritize available scholarship and training slots for cadets who pursue technical degrees or who attend selective universities?

Answer. Recruiting and retaining technically competent airmen and guardians is essential to the Department's continued success. I do see value in the DAF prioritizing scholarships and training slots based on the needs across the Air and Space Forces. If confirmed, I will work to ensure airmen and guardians have the right knowledge, skills, and abilities to effectively execute their duties regardless of academic background and career field.

PILOT RETENTION

Question. The Air Force has reported a shortage of approximately 2,000 pilots last year, including a shortage of 950 fighter pilots.

What impact, if any, has COVID-19 pandemic had on Air Force pilot retention?

Answer. I understand that COVID had a slight positive effect on Air Force pilot retention, likely due to a reduction in airline hiring. It seems unlikely that this situation will endure, and I understand the Air Force expects a return to pre-COVID retention as airline hiring increases in the near term. In my view, this situation needs to be closely monitored and managed going forward.

Question. What are the Air Force's current efforts to address this critical problem?

Answer. I have not had the opportunity to review DAF efforts to address pilot retention and pilot training throughput. If confirmed, I will review the DAF's efforts on both fronts to ensure resulting approaches are sustainable for the force.

Question. How would you assess their effectiveness?

Answer. I have not had the opportunity to review DAF efforts to address pilot retention and pilot training throughput. I understand that the Air Force has developed targeted retention programs; however, retention is still well short of required manning levels. If confirmed, I will review retention and production initiatives to determine additional opportunities to improve pilot manning health.

Question. What monetary and non-monetary incentives and initiatives implemented by the Air Force have yielded the most positive impacts on pilot retention?

Answer. I have not had the opportunity to review data on this, but I understand that a combination of quality-of-life improvements, higher payment options, and up-front bonus payment options have garnered the most positive impacts. If confirmed, I would be open to reviewing additional approaches, to include non-monetary options, to address pilot retention.

Question. What additional authorities does the Air Force need from Congress to address this shortfall definitively?

Answer. If confirmed, I will review whether and to what extent additional authorities may be required to address the pilot shortfall.

Question. In your view, was it prudent to disestablish the Air Mobility Command (AMC) "flying-only" career track? Please explain your answer.

Answer. I do not have the information needed to answer this question. As I understand, there was little interest in the program, though it is unclear as to why that was the case. If confirmed, I will review how this program was structured to better understand if aspects of it may still be useful to addressing pilot retention challenges.

Question. In your view, how will AMC's Resource Driven Allocation Project contribute to pilot readiness?

Answer. I do not have an in-depth knowledge of this process beyond understanding that it assists Air Force units in predicting their operational pace. If con-

firmed, I will review this project to determine how it can best contribute to pilot readiness.

Question. How has the Air Force increased pilot production capacity commensurate with the demands of the NDS?

Answer. I have not seen data on this. If confirmed, I will review efforts to increase retention and pilot training throughput to understand the efficacy of these approaches.

Question. As the Air Force prepares for competition with a peer-adversary, what steps is it taking to increase quality standards within and screening rates for flight school, and the pipeline beyond?

Answer. I do not have information necessary to answer this question. I understand the Air Force continually looks for ways to train and develop its pilots, and if confirmed, I would review efforts to leverage technology and innovative procedures to enhance pilot training programs.

Question. If confirmed, how would you implement the Air Force's Remotely Piloted Aircraft (RPA) "Get Well" plan?

Answer. I have not had the opportunity to review this plan. I understand the "RPA Get-Well Plan" was created in 2015 to increase pipeline training capacity and operational unit manpower. I have been told that in 2016, those objectives were met by increasing MQ-9 instructors, growing the RPA pilot inventory, and achieving better crew-to-combat ratios. If confirmed, I will ensure instructor manning and necessary contractor support will exist to continue sustainable student throughput.

MILITARY COMPENSATION

Question. What is your assessment of the adequacy of military compensation and benefits?

Answer. I have not had the opportunity to review the adequacy of military compensation and benefits in order to provide an assessment. If confirmed, I look forward to a detailed review to better understand which, if any, areas may need revision to allow for a more targeted approach to improvement in the overall compensation package.

Question. If confirmed, what steps would you take to control the rising cost of military personnel?

Answer. I do not have information necessary to answer this question. If confirmed, I will review the current cost of DAF military personnel, what has led to growth across the board, as well as disproportionate growth in certain areas, and areas we may be able to achieve cost savings while maintaining our ability to attract and retain talent.

AIR FORCE RESERVE COMPONENTS

Question. In your view, what is the appropriate relationship between the Active Air Force and the Air Force Reserve and Air Force National Guard?

Answer. In my view, the Active, Reserve, and Guard components have a synergistic relationship, with each component being necessary for mission success. If confirmed, I would need to review DAF-internal information to determine what, if any modifications, may be needed to optimize relationships within the Total Force to enhance mission readiness.

Question. What do you believe to be the appropriate roles and missions of the Air Force Reserve Components?

Answer. I have not been briefed in depth on the current roles and missions of the Air Force Reserve Components, so it would be premature to advise on their appropriateness. If confirmed, I will work with DAF and reserve component leaders to understand where we might be able to better capitalize on the expertise and skillsets resident in DAF reserve units.

Question. If confirmed, what new objectives would you seek to achieve with respect to Air Force Reserve Component organization, force structure, and end strength?

Answer. It would be premature for me to provide an assessment of new objectives with respect to the Air Force Reserve Components' organization, force structure, and end strength. If confirmed, I will work with the Secretary of the Air Force to assess the situation and existing plans, and work with component leaders to ensure the Department is fully leveraging the strategic depth and operational capacity within the reserve components.

MILITARY HEALTH CARE REFORMS

Question. Do you support the purpose and implementation of section 702 of the Fiscal Year 2017 NDAA, as clarified by sections 711 and 712 of the fiscal year 2019 NDAA?

Answer. Yes, and if confirmed, I will work with DAF and OSD leaders to ensure the Department is meeting these statutory requirements to effectively and efficiently transition the administration of military treatment facilities to the Defense Health Agency, ensuring there is no break in first-break in quality health care for our airman, guardians, and their families.

Question. If confirmed, how would you ensure the rapid and efficient transfer of the administration and management of Air Force military treatment facilities to the Defense Health Agency?

Answer. If confirmed, I will work with DAF and OSD leaders to review these timelines and identify ways to support the expedient transfer while ensuring all airmen, guardians, and their families continue to receive safe and accessible medical care.

NON-DEPLOYABLE SERVICEMEMBERS

Question. In your view, should airmen and guardians who are non-deployable for more than 12 consecutive months be subject either to separation from the service or referral to the Disability Evaluation System, as is current Department policy?

Answer. I do not have sufficient data to provide a thorough assessment of the current policy or the efficacy of the Disability Evaluation System. If confirmed, I will support the Secretary of the Air Force in implementing the current policy, and evaluate how the policy impacts our members and their readiness.

Question. Under what circumstances would the retention of a servicemember who has been non-deployable for more than 12 months be “in the best interest of the service”?

Answer. I do not have sufficient data to determine the efficacy of the current approach and whether modifications may be required. If confirmed, I will work with the Secretary of the Air Force to review the current approach, and ensure any changes in criteria meet the spirit and intent of the provision while satisfying operational readiness requirements.

Question. In your view, how should this policy be applied to servicemembers with HIV?

Answer. I do not have sufficient information to answer this question. If confirmed, I will support the Department of Defense review of HIV-related policies that I understand is underway and ensure DAF perspectives are considered as part of that process. If confirmed, I will work with DAF leaders to implement any related changes in policy as a result of that review.

Question. In your view, should an airman’s or guardian’s readiness to perform the required specific missions, functions, and tasks in the context of a particular deployment also be considered in determining whether that servicemember is deployable?

Answer. Generally, yes, but there is not enough information to answer this hypothetical question. If confirmed, I would ensure airmen and guardians have the resources and training needed to deploy. I will also work with DAF leaders to develop non-deployment policies which are fairly and uniformly applied, and take into account that servicemember’s individual circumstances as necessary.

Question. What are your ideas for addressing the challenges of medical non-deployability in the reserve components?

Answer. I do not have access to the non-deployability rate for the Air Force Reserve component, nor a strong appreciation for the factors contributing to that rate. If confirmed, I would work to understand both and to address systemic challenges that may exist.

Question. Are there any specialties in the Air Force personnel system where airmen would never be expected to deploy?

Answer. At this point, I am not aware of specialties within the Air Force where an airman would never be expected to deploy. If confirmed, I will work with DAF leaders to develop non-deployment policies which are fairly and uniformly applied, and take into account that servicemember’s individual circumstances as necessary.

Question. If so, should airmen in the specialties be separated if they can still perform their duties?

Answer. Decisions related to retention should generally take into account an airman’s ability to perform their duties and how loss of that airman’s skillsets may affect readiness. If confirmed, I will work with DAF leaders to ensure we have policies that prioritize readiness and deployability.

The new DOD transgender policy (DODI 1300.28) provided, “any determination that a transgender servicemember is non-deployable at any time will be consistent with established Military Department and Service standards, as applied to other servicemembers whose deployability is similarly affected in comparable circumstances unrelated to gender transition.” The same policy requires commanders to review and approve servicemember requests to transition gender in a manner that “maintains military readiness by minimizing impacts to the mission (including deployment, operational, training, and exercise schedules, and critical skills availability).

Question. What Air Force standards and policies related to an airmen’s or guardian’s ability to deploy will be applied to transgender servicemembers undergoing gender transition procedures or treatment?

Answer. I have not had the opportunity to review DAF-internal standards and policies that govern an airman or guardian’s ability to deploy. Therefore, it is premature for me to determine those which might apply to transgender servicemembers undergoing transition procedures or treatment. If confirmed, I will work with DAF leaders and medical professionals to assess what current standards may be applicable and to assess the need for additional standards.

Question. As the Air Force implements the DOD policy, what level of commander will be responsible for balancing servicemember requests to transition gender while maintaining military readiness?

Answer. I have not been briefed on DAF-internal deliberations that resulted in the current level of commander involvement in those decisions. If confirmed, I would work with DAF leaders to understand how well the current process is working and to what extent modifications may be needed. Additionally, I would review the resources afforded to any commander so that she/he can make an informed decision when presented with member requests to transition gender.

Question. If confirmed, how would you ensure that commanders are permitted to deny or delay gender transition requests if it such a request would degrade unit readiness and deployability?

Answer. I am not able to answer this question, because I do not understand the potential medical and mental health consequences of delaying a servicemember’s transition. If confirmed, I would work with DAF leaders and medical professionals to balance readiness and deployability with the medical needs of affected airmen and guardians.

SUICIDE PREVENTION

Question. The number of suicides in each of the Services continues to concern the Committee. It is believed that, over the course of a single week at the end of March 2020, two U.S. Air Force Academy First-Class cadets committed suicide.

What is your assessment of the efficacy of suicide prevention programs at the U.S. Air Force Academy?

Answer. I currently serve on the Air Force Academy Board of Visitors and understand that the Air Force Academy, like the Department of the Air Force writ large, continues to focus on this critical issue, and work to improve its processes and programs. Even one suicide is a critical reminder to remain diligent in suicide prevention efforts and to continue to look to the latest research to inform the Department’s efforts. If confirmed, I will review the latest USAFA-internal assessments of its suicide prevention programs and work with USAFA leaders to understand where improvements may be made.

Question. Has the Air Force conducted a comprehensive review of the two recent suspected Academy suicides to determine whether there are any common causal factors? Q118. If so, what did the Air Force find and how will those findings be applied to suicide prevention efforts going forward?

Answer. I do not have any information regarding the two suspected suicides. If confirmed, I will ensure further review of these cases and apply any lessons-learned to the Department’s suicide prevention efforts.

Question. If confirmed, specifically what would you do to maintain a strong focus on preventing suicides in the Active Air Force and Space Force, in the Reserve Components, and in Air Force and Space Force families across all Components?

Answer. I am not able to answer this question, because I am not fully aware of all of the prevention resources available across the Total Force. If confirmed, I will work with DAF leaders to review the state of those programs and potential modifications for those airman and guardians in specialties and/or assigned to locations with higher rates of attempted and/or reported suicides. If confirmed, I will work with DAF leaders to ensure commanders and supervisors are aware of the mental health and behavioral health resources available to the Total Force.

Question. If confirmed, specifically what would you do to enhance the reporting and tracking of suicide among family members and dependents of airmen and members of the Space Force across all Components?

Answer. If confirmed, I will remain fully committed to preventing suicides across the Total Force, to include among family members and dependents. I have not had the opportunity to review how the Department reports and tracks suicides amongst family members and amongst the components. If confirmed, I will work with DAF leadership to evaluate and implement research-based prevention methods to ensure the Total Force and their families receive the support and resources they need.

SEXUAL ASSAULT PREVENTION AND RESPONSE

Question. In your view, how adequate and effective are the policies, programs, and training been that the Air Force has put in place to prevent and respond to sexual assault?

Answer. The lack of discernable impact on the incidents of sexual assault in the ranks suggests these efforts have not been adequate nor effective enough—to the detriment of Air Force and Space Force readiness. I will review the Independent Review Commission findings and recommendations once released, and, if confirmed, work with OSD and DAF leaders to implement directed and necessary changes to comply with any statutory changes.

Question. If confirmed, specifically what would you do to increase focus on the prevention of sexual assaults?

Answer. If confirmed, I will work with DAF leaders to understand the full scope of prevention efforts, those currently in development, and those not pursued and the reasons for not doing so. Prevention and accountability measures go hand in hand, and I believe strong, consistently enforced accountability measures aid in deterring these egregious acts. As such, if confirmed, I would be equally focused on prevention and accountability. I will review the Independent Review Commission findings and recommendations once released, and, if confirmed, work with OSD and DAF leaders to implement directed and necessary changes to comply with any statutory changes.

Question. What is your assessment of the potential impact, if any, of proposals to remove from military commanders case disposition authority over felony violations of the Uniform Code of Military Justice, including sexual assaults?

Answer. I have not seen DAF-internal data that articulates the potential impacts, if any, of such proposals, so I am not prepared to offer an assessment at this time. However, I understand sexual assault to be a threat to military readiness and failing to adequately address it itself erodes good order and discipline within units. If confirmed, I will be open to an alternative criminal process, as it is clear the status quo is not working.

Question. What is your assessment of the Air Force's implementation of protections against retaliation—most notably social ostracism and reputation damage—for reporting sexual assault?

Answer. I am not familiar with the Air Force's implementation of protections against retaliation for reporting sexual assault, so I am unable to provide an assessment of its effectiveness. If confirmed, I would review the measures to ensure leaders are prioritizing the victim's privacy and taking steps to not inadvertently re-victimize the victim.

Question. In your view, do military and civilian leaders in the Department of the Air Force have the training, authorities, and resources needed to hold subordinate commanders and supervisors accountable for the prevention of and response to sexual assault and retaliation? Q126. If not, what additional training, authorities, or resources do you believe are needed, and why?

Answer. I have not been briefed in depth on the range of trainings, authorities, and resources available to military and civilian leaders to help them adequately hold subordinate commanders and supervisors accountable for the prevention of and response to sexual assault and retaliation. Therefore, it would be inappropriate for me to provide an opinion here. I will review the Independent Review Commission findings and recommendations once released, and, if confirmed, work with OSD and DAF leaders to implement directed and necessary changes to comply with any statutory changes, some of which may address training, resources, and authorities.

SEXUAL HARASSMENT IN THE AIR FORCE AND SPACE FORCE

Question. What is your assessment of the effectiveness of military sexual harassment programs of the Department of the Air Force?

Answer. Public reports indicate reported instances of and the assessed prevalence of sexual harassment within the DAF are not improving, and I am keenly aware of the threat sexual harassment poses to Air Force and Space Force readiness. I will

review the Independent Review Commission findings and recommendations once released, and, if confirmed, work with OSD and DAF leaders to implement directed and necessary changes to comply with any statutory changes.

Question. In your view, do methods for tracking the submission and monitoring the resolution of informal complaints of harassment or discrimination provide DOD and Air Force and Space Force leaders, supervisors, and managers an accurate picture of the systemic prevalence of these adverse behaviors in the force?

Answer. I have not had the opportunity to review the current process for tracking the submissions and monitoring the resolutions of informal complaints, so I am not prepared to speak to its adequacy. However, beyond the process and tool, airmen and guardians must trust the process' outcomes, in the form of improved prevention and/or accountability measures. If confirmed, I will work with DAF leaders to identify ways to further strengthen airmen and guardians' confidence in the reporting process and help them see the value in reporting.

Question. If confirmed, what actions will you take to improve the quality of investigations into allegations of sexual harassment in the force?

Answer. I do not have data to answer this question. If confirmed, I will review the current process and take appropriate steps to ensure all members within the DAF receive a thorough and fair investigation into allegations of sexual harassment.

Question. Does the Air Force's method for recording the outcomes of informal complaints of harassment or discrimination provide DOD leaders, supervisors, and managers with a means of identifying repeat perpetrators in the military?

Answer. I do not have data to answer this question, as I am not aware of how DAF records nor shares these outcomes. If confirmed, I will work with DAF leaders to strengthen information sharing practices so the Department has the most complete picture of potential repeat offenders possible.

EXTREMISM

Question. What is your view of the prevalence and effect of extremism in the Air Force?

Answer. As a former Air Force officer, and having worked with airmen and Air Force civilians throughout my career, I believe the vast majority of airmen and guardians do their duty exceptionally well and uphold their oath to support and defend the Constitution. While I firmly believe that a very small minority hold these extremist views, these behaviors are corrosive and threaten good order and discipline, unit morale, and unit cohesion. If confirmed, I will ensure that the Department of the Air Force continues to work with OSD leaders to ensure we have policies, processes and training in place to address extremist behaviors, while preserving the rights of our airmen and guardians.

Question. In your view, what beliefs and actions should constitute "extremism?"

Answer. I understand that the Department of Defense continues to review and refine its definition of extremism and extremist behaviors in order to provide the force with clear and consistent guidance. This intersubjectivity is critical to identifying and addressing these extremist behaviors. If confirmed, I will support OSD efforts in this regard and work with DAF leaders to ensure our airmen and guardians can serve to their full potential, absent the threat of extremist behaviors.

Question. In light of ongoing efforts to combat extremism, what are your views on the current DOD policy that states, "A servicemember's right of expression should be preserved to the maximum extent possible?"

Answer. I agree with this statement; however, as a former Air Force officer, I recognize a leader's actions never stop setting the tone for an organization, regardless of whether those actions are during the duty day or after. Therefore, I believe that airmen and guardians should be held accountable when their extremist actions threaten good order and discipline or our national security.

Question. If confirmed, what actions would you take to eliminate extremism within the Air Force?

Answer. If confirmed, I will ensure that the Department of the Air Force continues to support the Secretary of Defense's comprehensive review of extremism within the Department of Defense. Pending the review's final recommendations, I will work closely with Air Force and Space Force leaders to ensure the Department has timely action plans in place to implement the necessary changes.

GENERAL OFFICER (GO) REDUCTIONS

Question. The Fiscal Year 2017 NDAA reduced the number of Air Force GO authorizations by about 12 percent.

What progress has the Air Force made in reducing the number of GOs and restructuring the GO grade pyramid?

Answer. I have not had an opportunity to review progress made by the DAF in meeting the required reductions and restructuring of GO grades. If confirmed, I will work with DAF leaders to ensure the Department meets the requirements laid out in law and work to ensure we have the right number of GOs, along with the appropriate grade pyramid within both the Air Force and Space Force, to lead and execute our missions around the globe.

Question. What is the impact of the establishment of the Space Force on the authorized number of Air Force GO positions?

Answer. I have not had the opportunity to review this fully; however, I understand that many of the Space Force GO billets came from the Air Force and the Department of Defense will seek to meet remaining Space Force GO requirements within the directed GO reductions across DOD. If confirmed, I will work with Secretary of the Air Force to monitor this situation closely.

Question. How have Air Force GOs been affected by the layering of post-government employment constraints, including the enactment of section 1045 of the NDAA for fiscal year 2017—applicable only to DOD?

Answer. I do not have data to answer this question. However, if confirmed, I will certainly consider feedback from the affected population to determine any impacts on DAF readiness.

Question. In your view, does the Air Force have in place sufficient training and resources to provide Air Force and Space Force GOs and equivalents with the training, advice, and assistance they need to avoid and address conflicts of interest, comply with travel regulations, and ensure that government resources—including employee time—are used only for official purposes? Please explain your answer.

Answer. It is important all senior leaders in the Department be above reproach when it comes to matters of ethical conduct. If confirmed, I will ensure our GOs and SESs have the training, advice, and assistance they need to uphold the highest of ethical standards.

DEPARTMENT OF THE AIR FORCE CIVILIAN WORKFORCE

Question. In your judgment, what is the biggest challenge facing the Air Force and Space Force in effectively and efficiently managing the civilian workforce?

Answer. As a former civil servant, I know recruiting and retaining talent with advanced and highly specialized skills is a perennial challenge, and even more so when with the economy is strong. These challenges are compounded by increased furloughs and government shutdowns that strain the DOD civilian workforce's ability to recruit and retain top talent. If confirmed, I will work with DAF leaders to develop appropriate incentives and professional growth opportunities to ensure we can continue to attract top talent into the civilian workforce, and work to ensure the civilian workforce is well-managed and resourced to meet mission needs.

Question. How will the Air Force and Space Force sustain requisite capacity and capability during the impending workforce "bath tub"—a descriptor used to illustrate graphically the impending loss of senior civilian workforce expertise due to the retirement of large numbers of baby boomers and the lack of experienced personnel to fill the resulting vacancies?

Answer. I do not have the data needed to answer this question. If confirmed, I will work with DAF leaders to quickly identify which fields and specialties are expected to be critically impacted and review the current talent pool in order to address potential gaps and mitigation options.

Question. In your view, how can DOD and its Components better utilize telework, while maintaining supervisory and employee accountability for high quality performance and the appropriate use of official time?

Answer. Adjustments due to the COVID experience have highlighted the utility and viability of enhancing telework options. Moreover, I think it has reframed workers' expectations about work-life balance. In confirmed, I would work with DAF leaders to ensure we are fully utilizing telework, where it makes sense to meet mission needs, as an avenue to access the top talent while affording better work-life balance.

Question. Has the Air Force's experience with the new Defense Performance Management and Appraisal Program (DPMAP) to date evidenced the increased supervisor-employee engagement and meaningful "face-to-face" counseling sessions at the core of the program's objectives?

Answer. I do not have data to answer this question. If confirmed, I look forward to working with DAF leaders to ensure the DPMAP is working as intended.

Question. Has the Air Force's experience to date with DPMAP's 3-tiered rating structure resulted in the rationalization of employee ratings, such that a "3" rating of "fully successful" is now the mode? Please explain your answer.

Answer. I do not have data to answer this question. I believe honest and clear feedback is important and, if confirmed, I will remain committed to ensuring DPMAP is utilized as it is intended as a means for evaluating our civilian talent while providing necessary feedback.

AIR FORCE SENIOR EXECUTIVES

Question. Given that competent and caring leadership is one of the most significant and relevant levers available to shape a high-performing Department of the Air Force civilian workforce, what factors and characteristics would be most important to you in selecting a candidate for appointment to the Senior Executive Service (SES) in the Department?

Answer. If confirmed, I will review the Senior Executive recruitment and selection processes to ensure the DAF is selecting Senior Executives best suited to lead teams and care for airmen and guardians. The Department's senior civilians must have the requisite technical expertise, demonstrate executive leadership qualities with a proven track record of success, be committed to serving, and demonstrate an ability to quickly adapt to a rapidly changing environment.

Question. If confirmed, how would you go about ensuring that SES personnel under your authority are held accountable for both organizational performance and the rigorous performance management of their subordinate employees?

Answer. SES members should be held accountable for organization, subordinate, and personal performance according to clear performance objectives. If confirmed, I will review SES performance management policies to ensure DAF expectations and goals are clearly articulated.

Question. What role should mobility requirements play in the Department of the Air Force SES program, in your view?

Answer. I do not have data to answer this question. If confirmed, I will review current mobility requirements in the DAF SES program to determine how such requirements may affect the overall SES corps. In general, I tend to believe mobility requirements could play an important role in provide SESs with meaningful professional development opportunities.

Question. Are you satisfied with the subject matter and rigor of SES professional development programs currently available across DOD?

If not, what changes would you make to these programs, if confirmed?

Answer. I have not reviewed the DAF's current professional development programs for Senior Executives, so I am unable to provide an assessment at this time. If confirmed, I will ensure these programs are focused on developing senior executives that can lead in a challenging and complex strategic environment.

DOMESTIC VIOLENCE AND CHILD ABUSE IN MILITARY FAMILIES

Question. Recent press reports indicate that the number of incidents of domestic and child abuse in military families has increased. What is your understanding of the extent of this issue in the Air Force and Space Force, and if confirmed, what actions would you take to address it?

Answer. As an Air Force veteran, I know that family and intimate partner violence are counter to the Air Force and Space Force core values and cannot be tolerated. If confirmed, I would work with the Family Advocacy Program and DAF leaders to understand what may be causing the rise in the number of incidents, and how best to prevent, screen for, report, and address such abuses. If confirmed, I will be committed to eliminating abuse in military families.

Question. In your view, how effective are Air Force and Space Force programs in responding to and reducing incidents of domestic violence and child abuse?

Answer. I do not have data to answer this question. If confirmed, I would work with DAF leaders to discern the efficacy of these programs in responding to and reducing the incidents of domestic violence and child abuse. I would also work to ensure our data collection and information sharing efforts were adequate to discern relevant trends.

Question. Do you believe that the Department of the Air Force's Family Advocacy Program strikes the right balance between healing families and holding individuals accountable for acts of domestic violence and child abuse? Please explain your answer.

Answer. I do not have sufficient information to address this question. If confirmed, I will work with Department leaders, the Family Advocacy Program, and the Judge Advocate General to determine how we might better prevent these acts of abuse and protect servicemembers and their families.

MILITARY QUALITY OF LIFE

Question. If confirmed, what quality of life and morale, welfare, and recreation (MWR) programs would you consider to be a priority?

Answer. As an Air Force veteran and having been assigned overseas as a civil servant, I know MWR programs go a long way toward improving the quality of life for military members and their families. If confirmed, I would work with DAF leaders to understand which MWR programs are most in demand and where we may need to introduce new programs based on community needs and requests.

Question. What metric would you apply in determining which MWR and quality of life programs should be sustained or enriched and which should be eliminated or reduced in scope as ineffective or outmoded?

Answer. At this point, I am not aware of the current methodology to determine which programs should be sustained or enriched. If confirmed, I would review that methodology for adequacy and ensure community members were aware of their ability to shape MWR programs. In general, I would prioritize the voices of airmen, guardians, and their families in determining whether or not a program is meeting the resilience and MWR needs for our families.

MILITARY FAMILY READINESS AND SUPPORT

Question. What do you consider to be the most important family readiness issues for servicemembers and their families?

Answer. I do not have data to answer this question at this point. If confirmed, I will work with DAF leaders to understand the most important family readiness issues, the DAF's current ability to address those, and ways to improve doing so.

Question. If confirmed, what specific actions would you take to ensure that military families are provided with accessible, high-quality childcare, at an appropriate cost?

Answer. I understand that accessible, high-quality, and affordable childcare is a critical enabler of the Department's mission. If confirmed, I will work with Department leaders and families to understand what efforts are underway to meet the demand and how we might improve doing so.

SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS

Question. What is your view of the overall effectiveness of the exceptional family member program (EFMP)?

Answer. I do not have sufficient data to evaluate the EFMP. It is important military families receive the care they need or their exceptional family members, and if confirmed, I would be committed to ensure that is the case. If confirmed, I will prioritize this program and ensure commanders know the full suite of EFMP resources available to the Total Force.

Question. If confirmed, how would you incentivize servicemember enrollment in EFMP?

Answer. I have not seen the internal DAF data regarding EFMP enrollment and why incentives may be necessary. If confirmed, I will work with DAF leaders to review enrollment, understand potential barriers to enrollment, and identify ways to ensure the EFMP is fully utilized by those who need it.

Question. If confirmed, how would you eliminate or reduce the bureaucratic administrative burdens currently experienced by EFMP participants, and ensure that EFMP services are consistent across services?

Answer. I do not have data to answer this question. If confirmed, I will work with DAF leaders to review enrollment, understand potential barriers to enrollment, and identify ways to ensure the EFMP is fully utilized by those who need it.

Question. If confirmed, what role would you establish for yourself in ensuring that Military Housing Privatization Initiative partners and military commanders consider the needs of servicemembers with an exceptional family member in making assignments to privatized military housing?

Answer. I do not have data to answer this question. If confirmed, I would work with DAF leaders to understand the scope of the challenges and ensure such a critical consideration is appropriately factored into the process.

NUCLEAR ENTERPRISE

Question. Do you agree that modernizing each leg of the nuclear triad and the National Nuclear Security Administration weapons complex is a critical national security priority?

Answer. Yes. Maintaining a credible deterrent is a top US national security priority. If confirmed, I will work with the Secretary of the Air Force to assess the status of the Department's current nuclear weapon systems and modernization programs to evaluate how the Air Force can best maintain such a deterrent.

Question. Do you believe the current Air Force program of record is sufficient to support the full modernization of the Air Force legs of the nuclear triad?

Answer. I have not had the opportunity to assess the current status of the programs of record. If confirmed, I would assess each of the Department of the Air Force's nuclear programs and work with the Secretary of the Air Force to ensure they are sufficiently resourced.

Question. Do you support and intend to advocate for the funding, development, and fielding of the Ground Based Strategic Deterrent? Please explain your answer.

Answer. I have not had the opportunity to review the status of the GBSD program. Maintaining a secure, sustainable and effective nuclear deterrent is one of the Department of Defense's top priority missions. If confirmed, I will review the details and status of the GBSD acquisition program.

Question. Do you support and intend to advocate for the funding, development, and fielding of the Long-Range Stand-Off Weapon? Please explain your answer.

Answer. I have not had the opportunity to review the status of the LRSO program. Maintaining a secure, sustainable and effective nuclear deterrent is one of the Department of Defense's top priority missions. If confirmed, I will review the details and status of the LRSO weapon acquisition program.

Question. What are your ideas for working across the Military Departments to mitigate the risk that all three legs of the nuclear triad will be "aging out" simultaneously at the end of the 2020s?

Answer. If confirmed, I will assess each of the Department of the Air Force's current and planned nuclear modernization programs to ensure they are on schedule and resourced appropriately to meet the warfighter's needs and are aligned, where applicable, with the Department of the Navy.

Question. In your view, is the Air Force continuing to maintain appropriate focus on implementing the corrective actions recommended by then-Secretary of Defense Hagel's Nuclear Enterprise Review?

Answer. I have not been fully briefed on the Air Force's progress with respect to implementing the recommended corrective actions identified in this review. If confirmed, I would review those efforts and work with the Secretary of the Air Force to determine an appropriate way forward.

Question. Do you believe "Arming/Use of Force" protocols for Security Forces adequately meets the spirit and intent of the Personnel Reliability Program?

Answer. I have not had an opportunity to assess these protocols. If confirmed, I will assess the "Arming/Use of Force" protocols for Security Forces to determine if they meet the spirit and intent of the Personnel Reliability Program.

Question. If confirmed, how would you ensure that the Air Force continues its efforts to improve the training, readiness, morale, welfare, and quality of life of the airmen charged to execute and support the Air Force's nuclear mission?

Answer. In my opinion, any negative impacts to the training, readiness, morale, welfare and/or quality of life of airmen and their families directly affects the Air Force's ability to provide a safe, secure and effective deterrent to our Nation and our allies. If confirmed, I would review the existing efforts, make adjustments, if needed, and ensure sufficient resourcing and advocacy.

UNMANNED SYSTEMS

Question. What is your opinion on the manned and unmanned teaming envisioned by Skyborg and the Low-Cost Attritable Aircraft Technology (LCAAT) program?

Answer. I have not had the opportunity to review this program. In general, I support operational concepts that expand the reach and effects of our manned/unmanned capabilities. If confirmed, I look to reviewing this program and understanding its potential support to the Air Force future force design.

Question. What program is responsible for developing and fielding a Skyborg-like capability?

Answer. I do not have data to answer this question. If confirmed, I will review the DAF portfolio to determine which program is responsible for developing and fielding such capabilities.

Question. What is the timeline for fielding these aircraft?

Answer. I have not had the opportunity to review this program. If confirmed, I look to reviewing this program and understanding its potential support to the Air Force future force design.

Question. Given the amount of intelligence, surveillance, and reconnaissance (ISR) required to meet combatant commander demands, do you believe it is appropriate to shut down the production lines for the current unmanned fleet of MQ-9s and divest almost 75 percent of the RQ-4s?

Answer. I have not seen internal DAF data regarding ISR production timelines. Having served at a combatant command, I understand how dynamic ISR requirements can be. If confirmed, I will work with DAF leaders to understand the production timelines and corresponding efforts to ensure we are sufficiently satisfying ISR requirements.

Question. Do you see utility in encouraging the Military Services to conduct more joint development in the area of aircraft and unmanned systems?

Answer. I understand joint acquisition programs have the potential to offer benefits in limited instances. If confirmed, I will work with DAF leaders and service counterparts to determine the benefits to the DAF of additional joint development in the area of aircraft and unmanned systems.

CYBER

Question. In your view, how well postured are the Air Force and Space Force to meet the goals outlined in the 2018 DOD Cyber Strategy?

Answer. I do not have the data to answer this question. However, if confirmed, the DAF's contribution to joint- and service-retained cyber operations will be a priority, to include cybersecurity partnerships to safeguard defense industrial base and critical infrastructure platforms.

Question. What actions would you take, if confirmed, to remediate any gaps between Air Force and Space Force capacity and capability and Cyber Strategy goals?

Answer. To achieve our Cyber Strategy goals, the Department must be able to effectively compete in an increasingly dynamic environment. If confirmed, I will work to identify capability gaps and equip our airmen and guardians with the partners, skills, and capabilities to create decisive advantage across all domains, including cyberspace.

Question. In your view, should the composition of the Cyber Mission Force be adjusted across the National Mission Teams, Combat Mission Teams, Cyber Protection Teams, and Cyber Support Teams, to address in a better way the requirements identified in the NDS and the goals set forth in the 2018 Cyber Strategy?

Answer. I do not have the data to answer this question. If confirmed, I will work with DAF leaders to understand how our cyber forces should be best postured to meet standing cyber requirements and address emerging cyber challenges as identified in our strategic guidance documents.

Question. Are the size and capabilities of the Air Force Component of the Cyber Mission Force and Air Force cybersecurity service providers sufficient to meet current and future cyber and information warfare requirements?

Answer. I do not have information to assess whether these capabilities are right-sized. If confirmed, I will work with DAF cyber leaders to ensure we are providing adequate capacity and capability to satisfy our cyber mission requirements.

Question. In your view, should the Air Force expand acceptable professional qualifications for its cyber workforce to include non-traditional professional credentialing and schooling from so-called technology boot camps and massive online open courses (MOOCs) as an alternative to traditional education, provided candidates meet the necessary technical standards?

Answer. If confirmed, I would need to understand how pursuing such opportunities contributes to DAF operational capabilities, expertise, and readiness before committing to such a path. In general, I would support exploring options to incorporate industry and commercial training to supplement service-provided baseline technical training, if doing so enhances mission readiness.

Question. If confirmed, what would you do to enhance Air Force and Space Force information dominance capabilities?

Answer. Information dominance underpins the Air Force and Space Force's ability to execute its core missions. The Department of the Air Force must consider the interconnectedness of systems, the need for actionable information at decision points, and barriers to the effective sharing of information with joint, allied, and coalition partners. Information dominance will especially be critical against near-peer competitor and in contested environments. If confirmed, I will strive to leverage partnerships and shared objectives to ensure the DAF has high-priority information systems that meet our national security priorities.

Question. If confirmed, what would you do to improve military cybersecurity career pathways to meet the present and future needs of the Air Force and U.S. Cyber Command?

Answer. As a starting point, I would engage with DAF cyber leaders to understand where they see opportunities to improve military cybersecurity pathways across the Total Force. If confirmed, I support identifying ways to broaden and deepen our cybersecurity expertise within the ranks, and partnerships with the private sector and academia may be opportunities to do so. Additionally, I would work to ensure we were better able to recruit and retain top cyber talent potentially through cybersecurity development opportunities, incentives, or some combination thereof.

Question. Section 1657 of the Fiscal Year 2020 NDAA directed the appointment of an independent Principal Cyber Advisor (PCA) for each Military Department, to act as the principal advisor to the Secretary concerned on all cyber matters affecting that Department.

What do you see as the role of this position in the Air Force?

Answer. If confirmed, I expect the PCA will provide the Secretary of the Air Force and DAF service leaders with independent advice on all cyber matters across the full spectrum of DAF portfolios.

Question. If confirmed, how would you plan to utilize the Air Force PCA as part of your leadership structure?

Answer. If confirmed, I would follow the NDAA guidance which states the PCA will be an autonomous advisor to the SecAF, CSAF, and CSO on all cyber matters, as well as oversee and coordinate on the implementation of cyber policy and sustainment programs, and coordinate with OSD and other services' PCAs to reduce unnecessary duplication on cyber initiatives. The PCA will be responsible for the best utilization of our cyber operations workforce, capabilities, and enterprise IT framework.

Question. What are Air Force's top three (3) Cyber Challenges, and how will you use the Principal Cyber Advisor to address them?

Answer. I do not have sufficient data to make an assessment of the Air Force's top three cyber challenges. However, I see value in the PCA assessing the DAF's overall cyber readiness, evaluating our ability to protect legacy weapons systems from cyber attacks, and helping to prioritize DAF efforts to support joint and combined cyber operations. With the PCA's help, if confirmed, I intend to strengthen the Department's efforts to defend the DAF enterprise by ensuring the Total Force practices cyber vigilance to minimize vulnerabilities and assure mission success.

Question. The Air Force merged the 24th and 25th Air Forces to better integrate cyber effects, ISR, electronic warfare operations, and information operations. In your view, has the merger yielded the expected benefits? Q184. What challenges has the Air Force experienced in the context of this merger and how would you address those challenges, if confirmed?

Answer. I do not have enough information to assess if the merger and creation of 16th Air Force has yielded the expected outcomes established at the onset. If confirmed, I will work with DAF leaders to understand the operational benefits and disadvantages, expected and unforeseen, based on this approach.

ELECTRONIC WARFARE (EW)

Question. What is your vision for the future of Air Force EW capabilities?

Answer. Electronic warfare is a critical warfighting capability and an area that warrants further investment to ensure military superiority over our competitors. If confirmed, I would work with DAF leaders to understand where enhanced electronic warfare capabilities may maximize our combat power.

Question. What is your assessment of the adequacy and efficacy of EW training that Air Force personnel receive in an Air Force environment in specific airframes?

Answer. At this time, I do not have enough information to make this assessment. However, it is my understanding that advanced technology now makes a wider range of the Electromagnetic Spectrum usable for both the Air Force and its adversaries, so it is important for the Department to train for potential conflict in this environment. If confirmed, I would ensure that Air Force personnel receive appropriate and adequate training for electronic warfare.

Question. In a joint environment with other Military Services?

Answer. I do not have sufficient information about current Air Force electronic warfare capabilities in these conditions. However, my impression from open source reporting is that there is likely room for improvement here, as well.

SPECTRUM

Question. Electromagnetic spectrum plays a critical role in many DOD missions. In what ways do the Air Force and Space Force rely on spectrum to support warfighter requirements?

Answer. I have not been fully briefed on the ways the Air Force and Space Force rely on spectrum to support warfighter requirements, though I generally understand that reliance is extensive. If confirmed, I will advocate for the development, acquisition, and collaboration required to ensure that the Department's spectrum-dependent systems support strategic competition worldwide.

Question. In your view, which warfighter spectrum requirements will be essential to competing with Russia and China on a future battlefield?

Answer. I do not have enough information to make this assessment. I will review current DAF spectrum requirements to assess their adequacy and make appropriate recommendations.

Question. In testimony before the House Armed Services Committee in February 2020, Secretary of Defense Esper stated that DOD is willing to share spectrum with 5G networks in the "Mid-Band" (3 to 4.2 gigahertz). What Air Force systems might be affected by this "sharing" and how could "sharing" affect homeland defense, in your view?

Answer. I do not have enough information to answer this question; however, if confirmed, I will work with DAF leaders to understand how such sharing could affect the efficacy and readiness of Air Force systems and homeland defense.

Question. Were DOD required to "vacate" or leave the "Mid-Band" spectrum instead of sharing, what are the potential operational and dollar costs to the Air Force and Space Force, in your view?

Answer. I do not have enough information to answer this question; however, if confirmed, I will work with DAF leaders to understand how vacating this spectrum would impose operational and monetary costs on the DAF and affect our ability to execute critical missions.

Question. How long would a move to a different area of the spectrum take, in your view?

Answer. I do not have the data to determine how long a move to a different area of the spectrum would take or any resultant operational capability gaps during and as a result of that transition. If confirmed, I will work with relevant stakeholders to ensure Department equities are protected, and any costs associated with spectrum sharing are accurately identified to decision makers.

SCIENCE, TECHNOLOGY, AND INNOVATION

Question. How have the Air Force and Space Force prioritized limited research and development funding across its technology focus areas? Q194. Specifically, where are the Air Force and Space Force either increasing or decreasing focus and funding?

Answer. I have not had an opportunity to review how the Air Force and Space Force prioritize their research and development funding across technology focus areas. However, as a nation, we should invest in capabilities with the highest chance of success against future adversary technologies. If confirmed, I will review the current investment strategy in technology focus areas to ensure we are adequately focused on key technologies for the future fight.

Question. How would you improve efforts the Air Force and Space Force are making to identify new technologies developed commercially by the private sector and apply them to military and national security purposes?

Answer. If confirmed, I would review the Air Force and Space Force's current efforts in this regard to better understand their respective challenges and opportunities with doing so. In general, I am supportive of streamlining the process to identify and incorporate commercially developed technologies based on potential cost savings and getting much needed capabilities into the hands of the warfighters.

Question. How would you work to increase investments in research infrastructure through Air Force MILCON investments to match growing investments in China in research infrastructure in domains such as quantum science, hypersonics, and advanced materials?

Answer. If confirmed, I would review Air Force MILCON investments to understand the current priority of projects and the status of research infrastructure projects therein. As the DAF invests in advanced technologies, it is important that we have adequate research infrastructures to support the timely development of sensitive capabilities. If confirmed, I would consider this a priority effort.

A Government Accountability Office (GAO) report (Actions Needed to Enhance Use of Laboratory Initiated Research Authority—GAO-19-64) has noted that the Air Force Research Laboratory is not fully using authorities provided to it by Congress to support research innovation.

Question. If confirmed, how would you lead the Air Force in responding to GAO's recommendation in this report?

Answer. I do not have enough information to answer this question. If confirmed, I would work with DAF leaders to understand which authorities are and are not being fully utilized by the Air Force Research Laboratory to support research innovation, and why that is the case. Based on that review, I would be better positioned to recommend a way forward.

Question. If confirmed, how would you ensure that the limited Air Force science and technology budget is used for genuine science and technology technical challenges, and not to support more mature prototyping and development activities more appropriately addressed with other Air Force RDTE resources?

Answer. If confirmed, I will work with DAF leaders to review how the Air Force science and technology budget funds science and technology technical challenges, to ensure activities meet the requirements for why the monies were initially appropriated.

Question. In your view, would the Air Force benefit from authorities that enable it to make use of expert foreign national talent in appropriate capacities and in appropriate settings to support modernization priorities and better compete with peer adversaries?

Answer. I understand that the Department of the Air Force Science and Technology Strategy calls for enhanced recruitment of national and global talent to deepen and expand the scientific and technical enterprise. If confirmed, I will work with Department leaders to understand the challenges of recruiting foreign nationals, namely university students, and devise strategies to ensure that the Department of Air Force has access to the best talent, while protecting sensitive and classified information and technologies from competitors and potential adversaries who attempt to exploit such recruits.

Question. What incentives should the Air Force provide to universities and researchers to develop domestic technical talent and counter opportunities for researchers in critical fields being offered by peer adversaries, including China?

Answer. Developing and fostering partnerships with universities, both domestic and with allied partners, is critical to ensuring the Department creates and maintains technical talent and leading research programs for U.S. national security and economic advantage. If confirmed, I will work with DAF leaders to identify appropriate incentives that help foster domestic programs and ensure we have a robust pipeline for technical talent.

INDO-PACIFIC REGION

Question. What are the key areas in which the Air Force must improve to provide the necessary capabilities and capacity to the Joint Force to deter Chinese aggression and, if necessary, prevail in a potential conflict with China?

Answer. I believe the key areas include connecting the Joint Force with joint all domain command and control, achieving space superiority, the ability to generate combat power and conduct logistics in contested environments.

Question. How would you assess the threat to Air Force forces and facilities from Chinese missile forces?

Answer. I do not presently have enough information to assess the threat, but my sense is that the threat is growing.

Question. In your assessment, have Air Force investments, posture shifts and/or new operational concepts sufficiently addressed this threat?

Answer. I do not have enough information to answer this question at this point. If confirmed, I will assess the adequacy of the efforts currently underway and work with the military leadership of the Air and Space Forces to make any necessary adjustments.

Question. In your assessment, what are the priority investments the Air Force could make that would help implement the NDS and improve the military balance in the Indo-Pacific?

Answer. I believe priority investments for the Air Force in the Indo-Pacific include those that enable the Air Force to perform its key missions in a complex anti-access area denial threat environment.

Question. What is your current assessment of the risk of operational failure in a conflict with China as a result of a critical logistics failure?

Answer. I do not presently have enough information to assess the current risk. My sense is that the risk is significant. China is fielding capabilities to disrupt and attack logistics, and the geography and distances associated with operating in the Indo-Pacific pose significant logistical challenges. If confirmed, I look forward to more fully understanding the Department's current assessment of the risk posed by a critical logistics failure.

EUROPE

Question. What are the key areas in which the Air Force must improve to provide the necessary capabilities and capacity to the Joint Force to deter Russian aggression and, if necessary, prevail in a potential conflict with Russia?

Answer. I have not had the opportunity to assess the adequacy of Air and Space Force capabilities to support European combatant command and NATO operational needs. If confirmed, I will work with DAF leaders to assess the adequacy of existing and planned forces to support requirements in the region.

Question. In your view, are there investments the Air Force should prioritize for the competition with Russia below the level of direct military conflict in order to counter Russian malign influence and hybrid warfare operations?

Answer. In my view, countering Russia's hybrid tactics will require a comprehensive approach involving our allies and partners and interagency partners from across the U.S. government. The Department of the Air Force has a key role to play in this effort. If confirmed, I will work with DAF leaders to assess how our efforts are supporting a unity of effort among our interagency, our allies and partners, and the private sector in order to support a comprehensive approach.

OPERATIONAL ENERGY AND ENERGY RESILIENCE

Question. DOD defines operational energy as the energy required for training, moving, and sustaining military forces and weapons platforms for military operations, including the energy used by tactical power systems, generators, and weapons platforms. Today, DOD energy requirements are expected to increase geometrically due to technological advances in weapons systems and distributed operations over longer operating distances.

If confirmed, how would you lead the Air Force in harnessing innovations in operational energy and linking them with emerging joint operational concepts in order to reduce contested logistics vulnerabilities for warfighters?

Answer. If confirmed, advancing operational energy capability and resilience will be a high priority. The DOD fights as a Joint Force and, the Air Force, as the largest consumer of energy, must look seriously at ways to mitigate its logistical vulnerabilities to ensure that it can continue to project power. If confirmed, I would work with DAF leaders to review new and emerging concepts in aircraft and engine design as well as conventional and novel ways to power its forces.

Question. In what specific areas, if any, do you believe the Air Force needs to improve the incorporation of energy considerations and alternative energy resources into the strategic planning processes?

Answer. Having assured access to energy and water is critical to successful missions. If confirmed, I will work to enhance the energy resilience of the Department's installations and specifically to ensure they are incorporated in installation resilience plans.

I will also advocate for increased analysis of aircraft and installation energy consumption data to shape the strategic planning process and to inform future investment decisions.

Question. How can Air Force acquisition systems better address requirements related to the use of energy in military platforms to decrease risks to warfighters?

Answer. The Department's acquisition process must look at energy requirements for military platforms from the very beginning, and if confirmed, I will support the incorporation of energy considerations throughout the requirements development process and the acquisition life cycle.

Question. In your view, what steps can be taken to render energy supportability that reduces contested logistics vulnerabilities a key performance parameter in the requirements process, as compared to the "check the box" consideration it is today?

Answer. If confirmed, I will ensure that strategic energy considerations are closely analyzed for the potential operational risks they may pose, especially in a contested environment. I will work to ensure proper emphasis is placed upon energy considerations across the DAF and informed by operational data and war games to ensure energy risks are adequately captured and addressed.

Question. If confirmed, specifically how would you prioritize energy resilience and mission assurance for the Air Force, including acquiring and deploying sustainable and renewable energy assets to support mission critical functions and address known vulnerabilities?

Answer. Having assured access to energy and water is critical to successful missions. If confirmed, I will work to enhance the energy resilience of the Department's installations and specifically to ensure sustainable and renewable assets are incorporated in installation resilience plans. I will also ensure appropriate emphasis is placed on the strategic implications of energy decisions through the use of cam-

paign-level analysis of energy consumption, informed by realistic risk to supply chains to address current and future energy vulnerabilities.

ENVIRONMENT

Question. If confirmed, how would you ensure that the Air Force complies with environmental protection laws, regulations, and guidance from the Environmental Protection Agency?

Answer. If confirmed, I will ensure the Department of the Air Force has the policies and resources necessary to comply with all applicable U.S. Environmental Protection Agency laws, regulations, and guidance. This will be a top priority.

Question. What are your ideas for improving collaboration with the Department of the Interior and the U.S. Fish & Wildlife Service to find cooperative ways to ensure military readiness while protecting the environment on and around installations?

Answer. If confirmed, I will work to ensure the DAF continues to collaborate with the Department of Interior and the U.S. Fish and Wildlife Service. I would encourage the identification of mutually beneficial programs and projects that support the Department of the Air Force readiness mission and while also helping to achieve the U.S. Fish and Wildlife Service goal of species recovery on and around installations and ranges.

Question. If confirmed, how would you further efforts to identify and remediate PFOS/PFOA contamination on Air Force installations, including reserve component locations?

Answer. If confirmed, I would ensure the Department of the Air Force Environmental Cleanup Program is appropriately resourced to complete all necessary investigations in a timely fashion of potential PFAS releases at active installations, to include Reserve Component locations, through the Comprehensive Environmental Response, Compensation, and Liability Act.

Question. If confirmed, what would be your approach to addressing the health concerns of servicemembers and their families regarding alleged exposures to potentially harmful contaminants on Air Force installations and in the context of performing military duties?

Answer. If confirmed, the health and welfare of the Department's members and their families will consistently be a top priority, and I will ensure that reported health concerns are investigated and addressed as quickly as possible.

READINESS AND RESOURCE IMPACTS FROM EXTREME WEATHER

Question. In 2017, three hurricanes resulted in over \$1.3 billion in damage to military installations across the U.S. In 2018, extreme weather events caused roughly \$9 billion in damage at Tyndall Air Force Base, Camp Lejeune, and Offutt Air Force Base.

How would you assess the readiness and resource impacts on the Air Force from past years' extreme weather events?

Answer. Extreme weather events and effects pose continuing concerns to US national security. These can create instability and lead to conflict and unrest abroad while potentially endangering installations, stressing equipment and personnel, and negatively impacting readiness. The number and severity of extreme events in recent years is significant for both the Department of the Air Force and many communities across the nation. If confirmed I will work to ensure the Department maintains a focus on resiliency.

Question. Based on these readiness and resource impacts, would you believe it useful to incorporate more resilient designs in Air Force infrastructure?

Answer. Yes, if confirmed I will ensure the Department pursues initiatives that integrate common sense resilience practices into the infrastructure design, planning and execution processes.

Question. How can the Air Force better use existing authorities on extreme weather mitigation granted by Congress in the last few NDAA's?

Answer. I understand that severe weather and other climate change-related impacts can and will degrade the Department of the Air Force's ability to operate and train. If confirmed, I will work to develop a full understanding of the national security implications of extreme weather, utilizing an approach that includes use of authorities, impacts on operations, installations, infrastructure, and force development.

INFRASTRUCTURE CHALLENGES

Question. Non-DOD funding mechanisms such as energy savings performance contracts, utility energy savings contracts, and power purchase agreements are excellent means by which the Air Force can improve infrastructure, increase resilience,

reduced deferred maintenance, implement alternative energy resources, save taxpayer funds, and secure other benefits without upfront appropriated funds.

If confirmed, what steps would you take to streamline this process and how long would it take you to resume entering into contracts of this sort for the benefit of Air Force installations?

Answer. If confirmed, I will ensure the Department utilizes all available authorities to both save money and strengthen energy resilience. I also will look for immediate opportunities to streamline the processes and expedite solutions working with the Department of the Army, Department of the Navy, OSD, and the Department of Energy.

AUDIT

Question. What is the benefit to Air Force missions in achieving a clean audit opinion?

Answer. It is my understanding that the appropriated funding Congress has provided to the DAF has not only improved DAF financial statements, it has enabled the DAF to improve cybersecurity in multiple systems, enhance business analytics capability by having more reliable, transparent data, and supported the use of robotics to allow teams to do more without increasing headcount. The audit also allows for improvements to equipment and inventory management driving business reform within the DAF.

Question. If confirmed, what specific actions will you take or direct to help the Air Force achieve a clean audit opinion in the most efficient manner?

Answer. If confirmed, I would support the ongoing effort to assess enterprise-wide solutions that will leverage modern technology and reduce manual processes. System modernization will improve automated integration, increase compliance, and enable implementation of more effective enterprise cybersecurity. If confirmed, I will prioritize having DAF functional communities better account for mission critical assets by performing timely inventories to support mission readiness. A clean set of books supports improved reliability and timeliness in providing critical financial information to decision makers and ensures the DAF is doing everything in its power to track and spend financial resources effectively and efficiently.

Question. Do you support the Air Force investing significant resources including personnel, investments in IT modernization, and funding for audit activities and audit remediation activities in order to support the Air Force achieving a clean audit opinion in a timely fashion?

Answer. Yes. It is critical that the Department of the Air Force utilize every dollar as efficiently and effectively as possible and make informed business decisions.

Question. If confirmed, how would you hold Air Force leaders accountable and responsible to prioritize, support, and manage Air Force audit activities?

Answer. It is my understanding that the Department's financial improvement and audit remediation goals are built into 100% of senior leaders' performance assessments, setting leadership's tone from the top regarding the importance and priority of obtaining clean, reliable financial records. If confirmed, I will assess how well the Department is meeting the milestones outlined in these assessments and provide feedback.

AIR FORCE-RELATED DEFENSE INDUSTRIAL BASE

Question. How would you describe the state of the industrial base that supports Air Force programs? Q226. If confirmed, what actions would you take related to the industrial base?

Answer. The Department of the Air Force relies on a dynamic, multi-layered, and complex global industrial base to reliably acquire and support weapon systems. If confirmed, I will work with the Secretary of the Air Force and DAF leaders to continue to foster interactions with the industrial base with concepts such as digital design and engineering approaches.

Question. How should Air Force acquisition leaders consider impacts on the industrial base when addressing requirements for recapitalization or modernization of major defense weapons systems and munitions?

Answer. As I understand, Air Force program managers are required to consider the industrial base's ability to support a weapons system's lifecycle. If confirmed, I would work with DAF acquisition leaders to identify efforts, such as digital design and engineering approaches, that may yield chances to broaden the vendor base, shed antiquated designs, and provide new entrants an opportunity to deliver innovation and war winning capability.

Question. How should the Air Force use its procurement investments to support the maintenance and growth of the domestic industrial base in sectors critical for Air Force readiness and modernization plans?

Answer. I believe the Air Force should work to identify opportunities where acquisition programs can maintain and strengthen a nimble, responsive domestic industrial base. If confirmed, I will work with the Department of the Air Force acquisition leaders to consider impacts to the industrial base and its ability to meet the needs of the Air Force and Space Force.

Question. How should the Air Force use its research and manufacturing investment activities to support the maintenance and growth of the domestic industrial base in sectors critical for Air Force readiness and modernization activities?

Answer. I understand the Department of the Air Force is leveraging the Manufacturing Innovation Institutes as an effective way to support the maintenance and growth of the domestic industrial base by pulling in a large number of suppliers through public-private partnerships. If confirmed, I will work DAF leaders to review this effort and identify ways to best leverage partnership such as this one.

SEXUAL HARASSMENT IN THE CIVILIAN WORKFORCE

Question. In responding to the 2018 DOD Civilian Employee Workplace and Gender Relations survey, 17.7 percent of female and 5.8 percent of male DOD employees indicated that they had experienced sexual harassment and/or gender discrimination by “someone at work” in the 12 months prior to completing the survey.

What is your assessment of the current climate regarding sexual harassment, gender discrimination, and other harassment in civilian workforce of the Department of the Air Force?

Answer. I have not seen current DAF-internal survey responses. However, if confirmed, I will commit to working with the Secretary of the Air Force in preventing such harassment and gender discrimination from occurring and holding individuals accountable when they engage in such behavior will be a top priority. This is a leadership issue, and Department leaders must aggressively tackle these issues that threaten readiness and degrade the Department’s ability to retain top civilian talent.

Question. If confirmed, what actions would you take were you to receive or become aware of a complaint of sexual harassment, discrimination, or other harassment from a civilian employee of the Department of the Air Force?

Answer. If confirmed, I would work with the appropriate offices and officials to understand the nature of the incident(s) and the full scope of the alleged activities to ensure a fair and just review and adjudication process for the accused and accuser.

Question. Does the method for responding to complaints of harassment or discrimination in the civilian workforce of the Department of the Air Force provide appropriate care and services for victims?

Answer. I do not have information about the current methods to respond to such complaints, nor how victims receive care and services. If confirmed, I will work to make sure victims, military or civilian, are fully aware of their legal rights, avenues for reporting, and services and care to which they are entitled. I will also partner with DAF leaders to make certain that those actions are appropriate and professional.

CONGRESSIONAL OVERSIGHT

Question. 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, reports, records (including documents and electronic communications) and other information from the Department.

Do you agree, without qualification, if confirmed, and on request, to appear and testify before this Committee, its subcommittees, and other appropriate committees of Congress? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to provide this Committee, its subcommittees, other appropriate committees of Congress, and their respective staffs such witnesses and briefers, briefings, reports, records (including documents and electronic communications), and other information as may be requested of you, and to do so in a timely manner? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to consult with this Committee, its subcommittees, other appropriate committees of Congress, and their respective staffs, regarding your basis for any delay or denial in providing testi-

mony, briefings, reports, records—including documents and electronic communications, and other information requested of you? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to keep this Committee, its subcommittees, other appropriate committees of Congress, and their respective staffs apprised of new information that materially impacts the accuracy of testimony, briefings, reports, records—including documents and electronic communications, and other information you or your organization previously provided? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, and on request, to provide this Committee and its subcommittees with records and other information within their oversight jurisdiction, even absent a formal Committee request? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to respond timely to letters to, and/or inquiries and other requests of you or your organization from individual Senators who are members of this Committee? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to ensure that you and other members of your organization protect from retaliation any military member, federal employee, or contractor employee who testifies before, or communicates with this Committee, its subcommittees, and any other appropriate committee of Congress? Please answer with a simple yes or no.

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR RICK SCOTT

CIVILIAN BASE USE

1. Senator SCOTT. Ms. Jones, the Homestead Air Reserve Base (HARB) is exploring options with Miami-Dade County to permit civil use at the base. A decision to enter into a Joint Use Agreement (JUA) with Miami-Dade would fall under your supervisory responsibility if confirmed as Under Secretary of the Air Force. Are you aware of the conclusion reached by the Air Force that aviation/cargo logistics operations at HARB would be inconsistent with the 2001 Second Supplement Record of Decision (ROD) for Disposal of Portions of the Former Homestead Air Force Base (AFB), Florida?

Ms. JONES. I have not been briefed in detail on requests to permit civil use at HARB. If confirmed, I commit to reviewing any proposed actions, as well as relevant historical decisions, statutes, and interagency efforts and equities that may inform any future decision regarding HARB.

2. Senator SCOTT. Ms. Jones, what are the steps the Air Force would follow in order to arrive at a decision as to whether the 2001 ruling is still the controlling decision, or is there a possibility of another outcome that would allow for aviation/cargo logistics operations at HARB?

Ms. JONES. I have not been briefed in detail on requests to permit civil use at HARB. If confirmed, I commit to reviewing any proposed actions, as well as relevant historical decisions, statutes, and interagency efforts and equities that may inform any future decision regarding HARB.

[The nomination reference of Ms. Gina Ortiz Jones follows:]

NOMINATION REFERENCE AND REPORT

PN483

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 28, 2021.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Gina Maria Ortiz Jones, of Texas, to be Under Secretary of the Air Force, vice
Matthew P. Donovan, resigned.

_____, 2021.
(Date)

Reported by Mr. Reed _____
(Signature)

with the recommendation that the nomination be confirmed.

The nominee has agreed to respond to requests to appear and testify before any
duly constituted committee of the Senate.

[The biographical sketch of Ms. Gina Ortiz Jones, which was
transmitted to the Committee at the time the nomination was re-
ferred, follows:]

Bio
Gina Maria Ortiz Jones

Education:

- U.S. Army School of Advanced Military Studies
 - June 2012 – May 2013
 - Master of Military Art and Science
- University of Kansas
 - July 2011 – July 2012
 - MA, Global & International Studies
- U.S. Army Command & General Staff College
 - July 2011 – May 2012
 - Not a degree granting program
- Boston University
 - September 1999 – May 2003
 - BA, Economics; BA, East Asian Studies; MA, Economics

Employment Record:

List all jobs held since college including title or description of job, name of employer, location of work, and dates of employment.

- U.S. Air Force
 - Executive Officer, Air Force Information Warfare Center (Duty Location: Lackland AFB, TX)
 - May 2003 – March 2004
- U.S. Air Force
 - Student, Intelligence Officer Training Course and Combat Targeting Course (Duty Location: Goodfellow AFB, TX)
 - March 2004 – December 2004
- U.S. Air Force
 - Chief, Intelligence Operations, 18th Air Support Operations Group (Duty Location: Pope AFB, NC)
 - January 2005 – February 2006
- Booz Allen Hamilton
 - Intelligence Analyst; assigned to support U.S. Army South and 470th Military Intelligence Brigade operations in Central and South America (Duty Location: Fort Sam Houston, Texas)
 - March 2006 – August 2008

- Defense Intelligence Agency (DIA)
 - Chief, Horn of Africa & South Team within U.S. Africa Command J2, Special Analysis Branch (Duty Location: Kelley Barracks, Stuttgart, Germany)
 - September 2008 – July 2011
- DIA
 - Interagency Student, U.S. Army Command & General Staff College and the U.S. Army School of Advanced Military Studies (Duty Location: Fort Leavenworth, KS)
 - July 2011 – May 2013
- DIA
 - Senior Strategic Planner (Duty Location: DIA HQ, Bolling AFB, Washington, DC)
 - July 2013 – June 2014
- DIA
 - Special Advisor to the Office of the Deputy Director (Duty Location: DIA HQ, Bolling AFB, Washington, DC)
 - June 2014 – December 2015
- DIA
 - Intelligence Community Senior Advisor (Duty Location: Office of the U.S. Trade Representative (USTR), Washington, DC)
 - Detailed from the Intelligence Community to the Interagency Trade Enforcement Center housed at USTR
 - March 2016 – October 2016
- USTR
 - Director for Investment; led the Committee on Foreign Investment in the United States portfolio (Duty Location: USTR, Washington, DC)
 - October 2016 – June 2017
- New Politics Leadership Academy
 - Senior Fellow (Duty Location: San Antonio, Texas; worked remotely)
 - January 2019 – April 2019

Honors and Awards:

- Military Awards
 - Meritorious Service Medal

- Iraq Campaign Medal with 1 Bronze Service Star
- Air Force Expeditionary Service Ribbon with Gold Border
- Air Force Commendation Medal
- Army Commendation Medal
- Global War on Terrorism Medal
- 18th Air Support Operations Group Intelligence Company Grade Officer of the Year
- Air Force Achievement Medal
- Air Force Training Ribbon
- National Defense Service Ribbon
- Federal Civilian Awards
 - Federal Career Service Pin, with Certificate of Service (10 Years)
- Other Awards
 - Recognized by the National League of Cities LGBT Local Elected Officials for Outstanding Local Leadership
 - American Council on Germany Young Leaders Program
 - Pillar of Responsibility, Northside Independent School District, San Antonio, TX
 - Council on Foreign Relations Term Member

[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. Gina Ortiz Jones in connection with her nomination follows:]

117th CONGRESS, 2020 -- 2021
UNITED STATES SENATE
COMMITTEE ON ARMED SERVICES
ROOM SR-228
WASHINGTON, D.C. 20510-6050
(202) 224-3871

COMMITTEE ON ARMED SERVICES QUESTIONNAIRE
INFORMATION REQUESTED OF CIVILIAN NOMINEES

INSTRUCTIONS TO THE NOMINEE: Answer all questions and provide all requested information. If more space is needed, attach an additional sheet of paper to the Questionnaire and cite the part of the Questionnaire and the question number (e.g., A-9, B-4) to which the continuation of your answer applies. Unless otherwise required, an answer of “yes”, “no”, or “not applicable” is appropriate.

QUESTIONNAIRE, PART A

NOTE: Information furnished in this part of the Questionnaire will be made available in Committee offices for public inspection prior to the hearing, if any, and will be entered in the hearing record, also available to the public.

BIOGRAPHICAL INFORMATION TO BE MADE PUBLIC

1. Name (Include any former names you have used): Gina Maria Ortiz Jones
2. Position to which nominated: Under Secretary of the Air Force
3. Date of nomination: April 28, 2021
4. Education (List names of secondary and higher education institution attended, type of school [vocational, technical, trade school, college, university, military college, correspondence, distance, extension, and on-line], dates attended, degree received, and date degree granted):
 - U.S. Army School of Advanced Military Studies
 - June 2012 – May 2013
 - Master of Military Art and Science

- University of Kansas
 - July 2011 – July 2012
 - MA, Global & International Studies
 - U.S. Army Command & General Staff College
 - July 2011 – May 2012
 - Not a degree granting program
 - Boston University
 - September 1999 – May 2003
 - BA, Economics; BA, East Asian Studies; MA, Economics
5. **Employment record (List all jobs held since college, or in the last 10 years, whichever is less, including the title or description of the job, name of employer, location of work, and dates of employment. If the employment activity was military duty, show each change of military duty station as a separate period of employment):**
- Defense Intelligence Agency (DIA)
 - Chief, Horn of Africa & South Team within U.S. Africa Command J2, Special Analysis Branch (Duty Location: Kelley Barracks, Stuttgart, Germany)
 - September 2008 – July 2011
 - DIA
 - Interagency Student, U.S. Army Command & General Staff College and the U.S. Army School of Advanced Military Studies (Duty Location: Fort Leavenworth, KS)
 - July 2011 – May 2013
 - DIA
 - Senior Strategic Planner (Duty Location: DIA HQ, Bolling AFB, Washington, DC)

- July 2013 – June 2014
- DIA
 - Special Advisor to the Office of the Deputy Director (Duty Location: DIA HQ, Bolling AFB, Washington, DC)
 - June 2014 – December 2015
- DIA
 - Intelligence Community Senior Advisor (Duty Location: Office of the U.S. Trade Representative (USTR), Washington, DC)
 - Detailed from the Intelligence Community to the Interagency Trade Enforcement Center housed at USTR
 - March 2016 – October 2016
- USTR
 - Director for Investment; led the Committee on Foreign Investment in the United States portfolio (Duty Location: USTR, Washington, DC)
 - October 2016 – June 2017
- New Politics Leadership Academy
 - Senior Fellow (Duty Location: San Antonio, Texas; worked remotely)
 - January 2019 – April 2019
- 6. **Government experience (List any advisory, consultative, honorary, and other part-time service or positions with Federal, State, or local governments, other than those listed in response to question 5, above):**
Not applicable
- 7. **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, and of any educational or other institution): Not applicable

8. **Memberships (List all memberships and offices that you currently hold, as well as any memberships and offices you have previously held in professional, fraternal, scholarly, civic, business, charitable and other organizations):**

Organization	Position	Dates
Council on Foreign Relations	Term Member	2014-2019
Truman National Security Project	Member, Defense Council	2016-2018
American Council on Germany	Young Leader Program	2016
Foundation for Defense of Democracies	National Security Fellow	2016
The Foreign Policy Initiative	Future Leaders Program	2015-2016
Atlantic Council	Member, Next Generation Working Group	2015
Atlantic Council	Member, 2014 NATO Emerging Leaders Working Group	2014
Leadership Through Service Scholarship	Founder/Funder	2013-Present

9. **Political affiliations and activities:**

- a. **If you have ever been a candidate for, or have been elected or appointed to a political office, list the name of the office(s); whether you were a candidate/elected/appointed; the year(s) during which you were a candidate, or in which the election was held or the appointment was made; and the term of office (if applicable): Democratic Nominee, Texas's 23rd Congressional District (2018, 2020)**

- b. List all memberships and offices held in, and services rendered to, all political parties or election committees during the last 5 years: Not applicable
 - c. Itemize all individual political contributions of \$100 or more to any individual, campaign organization, political party, political action committee, or similar entity during the past 5 years. List each individual contribution (not the total amount contributed to the person or entity) over this period: Not applicable
10. Honors and awards (List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognition received for outstanding service or achievements):
- Military Awards
 - Meritorious Service Medal
 - Iraq Campaign Medal with 1 Bronze Service Star
 - Air Force Expeditionary Service Ribbon with Gold Border
 - Air Force Commendation Medal
 - Army Commendation Medal
 - Global War on Terrorism Medal
 - 18th Air Support Operations Group Intelligence Company Grade Officer of the Year
 - Air Force Achievement Medal
 - Air Force Training Ribbon
 - National Defense Service Ribbon
 - Federal Civilian Awards
 - Federal Career Service Pin, with Certificate of Service (10 Years)
 - Other Awards
 - Recognized by the National League of Cities LGBT Local Elected Officials for Outstanding Local Leadership
 - American Council on Germany Young Leaders Program
 - Pillar of Responsibility, Northside Independent School District, San Antonio, TX
 - Council on Foreign Relations Term Member

11. **Published writings (List the titles, publishers, and dates of books, articles, reports, or other published materials that you have written or for which you served as co-author or editor, including articles and blogs published on the internet):**

Title	Publisher	Dates	Notes
White Supremacy is a National Security Threat (op-ed)	San Antonio Express News	2017	URL: https://www.mysanantonio.com/opinion/commentary/article/White-supremacy-is-a-national-security-threat-11953657.php
Through a New Prism: A Next Generation Strategy for the US-German Relationship (report)	Atlantic Council	2015	Multiple authors URL: https://www.atlanticcouncil.org/wp-content/uploads/2015/06/US_Germany_Next_Generation_Report_webfinal_2.pdf
NATO At A Crossroads: Enhancing NATO's Credibility, Cohesion, and Capabilities for the Next Generation (report)	Atlantic Council	2014	Multiple authors URL: https://www.atlanticcouncil.org/wp-content/uploads/2014/06/20140610_nelwg-enhancing-nato-credibility.pdf
Female Engagement Teams: Making the Case for Institutionalization Based on U.S. Security Objectives in Africa (monograph)	U.S. Army School of Advanced Military Studies	2013	Monograph to satisfy requirements for the U.S. Army School of Advanced Military Studies URL: https://cgsc.contentdm.oclc.org/digital/collection/p4013coll3/id/3020/

12. Speeches (Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years—of which you have copies—in which you addressed matters relevant to the position to which you have been nominated). Not applicable

COMMITMENTS IN FURTHERANCE OF CONGRESSIONAL OVERSIGHT

NOTE: In order to exercise their legislative and oversight responsibilities, it is important that this Committee, its subcommittees, and other appropriate committees of Congress timely receive testimony, briefings, reports, records—including documents and electronic communications, and other information from the executive branch. A simple “yes” or “no” response is appropriate.


13. Do you agree, if confirmed, and on request, to appear and testify before this Committee, its subcommittees, and other appropriate Committees of Congress? Yes
14. Do you agree, if confirmed, to provide this Committee, its subcommittees, other appropriate Committees of Congress, and their respective staffs such witnesses and briefers, briefings, reports, records—including documents and electronic communications, and other information, as may be requested of you, and to do so timely? Yes
15. Do you agree, if confirmed, to consult with this Committee, its subcommittees, other appropriate Committees of Congress, and their respective staffs, regarding your basis for any delay or denial in providing testimony, briefings, reports, records—including documents and electronic communications, and other information requested of you? Yes
16. Do you agree, if confirmed, to keep this Committee, its subcommittees, other appropriate Committees of Congress, and their respective staffs apprised of new information that materially impacts the accuracy of testimony, briefings, reports, records—including documents and electronic communications, and other information you or your organization previously provided? Yes
17. Do you agree, if confirmed, and on request, to provide this Committee and its subcommittees with records and other information within their oversight jurisdiction, even absent a formal Committee request? Yes
18. Do you agree, if confirmed, to respond timely to letters to, and/or inquiries and other requests of you or your organization from individual Senators who are members of this Committee? Yes

19. Do you agree, if confirmed, to ensure that you and other members of your organization protect from retaliation any military member, federal employee, or contractor employee who testifies before, or communicates with this Committee, its subcommittees, and any other appropriate committee of Congress? 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 Parts A and B of the foregoing Senate Armed Services Committee Questionnaire, and that the information provided therein and in any document appended thereto, is, to the best of my knowledge and belief, current, accurate, and complete.



This 2nd day of June, 2021

[The nomination of Ms. Gina Ortiz Jones was reported to the Senate by Chairman Reed on June 22, 2021, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 22, 2021.]

[Prepared questions submitted to Dr. Ely S. Ratner by Chairman Reed prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES, QUALIFICATIONS, CHALLENGES, PRIORITIES

Question. What is your understanding of the duties and functions of the ASD(IPSA)?

Answer. The Assistant Secretary of Defense for Indo-Pacific Security Affairs (ASD(IPSA)) serves as the principal advisor to the Under Secretary of Defense for Policy (USD(P)) and the Secretary of Defense on international security strategy and policy on issues of DOD interest that relate to the nations and international organizations of the Indo-Pacific region, their governments and defense establishments, and for oversight of security cooperation programs, including Foreign Military Sales. As provided by DOD Directive 5111.17, the ASD(IPSA) is responsible for conducting and managing day-to-day defense relations with foreign governments; developing, coordinating, and overseeing the implementation of regional security and defense strategy and policy; representing the USD(P) and Secretary of Defense in inter-agency policy discussions; participating in planning, budgeting, and execution activities; and other duties USD(P) or the Secretary of Defense may prescribe.

Question. What background, experience, and expertise do you possess that qualify you to serve as the Assistant Secretary of Defense for Indo-Pacific Security Affairs (ASD(IPSA))?

Answer. I was trained as an international security specialist, with a PhD from the University of California, Berkeley, during which time I also had the opportunity to live and study in the People's Republic of China. Since graduate school, I have traveled extensively throughout the region and worked on Indo-Pacific security issues at leading think tanks, including as an associate Political Scientist at the RAND Corporation, as a senior fellow for China studies at the Council on Foreign Relations, and as a senior fellow and executive at the Center for a New American Security. In this latter role, I led the major study on United States strategy in the Indo-Pacific region required by the National Defense Authorization Act for Fiscal Year 2019, entitled "Rising to the China Challenge: Renewing American Competitiveness in the Indo-Pacific." I have also had the honor of serving in government, including in the U.S. Senate in the office of then-Senator Joe Biden and as a Professional Staff Member on the Senate Foreign Relations Committee, at the State Department in the Office of Chinese and Mongolian Affairs in the Bureau of East Asian and Pacific Affairs, and in the Office of the then-Vice President, where I served as the Deputy National Security Advisor to Vice President Biden and regularly participated in National Security Council Deputies Committee meetings on the full range of Indo-Pacific issues. Currently, I am serving as a Special Assistant to the Secretary of Defense and the Director of the DOD China Task Force.

Question. Specifically what leadership and management experience do you possess that you would apply to your service as ASD(IPSA), if confirmed?

Answer. I have held leadership and management positions inside and outside of government. As the Executive Vice President and Director of Studies at the Center for a New American Security (CNAS), I was the second-ranking member of a three-person executive team guiding the Center's strategic direction, managing staff and personnel issues, and overseeing financing and budgets. There I was directly responsible for managing the Center's research agenda, publications, and research staff, as well as the CNAS communications team. As then-Vice President Biden's Deputy National Security Advisor, I helped to manage the Vice President's national security staff and day-to-day operations, while regularly representing the Office of the Vice President in Deputies Committee meetings and staffing the Vice President for foreign leader meetings and calls, interagency meetings, foreign travel, and speeches. I am currently serving as Director of the DOD China Task Force, reporting directly to the Secretary and leading a team from across the Department in a four-month sprint to assess China-related activities at DOD and provide the Secretary with recommendations for top priorities going forward.

Question. If confirmed, what additional duties and responsibilities would you recommend the Under Secretary of Defense for Policy (USD(P)) to prescribe for you, particularly in light of the pending modification of the National Defense Strategy and global force posture?

Answer. If confirmed, I would expect to serve as the principal advisor to the USD(P) and the Secretary of Defense on international security strategy and policy on issues of DOD interest that relate to the Indo-Pacific region. In addition, I would consult with the USD(P) to determine in what ways I could best support the development and implementation of Department reviews, including the Global Posture Review and the National Defense Strategy. I would also consult with the USD(P) on how I could best support the implementation of China Task Force recommendations as directed by the Secretary of Defense.

Question. In your view, what are the major challenges that will confront the next ASD(IPSA) and, if confirmed, what plans do you have for addressing these challenges?

Answer. The major challenges that will confront the next ASD(IPSA) include: completing a safe and orderly retrograde and supporting long-term stability and counterterrorism operations in Afghanistan; advancing the United States Government's vision for a free and open Indo-Pacific region; accelerating efforts at DOD for competition with China, including the implementation of the China Task Force recommendations; strengthening capabilities to deter, defend against, and respond to North Korean threats; and building a strong, effective policy team in the office of the ASD(IPSA). If confirmed, in each instance, I would prioritize these challenges and assess current policies and approaches, engage in relevant DOD and interagency policy reviews, strengthen ties with allies and partners, work closely with Congress and counterparts in other departments, and support government-wide approaches to these challenges.

CIVILIAN CONTROL OF THE MILITARY

Question. In its 2018 report, *Providing for the Common Defense*, the National Defense Strategy Commission observed, "there is an imbalance in civil-military relations on critical issues . . . Civilian voices appear relatively muted on issues at the center of U.S. defense and national security policy." Do you agree with this assessment?

Answer. It is essential to reestablish proper civil-military balance at the Department of Defense. I am aware of serious concerns regarding instances of imbalance in civil-military relations on critical issues at DOD. If confirmed, I will make it a priority to ensure we are correcting any imbalances in civil-military relations.

Question. If confirmed, what concrete steps would you take to correct this imbalance in civil-military relations?

Answer. Correcting imbalances in civil-military relations will require leadership, a healthy workforce, and strong initiative in the Office of the Secretary of Defense. If confirmed, I will fully carry out the responsibilities of the ASD(IPSA), including conducting and managing day-to-day defense relations with foreign governments; developing, coordinating, and overseeing the implementation of regional security and defense strategy and policy; representing the USD(P) and Secretary of Defense in interagency policy discussions; and participating in planning, budgeting, and execution activities. I will also work hard to build strong collaborative relationships with my military counterparts, and advocate for the appropriate staffing levels for

the office of the ASD(IPSA) to perform the required civilian oversight of the military.

Question. If confirmed, how would you use your position to contribute to the discussion, debate, and resolution of core U.S. defense and national security issues?

Answer. If confirmed, I will fully carry out the responsibilities of the ASD(IPSA), including conducting and managing day-to-day defense relations with foreign governments; developing, coordinating, and overseeing the implementation of regional security and defense strategy and policy; representing the USD(P) and Secretary of Defense in interagency policy discussions; and participating in planning, budgeting, and execution activities. I will also play an active role in major Department of Defense reviews and in the interagency process.

Question. The National Defense Strategy Commission report notes, “allocating priority—and allocating forces—across theaters of warfare is not solely a military matter. It is an inherently political-military task, decision authority for which is the proper competency and responsibility of America’s civilian leaders.” What is your view of the role of DOD civilian leadership, as compared to the role of the military, in the formulation of strategy and contingency planning in the Indo-Pacific area of responsibility?

Answer. For the Indo-Pacific area of responsibility, the ASD(IPSA) is charged with developing, coordinating, and overseeing the implementation of regional security and defense strategy and policy in the region. This includes providing policy guidance, objectives, and end-states for strategy and contingency plans. The Department’s military leadership also plays a critical role in strategy development and contingency planning, providing operational expertise and military advice. Together, a balanced civil-military relationship is essential to leveraging both sets of capabilities.

Question. In your view, how important is it to have robust civilian oversight of the development and implementation of defense strategy as well as reviewing campaign and contingency plans? Please explain your answer.

Answer. Civilian control of the military is an essential feature of our democracy, and it is vital to have robust civilian oversight of the development and implementation of defense strategy, as well as reviewing campaign and contingency plans. I am encouraged that President Biden and Secretary Austin share that view. For the Indo-Pacific area of responsibility, the ASD(IPSA) is charged with developing, coordinating, and overseeing the implementation of regional security and defense strategy and policy in the region. This includes providing policy guidance, objectives, and end-states for campaign and contingency plans. If confirmed, I would remain committed to fulfilling these critical civilian policymaking responsibilities.

Question. In your view, would an increase in the number of personnel assigned to the Office of the ASD(IPSA) enhance civilian control of the military? Please explain your answer.

Answer. I understand that OSD Policy’s civilian workforce has shrunk as a result of mandatory headquarters cuts over the past decade, although I have not had the opportunity to assess the personnel requirements in the Office of the ASD(IPSA). If confirmed, I will make it a priority to review current staffing levels and, if necessary, seek additional personnel to ensure the Office of the ASD(IPSA) can effectively perform its civilian policymaking and oversight responsibilities.

RELATIONS WITH CONGRESS

Question. What are your views on the state of the relationship between the Office of the ASD(IPSA) and the Senate Armed Services Committee in particular, and with Congress in general?

Answer. I have not had the opportunity to assess the state of the relationship between the Office of the ASD(IPSA) and the Senate Armed Services Committee in particular, and with Congress in general. If confirmed, I will make it a priority to engage regularly in furthering these critical relationships.

Question. If confirmed, what actions would you take to sustain a productive and mutually beneficial relationship between Congress and your office?

Answer. The Senate Armed Services Committee and the Congress provide important oversight for U.S. policies, programs, and activities in the Indo-Pacific. If confirmed, I will work with the ASD for Legislative Affairs to engage the Committee and Congress regularly to ensure a transparent and effective relationship on all issues within the purview of the ASD(IPSA), in addition to providing testimony, briefings, reports, and other information to help the Committee fulfill its oversight and legislative responsibilities.

NATIONAL DEFENSE STRATEGY

Question. The 2018 National Defense Strategy (NDS) outlines that the United States faces a rising China, an aggressive Russia, and the continued threat from rogue regimes and global terrorism. Do you believe that the 2018 NDS accurately assesses the current strategic environment, including the most critical and enduring threats to the national security of the United States and its allies generally, and more specifically in the Indo-Pacific region?

Answer. I believe that the 2018 NDS accurately characterizes the strategic environment faced by the United States and its allies, and highlights concerning developments in the Indo-Pacific region. I agree with the Secretary of Defense that China represents the top pacing challenge for the Department, particularly given its accelerating military modernization and aggressive activities. Further, our national security interests in the region remain challenged by North Korea's destabilizing activities. More broadly, Russia and Iran continue to constitute enduring and advanced national security challenges. Given these threats, the Department must work to check the continued erosion of U.S. military advantages in relation to its primary strategic competitors.

Question. In your opinion, what developments since 2018 need to be addressed as part of a new NDS?

Answer. In its development of a new NDS, the Department will need to consider a number of emerging threats and geopolitical challenges, namely our expanding strategic competition with China, a rapidly evolving technological landscape, and critical transnational threats, including COVID-19 and climate change. In the Indo-Pacific region, the new NDS must consider the decisions and trade-offs faced by the Department as it addresses escalating Chinese aggression and extensive military modernization.

Question. If confirmed, what changes or adjustments would you recommend for the Department of Defense's (DOD) implementation of the NDS?

Answer. If confirmed, I would recommend that strategy implementation, oversight, and accountability be included as a critical component of the NDS. Further, I believe that NDS implementation should consider how Departmental efforts can be synchronized with those of other departments and agencies and our allies and partners, so that we can more effectively leverage all elements of U.S. national power for strategic competition.

Question. What is your understanding of the Department of Defense's processes for strategic assessment, analysis, decision making, and reporting for the development and implementation of the NDS?

Answer. I understand the Secretary of Defense and the Deputy Secretary have put in place robust assessment and analytical processes to support the development and implementation of the NDS.

Question. If confirmed, what recommendations would you make, if any, to improve the Department's processes for strategic assessment, analysis, policy formulation, and decision making?

Answer. If confirmed, I would strongly advocate and support efforts in the Department to rebuild and strengthen the Department's core analytic capabilities and capacities that support strategic assessments, policy formulation, analysis, concept development, and capability investments; and critically, I would work to ensure linkages to the policy-making process. The challenges that DOD faces—particularly related to pacing with China—must be informed by rigorous analytic work, especially at the joint and Department-wide level. The Department needs to strengthen its quantitative analysis capabilities with modeling and simulation, experimentation, and exercises—informed by enterprise-wide improvements in data collection and knowledge management. If confirmed, I will work with my colleagues across the Department to advocate to strengthen DOD's core analytic capabilities.

Question. In your opinion, should the NDS be budget-driven or budget-informed and what do you see as the key differences in those two approaches?

Answer. The NDS should be budget-informed rather than budget-driven. A budget-driven strategy puts spending priorities ahead of strategic interests and national security imperatives, whereas a budget-informed strategy takes spending constraints into account while focusing on securing our strategic interests and national security needs. Reconciling our national military priorities with the expected level of DOD resourcing is critical, but we must begin with and retain a clear-eyed focus on the capability investments, internal reforms, and strategy necessary to deter our strategic competitors.

Question. In your view, how does the Joint Warfighting Concept currently under development relate to the NDS?

Answer. In its formulation of the next NDS, the Department should carefully consider the trends of future warfare as described in the Joint Warfighting Concept. The Joint Warfighting Concept is critical for understanding how the future force may be employed during a conflict and for informing joint warfighting development priorities, such as command and control, fires, logistics, and information advantage. In doing so, the Department can more effectively outline the strategic and political objectives that we expect the Joint Force to achieve in the NDS.

Question. In your opinion, should there be what are the differences in the Joint Operational Concept as it addresses the threat from Russia and the Joint Operational Concept as it addresses the threat from China?

Answer. I believe that it is important that the Joint Warfighting Concept and its supporting concepts recognize and address the differentiated threats from Russia and China, and align with a theory of victory for achieving our strategic and political objectives for potential conflicts in each theater. A Joint Warfighting Concept describes how our future force may be employed during a conflict and informs force development priorities, and should be grounded in analysis of the specific operational challenges unique to each adversary and theater. That said, there is substantial common ground in our approach to each threat, and I understand that resilience in our basic systems provides warfighting options across all domains and against all opponents.

Question. Do you believe it is also important for the Department to develop a Joint Concept for Competition? If so, why, and what kind of role would you envision for the U.S. Armed Forces in that concept?

Answer. I believe the Joint Force would benefit from a Concept for Competition that provides a framework for military activities throughout the competitive space, sets priorities, and delineates roles and responsibilities for the Department. Our adversaries have studied our military strengths and way of war and seek to challenge us outside the traditional scope of our Joint Force. We must acknowledge that preparing and posturing for armed conflict, alone, are insufficient to meet the Department's comprehensive national security responsibilities. A Joint Concept for Competition could seek to establish a common understanding and lexicon across the Department for strategic competition to further align the effort. It would also offer the Joint Force a framework for aligning its competitive strategies in synchronization with and in support of those of interagency and international partners.

FORCE POSTURE

Question. In February, President Biden tasked Secretary Austin to conduct a Global Force Posture review of the Department's military footprint, resources, strategy, and missions.

If confirmed, what would be your role in the Global Force Posture Review?

Answer. I understand that the ASD(IPSA) has been closely involved in providing regional, allied, and partner perspectives in the Global Posture Review. If confirmed, I look forward to continuing and deepening that close collaboration.

Question. In your view, is the current United States force posture in the Indo-Pacific region sufficient to support our security strategy in the region?

Answer. A more resilient and distributed force posture in the Indo-Pacific region is essential to maintaining the United States military's ability to deter and, if necessary, deny adversary aggression against the United States, U.S. Forces, allies, and partners. If confirmed, I will work with civilian leadership, U.S. Indo-Pacific Command, the Military Departments and Services, and other U.S. departments and agencies to ensure that our Indo-Pacific region posture is optimized to deter aggression, reassure allies and partners, and prevail in conflict.

Question. How would you restructure United States security posture in the Indo-Pacific best to compete with China, reassure allies and partners, and deter Chinese aggression? Please explain your answer.

Answer. China's military modernization poses significant challenges to our traditional posture and operations. If confirmed, I will work with U.S. stakeholders and with partners and allies as we seek to optimize toward a more resilient and distributed posture in the region. The ongoing Global Posture Review will provide critical insights for how best to posture our forces in support of our strategic objectives.

Question. What is your understanding and assessment of the relative cost and benefits of the permanent versus rotational forces forward stationed in the Indo-Pacific?

Answer. The proper balance between permanently stationed and rotational forces varies from region to region and Service to Service depending on a number of factors, including relationships with the host nation, access to advanced training, and host nation cost-sharing. If confirmed, I will review force stationing decisions based

on the specifics of each case and the dynamic security environment. I am committed to ensuring a more resilient and distributed posture in the Indo-Pacific region.

Question. In your opinion, what should be the highest priority military capabilities and capacities in the Indo-Pacific that would most directly contribute to deterrence of aggressive behavior that could lead to miscalculation and potential conflict?

Answer. Investments in specific military capabilities and capacities for the Indo-Pacific region that directly contribute to deterrence should be intelligence-informed, linked to joint operational concepts, and supported by analysis of the range of operational problems presented by the adversary across the spectrum of conflict. In my opinion, the mix of relevant capabilities and capacities would include, but not be limited to, long-range strike, multi-domain intelligence, surveillance, and reconnaissance (ISR), undersea warfare, autonomous systems, resilient communications, and a more distributed and resilient forward force posture.

Question. What do you view as the gaps between these highest priority capabilities and capacities and what exists today?

Answer. In my view, the high priority capabilities, such as long-range strike, multi-domain ISR, undersea warfare, autonomous systems, resilient communications, and a more distributed and resilient forward force posture, are reflected in the President's recent budget submission, which is the Administration's first step toward resourcing these gaps. Further development of the Joint Warfighting Concept and associated experimentation should yield additional insights into high priority capabilities and potential gaps.

Question. If confirmed, what steps would you take to bridge these gaps?

Answer. If confirmed, I will be a strong advocate within DOD for investments in military capabilities and capacities that are directly relevant to deterring aggression in the Indo-Pacific region. I would also advocate for accelerated development of new operational concepts tied to mission-level experimentation.

Question. In your assessment, does DOD need to invest in a wider range of primary bases as well as alternate operating locations throughout the Indo-Pacific?

Answer. I believe that a combat-credible forward posture is necessary to the U.S. military's ability to deter, and, if necessary, deny a fait accompli scenario. I believe DOD must take a comprehensive approach to addressing this challenge, including forward-basing and forward-postured U.S. Forces, as well as new operational concepts, modernized and high-end ready forces, and capable allies and partners proficient in their warfighting roles in such scenarios.

Question. Do you support the Defense Policy Review Initiative (DPRI), including the realignment of some United States Marines from Okinawa to Guam and the build-up of facilities at other locations, such as Marine Corps Air Station Iwakuni, Japan?

Answer. I support the continued implementation of the realignment plan known as the Defense Policy Review Initiative (DPRI), as it is the bilaterally determined way forward. The realignment of Marine Corps Forces on Okinawa and the main islands of Japan, including the establishment of a strong presence on the United States territory of Guam, is fundamental to the Department's effort to achieve an improved Indo-Pacific defense posture. If confirmed, I will remain regularly engaged with OSD leadership, U.S. Indo-Pacific Command, the Military Departments and Services, the Department of State, and our Allies as we proactively adapt and adjust U.S. access and joint presence to the realities of great power competition. I will ensure our partners and allies understand and are assured by any necessary adjustments.

Question. In your opinion, why is force structure and force posture west of the International Date Line important to the deterrence of China, especially in a scenario involving conflict in the first or second island chains?

Answer. A combat-credible forward posture is essential to the U.S. military's ability to deter and, if necessary, deny adversary aggression in a timely manner. It is a tangible expression of our commitment, willingness, and ability to defend our interests. Moreover, a distributed and resilient forward posture must be combined with new warfighting concepts; modernized, highly capable, and ready forces; and capable allied and partner forces to deter any adversary miscalculation, or to respond if necessary.

Question. What is your assessment of the adequacy of U.S. integrated air and missile defense capabilities and capacities currently deployed and stationed in the Indo-Pacific?

Answer. The quantity and sophistication of adversary air and missile threats in the Indo-Pacific region continues to grow, posing a substantial challenge to U.S. Integrated Air and Missile Defense (IAMD) capabilities throughout the region. Given the importance of IAMD for ensuring that the United States can continue to project joint military forces in the Indo-Pacific region, if confirmed I fully intend to support

Departmental efforts to ensure that our approach to IAMD is well integrated and addresses both current and future operational needs.

Question. Contested logistics is an emerging area of focus and potential significant limitation to the ability of the United States military to project power into the Indo-Pacific. Several studies over the past few years have resulted in more than 50 recommendations for improvement—recommendations that GAO recently noted have not been implemented. What areas regarding contested logistics do you feel need the most attention and would have the greatest impact on deterring China?

Answer. I agree that contested logistics represents a critical challenge for the Department in the Indo-Pacific region. If confirmed, I intend to work closely with colleagues in OSD, the Joint Staff and the Military Services to support the development of the Joint Warfighting Concept, which I understand includes the development of supporting concepts to ensure effective and resilient key joint warfighting functions such as logistics. More robust, resilient, and distributed logistics would contribute to deterrence in the region.

Question. What is your assessment of United States Force posture in Guam?

Answer. Under current realignment plans, the Department of Defense is consolidating Guam's position as a joint strategic hub for our forces operating in the Western Pacific. If confirmed, I will ensure that we consider what further capabilities may be appropriate for our forces in Guam and the Commonwealth of the Northern Mariana Islands.

Question. In your opinion, what are the benefits of participation of European partners in military operations and exercises in the Indo-Pacific region, especially in the maritime domain?

Answer. European participation in Indo-Pacific exercises and operations demonstrates and strengthens interoperability with United States Forces, as well as interoperability with the forces of our Indo-Pacific allies and partners. It also reassures our Indo-Pacific allies and partners by signaling Europe's willingness and ability to deploy globally to defend the rules-based international order and ensure a free and open Indo-Pacific. This is particularly important as the People's Republic of China's (PRC) increasingly assertive and coercive behavior in the South China Sea and elsewhere threatens to undermine the rules-based international order.

Question. What, if any, areas of cooperation between the U.S. military and regional partners and allies would you recommend be enhanced?

Answer. I am encouraged that our key regional allies (Japan, Republic of Korea, and Australia) are placing increasing emphasis on new domains such as cyber, space, and electromagnetic operations, as well as continuing to be strong partners in a broad range of areas including missile defense support to U.S. Force posture. With a number of other allies and partners throughout the region, we should continue working together to support shared goals related to maritime security, counterterrorism, and non-proliferation. If confirmed, I would assess and support the continuation of these efforts.

PACIFIC DETERRENCE INITIATIVE

Question. The National Defense Authorization Act (NDAA) for Fiscal Year (FY) 20 authorized \$2.2 billion for the Pacific Deterrence Initiative (PDI), to support the stability and security of the region and deter Chinese aggression. The current Commander, United States Indo-Pacific Command (INDOPACOM) has indicated that China is the "pacing threat" in the Indo-Pacific and that "the [PDI] is the foundational approach to advancing capabilities and capacity in lethality, force design and posture, logistics, exercises, and experimentation, while strengthening our allies and partnerships for an integrated joint force west of the International Date Line."

Do you agree that PDI is a useful tool to improve U.S. posture in the Indo-Pacific?

Answer. The PDI is an important tool to highlight the substantial investments that DOD is making to maintain a credible conventional deterrent in the Indo-Pacific region, including through improvements to U.S. Force posture.

Question. In your view, what strategic objectives, lines of effort, and specific areas of investment should be prioritized for funding under the PDI?

Answer. The elements of the PDI laid out in the National Defense Authorization Act for Fiscal Year 2021 serve as important priorities: modernization of U.S. presence, including advanced capabilities; improved logistics and maintenance; exercises and experimentation; infrastructure resiliency; and building allied and partner capabilities.

Question. Do you believe that continued, dedicated funding for PDI is required to support implementation of the NDS in the Indo-Pacific? Please explain your answer.

Answer. Robust funding for DOD priorities in the Indo-Pacific region is an essential element of maintaining a strong deterrent. My understanding is that the President's Budget request for Fiscal Year 2022 incorporates funding for specific programs that DOD has prioritized as important to developing the robust capability required to maintain regional deterrence.

Question. The European Deterrence Initiative (EDI) has significantly improved United States Force posture and capabilities in the European theater. What do you see as the biggest challenges to implementing PDI in the Indo-Pacific theater to achieve similar improvements?

Answer. The scale and scope of China's military modernization challenge longstanding DOD assumptions and operating concepts. The United States will need to modernize our capabilities and posture, as well as our operational concepts, planning, and integration with allies and partners to enhance deterrence in the Indo-Pacific region. If confirmed, I look forward to working closely with Congress to advance these goals, including as part of PDI.

Question. If confirmed, what steps would you take to overcome these challenges?

Answer. If confirmed, I am committed to supporting the Secretary's efforts to prioritize DOD activities and investments in the Indo-Pacific, including by working closely with Congress on PDI to ensure the United States maintains a robust deterrent posture in the region.

STRATEGIC COMPETITION

Question. The NDS references "expanding the competitive space." In recent years, China has successfully demonstrated the ability to compete with the United States below the threshold of armed conflict through a variety of military and non-military approaches.

What is your interpretation of the meaning of "expanding the competitive space" and how does it impact United States competition with China?

Answer. My understanding is that "expanding the competitive space" means leveraging all elements of its United States power, including economic, diplomatic, intelligence, cultural, and military tools, in a whole-of-government effort to address the multi-domain challenges posed by China. China's strategy for competition with the United States entails efforts to increase its "comprehensive" national power and international influence at the United States' expense. While the Department of Defense plays a critical role in addressing this challenge, it should not do so alone. I agree with the NDS that "effectively expanding the competitive space requires combined actions with the U.S. interagency to employ all dimensions of national power." Accordingly, I believe that competition with China will also require substantial non-military leadership and interagency coordination to advance our interests in the Indo-Pacific region.

Question. What are the most critical capabilities the Joint Force needs to compete effectively below the threshold of armed conflict?

Answer. Although the Department largely supports U.S. interagency partners in addressing challenges that fall below the threshold of armed conflict, the Joint Force offers a number of critical capabilities that enhance our ability to compete in this space. First, the Joint Force offers an unparalleled conventional military capability that deters adversary aggression toward U.S. security partners. Second, it can demonstrate the strength of our commitments and develop invaluable military-to-military relationships through continued engagement with allies and partners. Third, the Joint Force can provide critical information and intelligence to expose malign activities. Finally, Joint Force operations, particularly freedom of navigation operations and joint activities with security partners, offer opportunities for shaping the information environment, enhancing our regional influence and legitimacy, and bolstering partner resilience to adversary destabilization and coercion.

The NDS also states that "effectively expanding the competitive space requires combined actions with the U.S. interagency to employ all dimensions of national power. We will assist the efforts of the Departments of State, Treasury, Justice, Energy, Homeland Security, Commerce, USAID, as well as the Intelligence Community, law enforcement, and others to identify and build partnerships to address areas of economic, technological, and informational vulnerabilities."

Question. In your view, has the interagency been effective in a whole-of-government effort to expand the competitive space, particularly with respect to China? Please explain your answer.

Answer. Given that China and other actors are increasingly synchronizing their military and non-military efforts to achieve strategic objectives, I believe that it is essential that non-DOD departments and agencies are sufficiently resourced and aligned to address these challenges. If confirmed, I will continually advocate for and

advance deeper coordination with other departments and agencies as we pursue a whole-of-government effort to compete with China.

Question. If confirmed, what recommendations, if any, would you have to better employ all dimensions of national power to “expand the competitive space” as regards China?

Answer. If confirmed, I would recommend that our whole-of-government efforts prioritize cooperation with and support to our Indo-Pacific region allies and partners, including expanded bilateral and multilateral diplomatic engagement, increased economic and technological partnerships, and joint military exercises and operations. I believe that improving partner resilience to Chinese military and economic coercion is essential for deterring Chinese aggression throughout the Indo-Pacific region, and that enhanced coordination on military and non-military efforts will serve as a force multiplier for strategic competition with China.

INFORMATION OPERATIONS

Question. During the COVID-19 pandemic, China has embarked on a misinformation campaign to sow confusion over the origins of the virus and malign the response of the United States and other nations. This appears to have been done not only to shield China from blame for the initial outbreak, but also to undermine democratic nations and institutions.

What is your assessment of the ability of DOD to conduct effective military operations in the information environment to defend U.S. interests against malign influence activities carried out by state and non-state actors?

Answer. The Department has an important role to play in the information environment—in support of and in coordination with a whole-of-government approach—to defend U.S. interests against malign influence activities. If confirmed, I would work with the interagency and my counterparts throughout the Department to improve the speed, agility, efficiency, and effectiveness, of DOD information operations. I would also support the USD(P) in tasks required in Section 1631 of the National Defense Authorization Act for Fiscal Year 2020 concerning the USD(P)’s role as the Secretary’s Principal Information Operations Advisor.

Question. Are DOD efforts in this regard appropriately integrated with other U.S. Government organizations and activities?

Answer. DOD is one part of a whole-of-government approach to the challenge of misinformation and foreign malign influence activities, and other civilian departments and agencies have critical roles and responsibilities, which demand close interagency coordination. Our respective efforts can complement each other to defend the United States against foreign malign influence. If confirmed, I would ensure that DOD efforts are appropriately integrated with other U.S. Government organizations and activities, including elevating the role of diplomacy, as described in the Interim National Security Strategic Guidance.

Many of the geographic combatant commanders, including the Commander, INDOPACOM, have expressed a need for improved support by the intelligence community in exposing malign influence and coercion activities by our adversaries, including China.

Question. Do you believe this is a valid requirement and, if so, how do you believe the intelligence community can better support the requirements of the Commander, INDOPACOM?

Answer. Strong support by the intelligence community in exposing malign influence and coercion activities by our adversaries, including China, is vital. The intelligence community plays an essential role in collection and analysis on malign behavior, as well as providing information in a timely manner and at the appropriate levels of classification. If confirmed, I would support these efforts.

STRENGTHENING ALLIANCES AND ATTRACTING NEW PARTNERS

Question. In your view, how can DOD more effectively cultivate multilateral cooperation in the Indo-Pacific?

Answer. Networking security and promoting linkages between like-minded partners across the region are critical to building a more resilient Indo-Pacific security architecture. As DOD modernizes United States alliances and partnerships in the region, it should also strengthen avenues of cooperation between existing multilateral groupings—such as the Association of Southeast Asian Nations (ASEAN) and the Quadrilateral Dialogue—that are central to sustaining a rules-based regional order. If confirmed, I will work to ensure DOD leverages the full breadth of its security networks to enhance the complexity of multilateral training and exercises; foster interoperability; and build resilience and rules of the road in new domains, such as space, cyber, and artificial intelligence.

Question. What is your assessment of the Quadrilateral Security Dialogue between the United States, Japan, Australia, and India?

Answer. The Quadrilateral Security Dialogue (Quad) is emerging as one of the most consequential multilateral groupings in the Indo-Pacific region. The increased pace and scope of Quad consultations, including the historic Head of State Summit in March, reflect strategic convergence between Australia, India, Japan, and the United States. This partnership is an increasingly important element of the U.S. regional security network, which also includes bilateral alliances and strong support for ASEAN's centrality in the region.

Question. What military lines of effort can be strengthened through the Quadrilateral Security Dialogue to benefit deterrence in the Indo-Pacom region and what do you view as the challenges to doing so?

Answer. The Quad partnership emerged in the immediate aftermath of the 2004 Indian Ocean tsunami to address recovery efforts and chart a new way forward for regional democracies. Similarly, in the wake of the COVID-19 pandemic, there are opportunities for the Quad countries to deepen cooperation in areas of mutual interest, including maritime security, humanitarian assistance and disaster relief, counter terrorism, and emerging technology.

Question. In your view, what are our strategic objectives in building the capacities of partner nations in the Indo-Pacific?

Answer. DOD continues to support capacity-building to build a network of capable, interoperable allies and partners committed to upholding a rules-based international order. Partner capacity-building efforts are critical to ensuring that Indo-Pacific partners are able to protect their own sovereignty and territorial integrity; work collectively to address transnational threats such as violent extremism, illegal fishing, and humanitarian disasters; and support key international principles, such as freedom of navigation and overflight.

Question. How would you prioritize the types of programs or activities that should receive support under these security assistance authorities?

Answer. If confirmed, I would review our current focus areas to ensure they are aligned with our strategic priorities. I would also ensure that DOD continues to work closely with the Department of State such that our programs are complementary in building needed capabilities for U.S. partners.

Question. What is your assessment of the Maritime Security Initiative (MSI)?

Answer. MSI is an important program that strengthens maritime security in the Indo-Pacific region through a focus on enhanced information-sharing, interoperability, and multinational maritime cooperation. If confirmed, I will fully support the Department's commitment to strengthening this critical program, which supports the execution of our National Defense Strategy objectives in the Indo-Pacific region.

Question. How can MSI be leveraged to build shared maritime domain awareness capabilities and build multilateral cooperation amongst participating nations?

Answer. My understanding is that DOD is currently prioritizing needed training, equipment, supplies, and small-scale construction to enable regional partners to establish a common maritime operating picture. If confirmed, I will work to advance this critical program.

Over the last several years, China has exerted its influence with our partner nations throughout the Indo-Pacific. Challenged by competition over economic resources, fishing areas, access to water, concerns over rising sea levels, and more, some of our partner nations have voluntarily or involuntarily turned to China for support—in many cases because United States engagement has been absent or inadequate.

Question. In your view, how should DOD seek to engage with partner nations to better support their ability to protect their sovereignty and natural resources?

Answer. DOD should provide sustained support to our partners through robust capacity-building programs, training and exercises, and an enhanced focus on defense professionalization and military education. Freedom of Navigation Operations and other U.S. presence operations are also critical components of ensuring DOD is poised to support a rules-based order.

Question. Respect for human rights has long been a core principle of United States foreign and security policy. In your view, what role does U.S. military engagement, including efforts to help professionalize foreign partner militaries, play in encouraging respect for human rights?

Answer. Through DOD's interaction and engagement with partner militaries, the United States can consistently message that respect for human rights and the rule of law are critical to the continued support and advancement of initiatives within our defense relationships. Working to professionalize foreign partner militaries—including through military training and education—serves as an opportunity for DOD

to reinforce our commitment to democratic principles and to encourage partners to act in accordance with universal values and human rights.

CHINA

Question. How would you characterize the current United States relationship with China?

Answer. I agree with the assessment in President Biden’s Interim National Security Strategic Guidance that China is “the only competitor capable of combining its economic, diplomatic, military, and technological power to mount a sustained challenge to a stable and open international system.” If confirmed, I would be honored to support Secretary Austin and Deputy Secretary Hicks in their mission to prioritize China as the Department’s number one pacing challenge.

Question. What is your assessment of the current state of United States-China military-to-military relations?

Answer. Department of Defense engagement with the People’s Liberation Army (PLA) supports overall United States policy and strategy toward the PRC. DOD engagements with the PLA continue to be limited, and focused on mitigating risk and preventing miscalculation. Engagements are conducted in accordance with the statutory limitations of the National Defense Authorization Act for Fiscal Year 2000.

Question. What do you believe should be the objectives of United States-China military-to-military dialogue?

Answer. The Department of Defense should seek to maintain a constructive, stable, and results-oriented defense relationship with the People’s Liberation Army to advance the objectives of crisis management, risk mitigation, and cooperation where interests align.

Question. What are the limitations on this kind of dialogue?

Answer. The limitations on this kind of dialogue are primarily due to the vast differences in values and interests between the United States and the PRC. Divergent perspectives on a range of issues, including the purpose and utility of crisis management mechanisms, further limit this kind of dialogue. If confirmed, I will work to find ways to advance U.S. goals and priorities accounting for these differences and limitations.

Question. What do you believe are the objectives of China’s steady increase in defense spending and its overall military modernization program?

Answer. I believe that China’s ambitious military modernization program and increased defense spending are aimed at safeguarding what it considers its sovereignty, security, and development interests, which includes building toward an illiberal China-led order in the Indo-Pacific and beyond that reduces the influence of the United States and accommodates Beijing’s authoritarian political imperatives. To achieve these aims, China’s leaders have stated in numerous forums that they want to modernize the People’s Liberation Army into a “world-class” military by the end of 2049, which many have interpreted to mean that they want a military that is equal or superior to that of the United States.

Question. In what technology areas are you most concerned about the erosion of U.S. advantages?

Answer. Technology is at the center of United States-China competition. PRC leaders are focused on seizing the advantage in critical and emerging technologies with military application, including artificial intelligence (AI), advanced robotics, quantum technologies, biotechnology, hypersonics, directed energy, and advanced computing. The PRC’s overseas investments, ability to use economic ties to exert political influence, pursuit of expertise from advanced foreign militaries, and promotion of national champions in strategic sectors, such as 5G, pose strategic risks for the United States and ally/partner interoperability, data security, information sharing, military mobility, and military readiness.

Question. What is your assessment of China’s increasing military presence overseas, including installations like its bases in Djibouti and across Africa, as well as other infrastructure projects across the Indian Ocean?

Answer. China’s overseas infrastructure projects are a mechanism for increased influence overseas and a potential inroad for establishing overseas logistics and basing infrastructure. The PLA’s growing access to foreign ports and airfields allows the prepositioning of logistic support necessary to sustain military operations abroad. This includes naval deployments in the Indian Ocean, the Mediterranean Sea, and the Atlantic Ocean. A global network of PLA logistical support facilities and installations could enable China to project and sustain military power at greater distances, reinforce its overseas interests, interfere with United States military operations, and potentially support offensive operations against the United States and United States interests.

Question. What is your assessment of the strategic and military implications for the United States of China's Belt and Road Initiative?

Answer. The PRC regards the One Belt, One Road initiative as a means to expand its global influence and footprint by developing and maintaining access to foreign markets, resources, and critical infrastructure including ports and airfields that could host PLA assets. The expansion of China's overseas military and logistical support could manifest in a loss of access and influence for the United States while increasing coercive PRC pressure on host nations.

Question. What are the strategic and military implications for other countries in the Indo-Pacific?

Answer. Our allies and partners in the Indo-Pacific region can expect increasing pressure from China to deny the United States military operational and logistical support, transit and basing. The loss of this access would present additional challenges for U.S. efforts to support a free and open Indo-Pacific region. The degradation of U.S. access in the region could also increase the vulnerability of Indo-Pacific nations to PRC coercion and malign activities, further endangering their sovereignty and independence.

The smaller number of nuclear weapons possessed by China relative to the United States and Russia is often cited as an impediment to nuclear arms control talks with China.

Question. What do you think could motivate China to participate in nuclear arms control negotiations in a genuine and meaningful way?

Answer. At present, the PRC does not appear to view participating in nuclear arms control negotiations as in its interest. There are indications that the PRC will remain disinclined to engage meaningfully until its nuclear arsenal is on relative par with the United States. If confirmed, I will work with interagency partners to address the PRC's resistance to participating in meaningful negotiations on nuclear weapons and risk reduction.

Question. What are the strategic implications of the rapid modernization of Chinese nuclear weapons that are set to at least double by 2030, and what approach should the United States take to address those implications, in your view?

Answer. It is my understanding that China's nuclear weapons modernization is driven by its evolving view of the security landscape, concerns over the survivability of its nuclear forces, and perspective on what it means to be a great power. The modernization, diversification, and increase in the number of land, sea, and air-based nuclear delivery platforms presents a security challenge for the United States, particularly given some ambiguity over the conditions under which China would leverage its nuclear capability. As a result, I believe it is essential that the United States continue its efforts to understand China's evolving capabilities, as well as press for transparency and dialogue regarding China's strategic intent and capabilities.

TAIWAN

Question. How do you assess the current cross-strait relationship between China and Taiwan, and how can the United States help prevent miscalculation on either side?

Answer. The PRC is increasing its aggressive and destabilizing activities toward Taiwan. If confirmed, I would continue to monitor this situation closely, especially given the more recent increase in PLA military activity in the vicinity of Taiwan and increased risk of miscalculation. I would also ensure the United States is fulfilling its commitments under the Taiwan Relations Act.

Question. How do you assess the current military balance across the Taiwan Strait?

Answer. The PLA today is mission-focused, well-resourced, and rapidly developing both in terms of direct military pressure on Taiwan and through other PLA capabilities aimed at deterring, delaying, or denying third-party intervention in a crisis. If confirmed, I will carefully review the current military balance across the Taiwan Strait to ensure that our defense cooperation with Taiwan is commensurate with the threat posed by the PRC.

Question. What do you believe should be the objectives and priorities for United States military assistance to Taiwan?

Answer. If confirmed, I will ensure that we are focused on providing Taiwan with the necessary defense articles, as well as the training and expertise to ensure its Armed Forces support a combat-credible deterrent. I will continue to advance our defense cooperation with Taiwan, encouraging Taiwan to focus on mobile, cost-effective, and resilient capabilities that aid Taiwan's already substantial geographic and societal advantages.

Question. Do you think Taiwan is making appropriate investments in its defensive capabilities and if not, what changes would you recommend?

Answer. I believe that Taiwan can demonstrate through sound investments that it remains committed to its own defense. Taiwan has sought to allocate its defense budget to investments in capabilities that confer an advantage against the PRC, and if confirmed, I will ensure the Department continues to support progress on this front.

Question. What is your view of the United States' responsibilities under the Taiwan Relations Act?

Answer. Our actions to fulfill our responsibilities enumerated in the Taiwan Relations Act (TRA) have remained strong, principled, and bipartisan for over forty years. If confirmed, I will continue to uphold our one China policy, as described in the TRA, the Three United States-PRC Joint Communiqués, and the Six Assurances, and will continue to prioritize the Department's effective provision of defensive arms and services to Taiwan and support the Secretary's ability to maintain a credible deterrent to the use of force or other forms of coercion against Taiwan.

Question. Some have argued that the time has come to explicitly state that the United States would respond militarily to any Chinese use of force against Taiwan as a means to deter such actions. Do you support such a policy change? Why or why not?

Answer. The President has said clearly many times that United States support for Taiwan is rock solid, which reflects more than 40 years of a consistent, principled, and bipartisan one-China policy based on the Taiwan Relations Act, the Three United States-PRC Joint Communiqués, and the Six Assurances. If confirmed, I will continue to support these commitments commensurate with the threat the PRC poses to Taiwan.

Question. In March 2021, the former commander of INDOPACOM, Admiral Davidson, testified "Taiwan is clearly one of [China's] ambitions . . . and I think the threat is manifest during this decade, in fact, in the next six years." How concerned are you about potential conflict in the Taiwan Strait as a result of ambition or miscalculation, and what do you assess is the likelihood of a conflict during this decade?

Answer. The PRC has yet to renounce the use of force against Taiwan. What we've seen instead over the last few years is the PLA's rapid modernization alongside PRC efforts to coerce and degrade Taiwan's security through diplomatic, informational, military and socioeconomic tools. These activities are destabilizing, and indicative that the PRC may no longer be willing to resolve differences with Taiwan in a peaceful manner. As a result, we must remain vigilant in providing combat-credible deterrence in the region. If confirmed, I will continue to monitor the evolving security situation in the Taiwan Strait.

REPUBLIC OF KOREA

Question. What is your assessment of the United States-South Korea security relationship?

Answer. The United States-Republic of Korea (ROK) Alliance, built on the foundation of shared values, trust, and cooperation, is the linchpin of peace and security in the Indo-Pacific region. Our steadfast Alliance of over 70 years is among the most combined, interoperable, capable, and dynamic bilateral alliances in the world. It remains critical to maintaining peace on the Korean peninsula and addressing the threats posed by the Democratic People's Republic of Korea (DPRK). Moreover, the importance of the alliance stretches beyond the peninsula. It is key to promoting United States interests in the region and around the globe, with the ROK having deployed with United States Forces as part of nearly every war that we have fought since 1950. If confirmed, I will work with our ROK allies to ensure we continue to bolster our combined force.

Question. What measures, if any, would you take to improve this security relationship?

Answer. The United States-ROK Alliance is among the most dynamic bilateral alliances in the world. The foundation of a shared worldview, mutual trust, and multifaceted cooperation guarantees our alliance remains strong. The alliance is critical to countering North Korea's malign behavior. Our combined force posture has been critical to deterring North Korean aggression for more than 70 years, and these forces have been postured to respond should deterrence fail. If confirmed, I will work with our ROK allies to prioritize the capabilities necessary for our common defense in addressing our collective threats on the Korean Peninsula and beyond. I will also make sure there is mutual understanding regarding necessary requirements to improve our robust combined defense posture in the face of challenges posed in the Indo-Pacific region.

Question. In your view, is South Korea carrying an appropriate share of the burden of the cost of the United States presence in South Korea?

Answer. The United States-Republic of Korea (ROK) Alliance is the linchpin of peace and security in the Indo-Pacific region and the ROK is among our strongest allies. The ROK is currently spending more on defense as a percentage of its gross domestic product than nearly any other treaty ally. The Department of Defense works constantly with the ROK to maintain and develop this dynamic bilateral Alliance, which is one of the most combined, interoperable, and capable in the world. If confirmed, I will continue to work with our ROK allies to ensure that we strengthen the relationship and also invest in the right combination of defense capabilities to provide for our common defense. The new United States-ROK Special Measures Agreement that was concluded recently demonstrates the ROK commitment to burden-sharing and the stable stationing of United States Forces on the Korean Peninsula.

Question. Do you believe South Korea is investing appropriately in its defensive capabilities? If not, what changes would you recommend?

Answer. The ROK, strengthening its status as a global economic leader and Alliance partner, has demonstrated a firm commitment to significant investment in its defensive capabilities, with a defense budget of approximately 2.8 percent of its GDP and rising. Although this is promising, there is still more work to be done. If confirmed, I will work closely with the ROK to ensure that our alliance maximizes our capabilities investments to optimize the effectiveness of our combined force and sustain "Fight Tonight" readiness.

Question. Do you believe the transfer of wartime operational control from the United States to the Republic of Korea should be conditions-based? Please explain your answer.

Answer. I do believe the transfer of wartime operational control (OPCON) from the United States to the ROK should be conditions-based, as bilaterally established within the Conditions-Based OPCON Transition Plan (COTP). The COTP was the result of a clear-eyed assessment by the United States and the ROK on what is needed to protect our respective peoples from the DPRK threat. A carefully planned and executed transition is necessary for our sustained security and the fulfillment of our alliance commitments. If confirmed, I will work with our ROK partners to preserve our shared commitment to a Conditions-Based approach to OPCON transfer, and I will encourage ROK partners to make every effort to meet the established conditions.

NORTH KOREA

Question. In your view, what should be the overall United States overall strategy to mitigate the threat posed by North Korea to our allies in the region and to the United States?

Answer. If confirmed, I look forward to reviewing the military and political requirements for dealing with the threat from North Korea. Primary roles of the Department include maintaining the readiness of our United States-ROK combined forces and supporting the enforcement of United Nations Security Council Resolutions pertaining to North Korea. Having a strong and credible deterrent force is essential for any potential path that we pursue to mitigate the North Korean threat, including through diplomatic engagement. If confirmed, I will ensure that we work with interagency partners, as well as regional partners and allies, to forge a comprehensive approach to North Korean threats, including those emanating from weapons of mass destruction, missile, and cyber programs.

Question. How important are cooperation and collaboration with South Korea and Japan in addressing the threat from North Korea?

Answer. Close cooperation and collaboration with the Republic of Korea and Japan are an essential part of addressing the threat from North Korea. If confirmed, I will work to ensure the Department has effective, affordable, and tailored solutions to deter and respond to North Korean nuclear and ballistic missile provocations, and to maintain our robust deterrent and readiness posture in Northeast Asia in close collaboration with our regional allies, including through trilateral training events and exercises.

Question. In your view, what is the role of China in addressing the security threat posed by North Korea?

Answer. China has an obligation under international law and multiple United Nations Security Council Resolutions to help address the North Korea nuclear, weapons of mass destruction, and ballistic missile threat. If confirmed, I will review the current and proposed United States strategies to engage the PRC on the North Korean problem set and will work with our allies and partners to develop appropriate

policy approaches in this area. I will also prioritize holding China accountable for international commitments it made as a permanent member of the United Nations Security Council.

Question. What recommendations would you have concerning the United States approach to North Korean nuclear and ballistic missile provocations?

Answer. If confirmed, I would work to ensure the Department has effective, affordable, and tailored solutions to deter and respond to North Korean nuclear and ballistic missile provocations. These provocations threaten the United States and our allies and partners and I would endeavor to ensure that U.S. Forces have what they need to maintain our robust deterrent and readiness posture in Northeast Asia in close collaboration with our regional allies and partners. In addition, trilateral cooperation and information sharing among the United States, ROK, and Japan are a critical component of our ability to defeat North Korean ballistic missiles. If confirmed, I will continue to reinforce trilateral cooperation as a center piece of our strategy vis-à-vis the DPRK.

Question. What are the core elements of a strategy to contain or deter the North Korean threat?

Answer. If confirmed, I will review the full range of current and proposed strategies to deal with the North Korean threat. This includes reviewing efforts on sanctions enforcement, bi- and trilateral cooperation between the United States, the ROK, and Japan, and the current status of our bilateral and multilateral exercises to maintain the readiness of forces in and around the Korean Peninsula.

Question. What policy recommendations would you make to ensure United States and allied forces have the capability to address the challenge posed by the significant number of sites in North Korea containing weapons of mass destruction?

Answer. If confirmed, I will review the entire range of current and proposed activities to enhance United States and allied capabilities to deal with North Korea's development of weapons of mass destruction, including their chemical, biological, and nuclear weapons programs, and means of delivery. I will also work with our allies and partners to prioritize missile defense, readiness, interoperability, and development of capabilities related to intelligence, surveillance, and reconnaissance.

Question. What is your assessment of the threat that North Korea poses as a possible source of proliferation of missile, nuclear, or other military technology?

Answer. North Korea has a history of proliferation activities. If confirmed, I will prioritize addressing the proliferation threat posed by North Korea and will work to advance or develop effective DOD solutions and responses as part of a whole-of-government approach.

JAPAN

Question. How would you characterize the current United States-Japan security relationship?

Answer. As Secretary Austin stated during his visit to Tokyo in March, the United States–Japan security Alliance is strong, resolute, and resilient. In addition to maintaining our readiness today, we should continue placing emphasis on adapting to future challenges, broadening the scope of the alliance, and increasing Japan's role in securing a free and open Indo-Pacific region, through bilateral and multilateral efforts.

Question. How does Japan's relationship with its regional neighbors—including China, North Korea, South Korea, and Taiwan—influence the United States-Japan relationship?

Answer. Japan and the Republic of Korea (ROK) are two of our most important allies in the Indo-Pacific region. In the face of shared challenges posed by North Korea and China, it is critical that we build strong relationships between and among our three countries. If confirmed, I will work to expand trilateral and bilateral defense cooperation, including through increased information-sharing and joint military exercises and training. Japan and the United States also share a common view of the importance of peace and stability in the Taiwan Strait.

Question. What steps, if any, do you believe Japan should take to improve its capability and capacity to deter and, if necessary, respond to North Korean aggression?

Answer. Japan is a premier partner in missile defense cooperation, and the North Korean missile capability is a primary area of concern for Japan. Under the United States-Japan Mutual Security Treaty, if confirmed, I would look forward to consulting with Japan on the requirements for and scope of any response to North Korean provocations or aggression.

Question. What about Chinese aggression?

Answer. If confirmed, I will ensure we continue efforts to work with Japan to address challenges from China in the East and South China Seas. We should remain engaged in continuous discussion with our Japanese allies on ways in which they can increase their support for regional and global security efforts. I am encouraged that the Japan Self Defense Forces are a capable and well-equipped component of Japan's steadily growing international presence.

Question. Given the buildup of Chinese ballistic and advanced cruise missiles, how important is it for Japan to be able to defend itself against such missiles?

Answer. The quantity and sophistication of regional missile threats posed by adversaries in the Indo-Pacific, including China and North Korea, continue to grow. Although missile defense is only one component of a broader U.S. posture needed to stand up to these regional threats, it remains an important tool to shape an adversary's risk-benefit decision calculus to deter, and if necessary, defend against conventional regional aggression. If confirmed, I will ensure that we continue to work closely with Japan to bolster its existing missile defense capabilities and to seek out new areas of potential cooperation. The United States should not face these threats alone; we need strong allies like Japan to increase regional missile defense capacity while investing in the right technologies in order to ensure our future ability to deter aggression and maintain stability in the Indo-Pacific region.

Question. What do you perceive to be the potential for reinvigorating United States-Japan cooperative missile defense efforts? Please explain your answer.

Answer. Japan remains one of our most robust BMD cooperation partners. I understand that we continue to consult closely with Japan following its mid-2020 decision to suspend land-based Ballistic Missile Defense (BMD) sites in favor of sea-based alternatives. In addition, I also understand that we regularly discuss missile defense policy issues with Japan through a variety of bilateral and trilateral forums. As the Department conducts a new Missile Defense Review, if confirmed, I will conduct regular consultations with our closest allies and partners, including Japan.

AUSTRALIA

Question. What is your assessment of the current state of the United States-Australia alliance and what specific priorities would you establish for this relationship?

Answer. Our time-tested Alliance with Australia is strong. It provides operational reliability, political viability, and mutual confidence, facilitating a combined alliance approach to the current and future global operational environment. Our shared commitment to freedom, democracy, and the rules-based international order remains resolute. Australia is a critical partner, facilitating our shared operational freedom of maneuver in the Indo-Pacific region. If confirmed, I will work to strengthen the alliance's defense cooperation and force posture efforts to ensure operational success, deter PRC aggression, and preserve the security and prosperity of the Indo-Pacific. I am also committed to supporting the continued enhancement of defense acquisition and development efforts to advance alliance interoperability.

Question. What is your assessment of Australia's relations with China?

Answer. Australia is taking a clear-eyed approach to its relations with China. Recent Australian legislation to counter foreign influence was a direct response to PRC interference in Australia's domestic political environment. Australia has also banned Huawei and ZTE, called an investigation into the origins of the COVID-19 virus, and criticized Beijing over harsh reactions to political dissent in Hong Kong. These well-considered measures have led to aggressive retributive actions by the PRC. I would expect Australia to continue protecting and promoting its own values and sovereignty, while working toward a productive relationship with the PRC.

Question. What impact does that relationship have on the United States-Australia alliance?

Answer. Every nation sets its own priorities and protect its own interests. Australia's strategic reassessment of its defense strategy and approach to the region, articulated in its Defence Strategic Update 2020, represents a clear-eyed view of the strategic environment that closely aligns with U.S. perspectives. If confirmed, I will work to ensure that our alliance remains strong and is prepared to address the challenges posed by the strategic environment based on our shared values and objectives.

INDIA

Question. What is your view of the current state of United States-India security relations and what specific priorities would you establish for this relationship?

Answer. The United States-India security relationship is built on both shared values and interests. If confirmed, I would continue to strengthen the United States-

India Major Defense Partnership and enhance the ability of the United States and Indian militaries to advance shared interests across the Indo-Pacific region.

Question. What is your assessment of the relationship between India and China and how does that relationship impact the security and stability of the region?

Answer. The India-China relationship has seen an increase in tensions driven by China's growing aggressiveness and assertiveness in the region, especially along the Line of Actual Control—India and China's disputed border—and increasingly in the Indian Ocean. As two of the largest territorial powers in Asia, a secure and stable relationship between India and China contributes to regional stability. A stable relationship, however, should not come at the expense of India's interests. India, like the United States, seeks to ensure regional stability against China's territorial revisionism, while also seeking areas of potential cooperation. If confirmed, I will continue to monitor this situation closely.

PHILIPPINES

Question. What is your current assessment of the United States-Philippines alliance and the state of our defense cooperation?

Answer. The Philippines is a treaty ally, and we have a long history of mutual defense cooperation dating back to World War II. The Mutual Defense Treaty and other bilateral defense agreements continue to provide the foundation for the defense relationship and enable critical U.S. military support, presence, and interoperability. This Alliance has made key contributions to regional security, including combatting the growth of terrorism in the southern Philippines and in Southeast Asia.

Question. What areas, if any, do you perceive as having the potential to increase defense cooperation between United States and the Philippines armed forces?

Answer. Continued defense cooperation with the Philippines is critical to our shared goals of advancing a free and open Indo-Pacific region. If confirmed, I would continue to enhance cooperation on common interests such as maritime security, counter-terrorism, humanitarian assistance, and defense institution-building.

Question. What do you believe the United States goals should be in the Philippines and how best can we achieve those goals?

Answer. The United States and the Philippines share the goal of upholding a free and open Indo-Pacific region that supports peace, stability, economic opportunity, and the rule of law. If confirmed, I would work closely with our Philippine allies to strengthen cooperation in the critical areas of maritime security, counter-terrorism, humanitarian assistance, and defense institution-building.

Question. What is your assessment of the relationship between the Philippines and China?

Answer. Due to geographic proximity and economic ties, the Philippines has a strong interest in maintaining a relationship with China, but they also have points of disagreement, particularly in the South China Sea. United States-Philippines defense cooperation remains strong and United States advocacy for a free and open Indo-Pacific reinforces Philippines efforts to protect its own sovereignty and national interests.

Question. What impact does that relationship have on the United States-Philippines alliance?

Answer. The United States-Philippines Alliance stands on its own. It benefits both of our nations and contributes to peace and prosperity in the Indo-Pacific region.

THAILAND

Question. What is your assessment of United States-Thailand relations and what specific priorities would you establish for this relationship?

Answer. DOD is committed to our decades-long Alliance with Thailand, which benefits both of our nations and supports peace and prosperity in the Indo-Pacific region. I understand we conduct a significant number of military-to-military engagements and exercises with Thailand each year, including COBRA GOLD, the Indo-Pacific region's largest multilateral exercise. If confirmed, I will work to strengthen our Alliance with Thailand through promoting interoperability, military professionalism and modernization, and reciprocal access and posture initiatives.

Question. What is your assessment of the relationship between Thailand and China?

Answer. Due to geographic proximity and economic ties, Thailand has a strong interest in maintaining a relationship with China, but they also have points of disagreement. The United States-Thai Alliance helps contribute to Thailand's ability to support a free and open Indo-Pacific region.

Question. What impact does that relationship have on the United States-Thailand relationship?

Answer. The United States-Thailand Alliance stands on its own. It benefits both of our nations and supports peace and prosperity in the Indo-Pacific region.

VIETNAM

Question. What is your current assessment of the United States-Vietnam security relationship and what specific priorities would you establish for this relationship?

Answer. The United States-Vietnam defense relationship is strong and growing, built upon the shared goal of preserving a free and open order in the Indo-Pacific region. If confirmed, I will work to expand bilateral cooperation on shared interests such as maritime security, cybersecurity, and support for Vietnam's own war remains recovery efforts.

Question. What is your assessment of the relationship between Vietnam and China?

Answer. Due to geographic proximity and economic ties, Vietnam has a strong interest in maintaining a relationship with China, but they also have points of disagreement, particularly in the South China Sea. United States-Vietnam defense cooperation remains strong. United States advocacy for a free and open Indo-Pacific region reinforces Vietnam's efforts to protect its own sovereignty and national interests.

Question. What impact does that relationship have on the United States-Vietnam relationship?

Answer. The United States-Vietnam partnership stands on its own. It benefits both of our nations and supports peace and prosperity in the Indo-Pacific region.

INDONESIA

Question. What is your view of the current state of military-to-military relations with Indonesia and what specific priorities would you establish for this relationship?

Answer. Defense relations between the United States and Indonesia are strong. I understand the Department of Defense is focused on enhancing the bilateral United States-Indonesia partnership through training, exercises, and support for Indonesia's professional military education. If confirmed, my priorities will include supporting Indonesia to enhance defense professionalism and training, and to improve its maritime capabilities.

Question. What is your assessment of the relationship between Indonesia and China?

Answer. Due to geographic proximity and economic ties, Indonesia has a strong interest in maintaining a relationship with China, but they also have points of disagreement, particularly in the South China Sea. United States-Indonesia defense cooperation remains strong. United States advocacy for a free and open Indo-Pacific reinforces Indonesia's efforts to protect its own sovereignty and national interests.

Question. What impact does that relationship have on the United States-Indonesia relationship?

Answer. The United States-Indonesia partnership stands on its own. It benefits both of our nations and supports peace and prosperity in the Indo-Pacific region.

AFGHANISTAN

Question. President Biden announced the transition of all United States forces from Afghanistan by September 11, 2021.

Do you agree that despite the transition of forces from the country, it should remain the policy of the United States to ensure Afghanistan will not be a source of planning, plotting, or projection of terrorist attacks around the globe, including against the United States Homeland?

Answer. Yes, I agree with the President that we should not take our eye off any potential terrorist threat emanating from Afghanistan. If confirmed, I will work closely with U.S. Central Command and other Components and agencies to ensure this mission is addressed appropriately.

Question. If you agree, how would you advise that we best adapt our counterterrorism posture in the region to account for the transition of forces from Afghanistan?

Answer. Secretary Austin and other DOD senior leaders have explained in recent testimony that the Department will maintain substantial capabilities in the region and will continue to work closely with regional partners. If confirmed, a top priority of mine will be aligning United States regional policy with our enduring counterterrorism objectives.

Question. If you do not agree, what do you assess to be our national security interests in Afghanistan and how would you advise that the United States advance those interests once our forces are transitioned out of the country?

Answer. N/A

Question. What specific challenges do you foresee in conducting counterterrorism operations in Afghanistan from “over the horizon”?

Answer. General McKenzie has stated that “over the horizon” counterterrorism operations will be difficult, but not impossible. Issues associated with time, distance, and intelligence are among the primary challenges. One under-reported advantage, as I understand it, is that even with all of its challenges, the Afghan security forces do conduct counter-terrorism operations and they bring meaningful capacity to that fight.

Question. What do you recommend doing to address these challenges?

Answer. If confirmed, I would support efforts to develop an effective “over-the-horizon” capability while ensuring that our support to the Afghan security forces continues. The latter will reinforce counter-terrorism efforts in Afghanistan, as well as help to maintain security and stability in the country.

Question. If confirmed, would you advocate for continuing support to the Afghan Security forces in light of the transition of United States and NATO forces from the country? Please explain your answer.

Answer. Yes. Supporting the Afghan National Defense and Security Forces (ANDSF) is essential to the viability of the Government of Afghanistan and its capability to combat terrorist organizations within Afghanistan. If confirmed, I will work within the Department and with Congress to ensure the Afghan forces are sufficiently funded and resourced.

Question. What can be done to ensure proper oversight of United States support to the Afghan security forces after United States troops leave Afghanistan?

Answer. I understand that the President has directed that DOD continue to support the ANDSF through the Afghanistan Security Forces Fund (ASFF) appropriation. Proper oversight and accountability of the ASFF will be as crucial from an over-the-horizon posture as it has been in the past. If confirmed, my commitment in this regard is twofold: first, understanding and validating accountability mechanisms will be part of every discussion about ASFF in my office; and second, I commit to transparency with Congress.

Question. Do you agree that an effective Afghan air force is essential to countering terrorists in Afghanistan?

Answer. Yes. Afghan air power provides the Afghan ground forces with a powerful tactical advantage over terrorist threats in Afghanistan. If confirmed, I will prioritize a continued focus on sustaining the Afghan air force.

Question. What approach would you recommend to ensure that the United States can effectively equip and support the Afghan air force, while maintaining appropriate oversight, from “over the horizon”?

Answer. My understanding is that DOD is already shifting to an over-the-horizon approach to sustainment of the Afghan aircraft fleet. This involves virtual or tele-maintenance support, transporting aircraft to third country locations to perform complex maintenance tasks, and continued training of pilots and maintainers in third countries.

Question. What is your assessment of the roles Pakistan, Russia and Iran are playing in Afghanistan, including with regard to support for the Taliban and other militant groups?

Answer. If confirmed, I will have access to greater information that can help inform a more complete view of the regional players’ roles in Afghanistan. I agree with Secretary Austin that the United States should work with Pakistan to defeat al-Qa’ida and ISIS-K, and to advance negotiated peace settlement in Afghanistan. I understand that Russia and Iran favor the United States withdrawal from the region, but are also concerned about a destabilized Afghanistan.

Question. What is your assessment of the role China is playing in Afghanistan?

Answer. China has engaged both the Government of Afghanistan and the Taliban in pursuit of regional stability. According to DOD’s December 2020 Section 1225 Report to Congress, Afghanistan has not been a major economic partner for China to date.

PAKISTAN

Question. What is your view of the current state of the United States-Pakistan security relationship?

Answer. Pakistan is an important, yet challenging, partner. If confirmed, I would seek to work with Pakistan on defeating al-Qaida (AQ) and the Islamic State—

Khorasan (ISIS-K), pursuing a durable peace in Afghanistan, and enhancing regional stability, among other things. I would also assess the use of the International Military Education and Training program (IMET), along with other opportunities, to develop and deepen our relationships with Pakistan's future military leaders.

Question. Do you believe United States security assistance to Pakistan is effective and supports United States national security objectives?

Answer. I understand that United States security assistance to Pakistan remains suspended, with limited exceptions for programs that advance United States national security interests. If confirmed, I would assess whether any changes to security assistance may be useful to advance U.S. interests in the region.

Question. What steps would you recommend the United States take to convince or compel Pakistan to do more to cut off support and sanctuary for militant and terrorist groups?

Answer. If confirmed, I will work with Pakistan's military leaders to collaborate on mutual priorities. I will continue to press Pakistan to take action against militants and violent extremist organizations operating in its territory.

Question. Are there additional conditions on security assistance to Pakistan that you believe should be considered if Pakistan declines to cut off support and sanctuary for militant and terrorist groups? If so, what are the additional conditions on assistance that you would recommend?

Answer. I understand that United States security assistance to Pakistan remains suspended, with limited exceptions for programs that advance United States national security interests. If confirmed, I will work to ensure that any U.S. security assistance is shaped to advance U.S. interests.

TERRORISM

Question. What is your assessment of the threat to United States interests posed by al Qaeda, ISIS, and affiliated terrorist organizations operating in the Indo-Pacific region?

Answer. Following the withdrawal of combat forces from Afghanistan, the potential for the reemergence of al-Qaida in Afghanistan is a risk that must be addressed. The President has committed to ensuring that even after a U.S. withdrawal, the United States Government will have capabilities that remain available to help manage the risk that al Qaeda or ISIS attempts to rebuild. If confirmed, I will work with Secretary Austin to ensure we have the capability to address any terrorist threat that would emanate from the Indo-Pacific Region.

Question. What is your understanding of the U.S. counterterrorism strategy in the region and, what changes, if any, would you recommend to that strategy, particularly given the impending departure of United States Forces from Afghanistan?

Answer. It is my understanding that even after a U.S. withdrawal, the United States Government will have capabilities within the region that will help us to manage the risk of al Qaeda or ISIS attempting to rebuild. If confirmed, I will ensure our regional strategy accounts for our counterterrorism objectives and accounts for the threat landscape we face today.

SEXUAL HARASSMENT

Question. In responding to the 2018 DOD Civilian Employee Workplace and Gender Relations survey, 17.7 percent of female and 5.8 percent of male DOD employees indicated that they had experienced sexual harassment and/or gender discrimination by "someone at work" in the 12 months prior to completing the survey.

What is your assessment of the current climate regarding sexual harassment, gender discrimination, and other harassment in the Office of the USD(P)?

Answer. I have not had the opportunity to assess the current climate regarding sexual harassment, gender discrimination, or other harassment in the office of the USD(P). However, if confirmed, ensuring a safe and equitable work place for all employees will be a top priority. It is my expectation that each member of Policy has a safe, healthy, and respectable place to work.

Question. If confirmed, what actions would you take were you to receive or become aware of a complaint of sexual harassment, discrimination, or other harassment from an employee of the Office of the ASD(IPSA)?

Answer. If confirmed, and made aware of such a complaint, I would first ensure the complainant was in a safe place and had access to support resources. I would direct the case be handled promptly and properly, following the DOD guidelines and policies, and swiftly work to resolve the complaint appropriately. It would be a top priority to create a safe workplace for all staff and free from hostile or abusive conduct by anyone.

CONGRESSIONAL OVERSIGHT

Question. 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, reports, records (including documents and electronic communications) and other information from the Department.

Do you agree, without qualification, if confirmed, and on request, to appear and testify before this Committee, its subcommittees, and other appropriate committees of Congress? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to provide this Committee, its subcommittees, other appropriate committees of Congress, and their respective staffs such witnesses and briefers, briefings, reports, records (including documents and electronic communications), and other information as may be requested of you, and to do so in a timely manner? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to consult with this Committee, its subcommittees, other appropriate committees of Congress, and their respective staffs, regarding your basis for any delay or denial in providing testimony, briefings, reports, records—including documents and electronic communications, and other information requested of you? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to keep this Committee, its subcommittees, other appropriate committees of Congress, and their respective staffs apprised of new information that materially impacts the accuracy of testimony, briefings, reports, records—including documents and electronic communications, and other information you or your organization previously provided? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, and on request, to provide this Committee and its subcommittees with records and other information within their oversight jurisdiction, even absent a formal Committee request? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to respond timely to letters to, and/or inquiries and other requests of you or your organization from individual Senators who are members of this Committee? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to ensure that you and other members of your organization protect from retaliation any military member, federal employee, or contractor employee who testifies before, or communicates with this Committee, its subcommittees, and any other appropriate committee of Congress? Please answer with a simple yes or no.

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR ANGUS S. KING, JR.

AFGHAN SPECIAL IMMIGRANT VISAS

1. SENATOR KING. Dr. Ratner, the United States may need to create an intermediate screening location, external to the United States, to receive and screen our Afghan partners while the United States Government processes their special immigrant visas. This would solve some of the immediacy of the plight of the Afghans and also allow national security concerns to be addressed. Please suggest at least three options for an outside the continental United States (OCONUS) reception and screening location. Options that include cooperative solutions with allies and partners are welcome. Additionally, please include a short summary of the benefits and detriments for each location.

Dr. RATNER. I agree that it is critically important that the United States Government takes appropriate measures to expedite the processing of Afghan Special Immigrant Visa applications. If confirmed, I will join in the discussions about expediting these applications, and I will advocate for whatever Department of Defense

support may be appropriate to establish intermediate screening locations. I also agree that it will be important to work with our allies and partners on this issue.

QUESTIONS SUBMITTED BY SENATOR GARY C. PETERS

CYBER

2. Senator PETERS. Dr. Ratner, if confirmed, you will oversee all regional security cooperation programs. Do you consider cyber security assistance or measures to enhance resiliency to be a part of this portfolio?

Dr. RATNER. Yes. If confirmed, I will help to ensure, in coordination with the Department of State, that we prioritize the cyber security and resilience of our allies and partners, consistent with overall U.S. regional and cyber policies. Strengthening the cyber resilience of our allies and partners is an important mission for the Department of Defense, and cyber cooperation is an area of growing importance for many countries in the Indo-Pacific region.

3. Senator PETERS. Dr. Ratner, North Korea is a criminal syndicate with a flag—does the Department of Defense (DOD) have a role in combating their cybercrimes?

Dr. RATNER. North Korea continues to develop a range of programs that threaten the United States and our allies and partners, including weapons of mass destruction, ballistic missiles, and cyber capabilities. If confirmed, I will review the full range of activities that enhance United States and allied defenses against North Korea's growing capabilities in these areas. I will also work with partners across other United States Government departments and agencies, as well as regional partners and allies, to forge a comprehensive approach to addressing North Korean threats.

QUESTIONS SUBMITTED BY SENATOR TOM COTTON

INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE

4. Senator COTTON. Dr. Ratner, I'm assuming that launching Afghanistan intelligence, surveillance, and reconnaissance (ISR) missions from over the horizon bases will impact the on-station time of our assets. Just how much time will these platforms have on station and how is that changed from missions that are currently launched from within Afghanistan?

Dr. RATNER. I understand that the Department of Defense is working to reposition our counterterrorism capabilities, including ISR assets, to prevent the re-emergence of a terrorist threat to the United States Homeland from Afghanistan. If confirmed, I will examine how best to maximize the "over-the-horizon" approach in order to detect and disrupt threats to the U.S. Homeland and to our allies and partners.

5. Senator COTTON. Dr. Ratner, how many additional ISR orbits or missions will we need to maintain a similar level of coverage as we have today?

Dr. RATNER. It is my understanding that the Department has already begun developing an "over-the-horizon" surveillance capability for Afghanistan. If confirmed, I look forward to providing this Committee with more specifics on what this capability looks like in Afghanistan.

6. Senator COTTON. Dr. Ratner, where are these additional lines being sourced from and will that impact operations in other areas of responsibility such as United States Indo-Pacific Command (INDOPACOM) or Africa?

Dr. RATNER. It is my understanding that the Department of Defense leadership continually reviews requests for forces from all Combatant Commanders and allocates resources in accordance with applicable national security priorities. If confirmed, I will ensure that the global force management process benefits from the best regional insights.

VISAS FOR CHINESE CITIZENS

7. Dr. Ratner, in your December 2019 CNAS [Center for New American Security] report, titled "Rising to the China Challenge: Renewing American Competitiveness in the Indo-Pacific," you wrote it would be "sensible" to prohibit F or J visas for People's Liberation Army (PLA)-employed, -funded, or -sponsored individuals (p. 24). Do you still stand by this position?

Dr. RATNER. Yes, I support Presidential Proclamation 10043 of May 29, 2020, which suspended entry of certain students and researchers from the People's Repub-

lic of China. As Proclamation 10043 states, “the People’s Republic of China is engaged in a wide-ranging and heavily resourced campaign to acquire sensitive United States technology and intellectual property, in part to bolster the modernization and capability of the People’s Liberation Army.” This acquisition is a threat to our nation’s long-term economic vitality and the safety and security of the American people.

QUESTIONS SUBMITTED BY SENATOR THOM TILLIS

AFGHANISTAN

8. Senator TILLIS. Dr. Ratner, Secretary Lloyd Austin wrote in his testimony last week: “In Afghanistan, the Department is working to conduct a deliberate, orderly, and safe withdrawal, as directed by the President. This is an important step in responsibly ending this two-decade-long conflict, and it offers us an opportunity to redirect our resources toward strategic competition.”

General Kenneth McKenzie testified to the committee in March of this year that to accomplish the counter-terrorism mission from over the horizon: “The ranges will be greater. The resources will be greater. The risks will all be greater...”

Last week, Acting Air Force Secretary John Roth said the Air Force budgeted for \$10 billion in unspecified U.S. Central Command (CENTCOM) needs to deal with post-withdrawal missions. Do you think that it will cost more or less to execute over the horizon counter-terrorism operations in Afghanistan after we withdraw?

Dr. RATNER. It is my understanding that the Department’s priority mission in Afghanistan remains preventing al Qaeda, ISIS, and other terrorist groups from operating, directing, or supporting external attacks against the United States Homeland, our citizens, and our allies and partners from Afghanistan. If confirmed, I will examine how the Department is addressing this priority from an “over-the-horizon” posture and will ensure that the global force management process has the full regional perspective as it balances resource allocations.

9. Senator TILLIS. Dr. Ratner, do you think these more remote operations will be more effective or less effective than pre-withdrawal operations?

Dr. RATNER. If confirmed, I will have the opportunity to examine operational planning and sensitive intelligence that would inform a judgment about whether our strategy and operational approach are effective.

10. Senator TILLIS. Dr. Ratner, are you worried about how we take care of Afghans who helped us during the war, such as interpreters who have saved the lives of United States troops on the battlefield?

Dr. RATNER. I agree that the United States Government should support Afghans who supported us during our mission in Afghanistan and who now may be under threat from the Taliban. If confirmed, I will strongly support the efforts of the Departments of State and Homeland Security to accelerate the processing of Afghan Special Immigrant Visas, and I will advocate for any support the Department of Defense may be in a position to provide.

11. Senator TILLIS. Dr. Ratner, do you agree we should take extraordinary measures to ensure the safety of these allies, given the risks they have taken on behalf of the lives of our troops?

Dr. RATNER. I agree that the United States Government should support Afghans who supported us during our mission in Afghanistan and who now may be under threat from the Taliban. If confirmed, I will strongly support the efforts of the Departments of State and Homeland Security to accelerate the processing of Afghan Special Immigrant Visas, and I will advocate for any support the Department of Defense may be in a position to provide.

12. Senator TILLIS. Dr. Ratner, why do you think that the United Nations (UN) would issue a report that says al Qaeda and other terrorists with international ambitions are celebrating the United States and coalition withdrawal from Afghanistan as a victory?

Dr. RATNER. I am not able to comment on the motivations of the United Nations. If confirmed, I will be part of an unwavering U.S. commitment to prevent AQ, ISIS, and other terrorist groups from operating, directing, or supporting external attacks against the United States Homeland, our citizens, and our allies and partners from Afghanistan.

QUESTIONS SUBMITTED BY SENATOR MARSHA BLACKBURN

CHINA—AFGHAN RELATIONSHIP

13. Senator BLACKBURN. Dr. Ratner, how has China's Afghan policy changed in recent years, and how do you expect the United States withdrawal from Afghanistan will impact the Chinese?

Dr. RATNER. The People's Republic of China will have to reassess elements of its approach to Afghanistan following the United States retrograde. Although leaders in Beijing may welcome the reduction of United States Forces in the region, they will also face new challenges, including as a result of the ongoing genocide of Muslim Uighurs in Xinjiang. If confirmed, I would closely monitor China's regional ambitions, work with our allies and partners, and engage directly in interagency discussions on a coordinated United States approach to ensure China's actions do not undermine vital United States interests.

14. Senator BLACKBURN. Dr. Ratner, how would you advise that United States policy evolve to address China's growing roles with respect to Afghanistan, Pakistan, and the region, generally?

Dr. RATNER. Secretary Austin has said repeatedly that China is the Department of Defense's number one pacing challenge and, if confirmed, my top priority would be advancing that agenda. As part of that, I would closely monitor China's regional ambitions in Central and South Asia, work with our allies and partners in the region, and engage directly in interagency discussions on a coordinated United States approach to ensure China's actions do not undermine vital United States interests.

MILITARY—CIVIL FUSION

15. Senator BLACKBURN. Dr. Ratner, military-civil fusion (MCF) is a cornerstone of People's Liberation Army (PLA) power, but please discuss how our own DOD can serve as a better partner with the private sector, universities, and our national labs to achieve our own synergistic effect between these entities.

Dr. RATNER. If confirmed, I would work with my counterparts in the Offices of the Under Secretaries of Defense for Acquisition and Sustainment and Research and Engineering, and elsewhere in the Department of Defense, to ensure that we strengthen laboratory and university partnerships for basic research. If confirmed, I would also work closely with the Military Services to meet the challenges posed by China's military-civil fusion strategy. I believe that the Department's new Innovation Steering Group will provide an important mechanism for synchronizing and driving innovation efforts forward.

QUESTIONS SUBMITTED BY SENATOR JOSH HAWLEY

DETERRING CHINESE AGGRESSION

16. Senator HAWLEY. Dr. Ratner, there are reports that the Pentagon is considering setting up a permanent naval task force for the Western Pacific. There are also reports that the Pentagon is thinking about establishing a named military operation for the Pacific. How would setting a permanent naval task force or a named operation for the Pacific help us in our efforts to deter China?

Dr. RATNER. It is critical that the Department of Defense continue taking measures to bolster deterrence in the Western Pacific. If confirmed, I would work with leaders throughout the Department to assess the best existing and prospective means of achieving DOD objectives in the region and would look forward to keeping members of the Committee informed about DOD efforts in this regard.

17. Senator HAWLEY. Dr. Ratner, there is a tension between the requirements for deterring China in the next 5–7 years and transforming the Joint Force in order to sustain deterrence for the next 10 or 15 years. How should the Department manage these tradeoffs, so we can deter China in the near term without undermining our ability to do so in the medium or long term?

Dr. RATNER. It is imperative that the Department of Defense take concerted steps to deter PRC aggression in the near-term and also to develop the operational concepts, capabilities, force posture, and partnerships necessary to maintain that deterrence into the future. I anticipate the ongoing Global Posture Review and National Defense Strategy development process will address key requirements and tradeoffs to achieve these goals. If confirmed, I would seek to play an active role in these reviews, as well as engage in global force management and programming discussions

to ensure that regional insights and mission requirements over time are understood in making policy and strategy decisions.

[The nomination reference of Dr. Ely S. Ratner follows:]

NOMINATION REFERENCE AND REPORT

PN428

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 27, 2021.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Ely Stefansky Ratner, of Massachusetts, to be an Assistant Secretary of Defense, vice Randall G. Schriver.

_____, 2021.
(Date)

Reported by Mr. Reed _____
(Signature)

with the recommendation that the nomination be confirmed.

The nominee has agreed to respond to requests to appear and testify before any duly constituted committee of the Senate.

[The biographical sketch of Dr. Ely S. Ratner, which was transmitted to the Committee at the time the nomination was referred, follows:]

Ely S. Ratner**Education:**

- Princeton University
 - 9/1994-5/1998
 - Bachelor's Degree
- University of California, Berkeley
 - 8/2001-5/2009
 - Master's Degree (2002) and Doctorate in Political Science (2009)

Employment Record:

List all jobs held since college including title or description of job, name of employer, location of work, and dates of employment.

- Department of Defense, Office of the Secretary of Defense
 - Special Assistant to the Secretary of Defense
 - 1/2021-present
 - Washington, D.C.
- Biden-Harris Presidential Transition Team
 - Department of Defense Agency Review Team, 2020-2021 (unpaid volunteer)
 - Washington, D.C.
- Center for a New American Security
 - Executive Vice President and Director of Studies
 - 4/2018-1/2021
 - Washington, D.C.
- WestExec Advisors
 - Senior Advisor {external consultant}
 - 11/2017-1/2021
 - Washington, D.C.
- Council on Foreign Relations
 - Senior Fellow for China Studies
 - 2/2017-3/2018
 - Washington, D.C.
- Executive Office of the President, Office of the Vice President
 - Deputy National Security Advisor to the Vice President
 - 7/2015-1/2017
 - Washington, D.C.
- Center for a New American Security
 - Senior Fellow and Deputy Director of the Asia-Pacific Security Program
 - 9/2012-7/2015
 - Washington, D.C.

- Department of State, Office of Chinese and Mongolian Affairs
 - Desk Officer, External Political Unit
 - 9/2011-8/2012
 - Washington, D.C.
- RAND Corporation
 - Associate Political Scientist
 - 9/2009-9/2011
 - Arlington, VA
- University of California, Berkeley; Institute of International Studies
 - Research Fellow
 - 1/2005-5/2009
 - Berkeley, CA
- Senate Foreign Relations Committee
 - Professional Staff Member
 - 10/2005-11/2005 {short-term filling in for PSM on paternity leave}
 - Washington, D.C.
- University of California, Berkeley; Department of Political Science
 - Graduate Student Instructor
 - 8/2003-5/2004; 9/2004-12/2004
 - Berkeley, CA
- RAND Corporation
 - Summer Associate
 - 6/2004-8/2004
 - Santa Monica, CA
- Senate Foreign Relations Committee
 - Professional Staff Member
 - 9/2002-6/2003
 - Washington, D.C.
- Senate Foreign Relations Committee
 - Summer Fellow
 - 6/2002-8/2002
 - Washington, D.C.
- University of California, Berkeley; Department of Political Science
 - Graduate Student Fellow
 - 9/2001-5/2002
 - Berkeley, CA
- Gore/Lieberman, Inc.
 - National Advance Staff
 - 6/2000-11/2000
 - Travelled nationally, no homebase location
- Office of Senator Joseph Biden
 - Assistant to the Chief of Staff
 - 3/1999-5/2000
 - Washington, D.C.
- Office of Senator John Kerry
 - Intern

- 1/1999-3/1999
- Washington, D.C.
- Center for the Study of International Organization; School of Law of New York University
 - Intern
 - 6/1998-8/1998
 - New York, New York

Honors and Awards:

- Academic Awards
 - Princeton University
 - Phi Beta Kappa Honor Society; 1998
 - Magna Cum Laude; 1998
 - University of California, Berkeley
 - Finishing Year Fellowship; 2008-2009
- Other Awards
 - National Bureau of Asia Research
 - National Asia Research Program Fellow; 2010-2011
 - Council on Foreign Relations
 - International Affairs Fellowship; 2011-2012

[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 Dr. Ely S. Ratner in connection with his nomination follows:]

117th CONGRESS, 2020 -- 2021
UNITED STATES SENATE
COMMITTEE ON ARMED SERVICES
ROOM SR-228
WASHINGTON, D.C. 20510-6050
(202) 224-3871

COMMITTEE ON ARMED SERVICES QUESTIONNAIRE
INFORMATION REQUESTED OF CIVILIAN NOMINEES

INSTRUCTIONS TO THE NOMINEE: Answer all questions and provide all requested information. If more space is needed, attach an additional sheet of paper to the Questionnaire and cite the part of the Questionnaire and the question number (e.g., A-9, B-4) to which the continuation of your answer applies. Unless otherwise required, an answer of "yes", "no", or "not applicable" is appropriate.

QUESTIONNAIRE, PART A

NOTE: Information furnished in this part of the Questionnaire will be made available in Committee offices for public inspection prior to the hearing, if any, and will be entered in the hearing record, also available to the public.

BIOGRAPHICAL INFORMATION TO BE MADE PUBLIC

1. **Name (Include any former names you have used):**

Ely Stefansky Ratner

2. **Position to which nominated:**

Assistant Secretary of Defense, Indo-Pacific Security Affairs

3. **Date of nomination:**

April 27, 2021

4. **Education (List names of secondary and higher education institution**

attended, type of school [vocational, technical, trade school, college, university, military college, correspondence, distance, extension, and on-line], dates attended, degree received, and date degree granted):

Concord-Carlisle High School

- 9/1990-6/1994
- High School Diploma (6/1994)

Princeton University

- 9/1994-5/1998
- Bachelor's Degree in Public and International Affairs (6/1998)

University of California, Berkeley

- 8/2001-5/2009
- Master's Degree (5/2002) and Doctorate in Political Science (5/2009)

5. Employment record (List all jobs held since college, or in the last 10 years, whichever is less, including the title or description of the job, name of employer, location of work, and dates of employment. If the employment activity was military duty, show each change of military duty station as a separate period of employment):

- Department of Defense, Office of the Secretary of Defense
 - Special Assistant to the Secretary of Defense (China)
 - 1/2021-present
 - Washington, D.C.
- Biden-Harris Presidential Transition Team
 - Department of Defense Agency Review Team, 2020-2021 (unpaid volunteer)
 - Washington, D.C.
- Center for a New American Security
 - Executive Vice President and Director of Studies
 - 4/2018-1/2021
 - Washington, D.C.
- WestExec Advisors
 - Senior Advisor (external consultant)
 - 11/2017-1/2021
 - Washington, D.C.
- Council on Foreign Relations
 - Senior Fellow for China Studies
 - 2/2017-3/2018
 - Washington, D.C.
- Executive Office of the President, Office of the Vice President

- Deputy National Security Advisor to the Vice President
 - 7/2015-1/2017
 - Washington, D.C.
 - Center for a New American Security
 - Senior Fellow and Deputy Director of the Asia-Pacific Security Program
 - 9/2012-7/2015
 - Washington, D.C.
 - Department of State, Office of Chinese and Mongolian Affairs
 - Desk Officer, External Political Unit
 - 9/2011-8/2012
 - Washington, D.C.
 - RAND Corporation
 - Associate Political Scientist
 - 9/2009-9/2011
 - Arlington, VA
- 6. Government experience (List any advisory, consultative, honorary, and other part-time service or positions with Federal, State, or local governments, other than those listed in response to question 5, above):**
- National Intelligence Council
 - IC Associate (external consultant; contract managed by SAIC)
 - 4/2018-1/2021
 - Washington, D.C.
 - Senate Foreign Relations Committee
 - Professional Staff Member
 - 10/2005-11/2005 {short-term filling in for PSM on paternity leave}
 - Washington, D.C.
 - Senate Foreign Relations Committee
 - Professional Staff Member
 - 9/2002-6/2003
 - Washington, D.C.
 - Senate Foreign Relations Committee
 - Summer Fellow
 - 6/2002-8/2002
 - Washington, D.C.
 - Office of Senator Joseph Biden
 - Assistant to the Chief of Staff
 - 3/1999-5/2000
 - Washington, D.C.

7. 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, and of any educational or other institution):

n/a

8. Memberships (List all memberships and offices that you currently hold, as well as any memberships and offices you have previously held in professional, fraternal, scholarly, civic, business, charitable and other organizations):

Friends of the National Zoo

- Member; 2016-2021

Capitol Hill Little League

- Coach, 2019-2021

Council of Foreign Relations

- Term Member; 2010-2015

Princeton University

- Beta Theta Pi fraternity; 1994-1998
- University Cottage Club; 1996-1998

9. Political affiliations and activities:

- a. If you have ever been a candidate for, or have been elected or appointed to a political office, list the name of the office(s); whether you were a candidate/elected/appointed; the year(s) during which you were a candidate, or in which the election was held or the appointment was made; and the term of office (if applicable):

n/a

- b. List all memberships and offices held in, and services rendered to, all political parties or election committees during the last 5 years:

Biden-Harris Presidential Campaign

- Co-chair, East Asia Working Group, 2019-2020 (unpaid volunteer)

c. Itemize all individual political contributions of \$100 or more to any individual, campaign organization, political party, political action committee, or similar entity during the past 5 years. List each individual contribution (not the total amount contributed to the person or entity) over this period:

Biden for President; \$1,800.00; 10/12/2020

Democratic National Committee; \$1,000.00; 10/12/2020

Biden Victory Fund; \$2,800.00; 10/12/2020

Biden for President; \$2,800.00; 1/5/2020

Biden for President; \$1,000.00; 4/25/2019

Elissa Slotkin for Congress; \$1,000.00; 9/14/2018

Elissa Slotkin for Congress; \$500.00; 3/15/2018

Elissa Slotkin for Congress; \$250.00; 12/7/2017

Elissa Slotkin for Congress; \$250.00; 9/26/2017

Hillary for America; \$2000.00; 10/9/2016

10. Honors and awards (List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognition received for outstanding service or achievements):

Princeton University

- Phi Beta Kappa Honor Society; 1998
- Magna Cum Laude; 1998

University of California, Berkeley

- Finishing Year Fellowship; 2008-2009

National Bureau of Asia Research

- National Asia Research Program Fellow; 2010-2011

Council on Foreign Relations

- International Affairs Fellowship; 2011-2012

11. Published writings (List the titles, publishers, and dates of books, articles, reports, or other published materials that you have written or for which you served as co-author or editor, including articles and blogs published on the internet):

- "Trump has been weak on China, and Americans have paid the price." The Patriot-News, September 19, 2020.
- "The U.S.-China confrontation is not another Cold War. It's something new." The Washington Post, July 2, 2020.
- "Trump deferred to China for too long as virus threat grew." Detroit Free Press, April 30, 2020.
- "Rising to the China Challenge: Renewing American Competitiveness in the Indo-Pacific." Center for a New American Security; an independent assessment for Congress as mandated by the FY2019 National Defense Authorization Act. January 2020.
- "Beyond the Trade War." Foreign Affairs, December 12, 2019.
- "There is No Grand Bargain with China." Foreign Affairs, November 27, 2018.
- "The China Reckoning." Foreign Affairs, March/April 2018.
- "A Better Way to Challenge China on Trade." Foreign Affairs, March 22, 2018.
- "If China Invades North Korea, Will Trump Be Prepared?" Newsweek, December 21, 2017.
- "An American Attack On North Korea Will Come With Epic Consequences." The Hill, December 1, 2017.
- "China's Honeymoon with Trump will soon come to an end." War on the Rocks, November 22, 2017.
- "3 Central Questions As President Trump Visits Asia." NPR, November 6, 2017.
- "Two Asia hands clash over the future of U.S. strategy in the region." War on the Rocks, June 30, 2017.
- "Tillerson Bumbles Around Asia." Politico, March 20, 2017.
- "The State Department Is Tilting Dangerously Toward China." Foreign Policy, August 24, 2017.
- "Course Correction." Foreign Affairs, July/August 2017.
- "The United States Is Losing Asia to China." Foreign Policy, May 12, 2017.
- "Why Trump was right to invite Duterte to the White House." Politico, May 3, 2017.
- "Trump Is Making a Mistake by Giving VIP Treatment to China." *The Washington Post*, April 3, 2017.
- "Tailored Coercion." CNAS, March 21, 2014.
- "How to Get Tough on China, in Six Easy Steps." Foreign Policy, March 3, 2017.
- "More Willing and Able: Charting China's International Security Activism." *Center for a New American Security*, May 2015.
- "China's Middle East Tightrope." Foreign Policy, April 20, 2015.
- "A Trade Deal with a Bonus for National Security." *The Wall Street Journal*, March 8, 2015

- "China's menacing sandcastles in the South China Sea," War on the Rocks, March 2, 2015.
- "China Scores," Foreign Affairs, November 23, 2014.
- "The Obama-Xi Summit: Three Essential Messages from Washington," RSIS, November 2014.
- "How the United States Can Counter the Ambitions of Russia and China," *The Washington Post*, November 21, 2014
- "Welcome to the World Without the West," The National Interest, November 12, 2014.
- "Straight Talk on the South China Sea," *Defense One*, November 10, 2014
- "Making Bank," Foreign Policy, October 23, 2014.
- "Is Abbott spreading Australia too thin?" The Interpreter, September 12, 2014.
- "Pointless Punishment," Foreign Affairs, August 18, 2014.
- "Chinese Assertiveness Has Asia on Edge," The National Interest, August 4, 2014.
- "Australia's new activism: The view from Washington," The Interpreter, July 23, 2014.
- "China's Territorial Advances Must Be Kept in Check by the United States," *The Washington Post*, July 4, 2014
- "China undeterred and unapologetic," War on the Rocks, June 24, 2014
- "A Plan to Counter Chinese Aggression," The Wall Street Journal, June 10, 2014.
- "Far Eastern Promises," Foreign Affairs, May/June 2014.
- "A Summer Calendar for Advancing U.S. Policy toward the South China Sea," CNAS, May 21, 2014.
- "China Has Russia Over a Barrel," Foreign Policy, May 19, 2014.
- "The False Cry of the Pivot Deniers," Foreign Policy, April 25, 2014.
- "Can Asia prevent its own Crimea?" CNN, March 26, 2014.
- "Managing Air Commons in Maritime Asia," CNAS panel, March 7, 2014.
- "Roiling the Waters," Foreign Policy, January 21, 2014.
- "Asians Hedge Against China," The Wall Street Journal, December 5, 2013
- "Learning the Lessons of Scarborough Reef," The National Interest, November 21, 2013.
- "Resident Power: Building a Politically Sustainable U.S. Military Presence in Southeast Asia and Australia," Center for a New American Security, October 2013.
- "Economic Experiments and the Battle for East Asia," Foreign Policy, October 23, 2013
- "America's Not in Decline — It's on the Rise," The Washington Post, October 18, 2013
- "The Drone War Comes to Asia," Foreign Policy, September 17, 2013
- "Has Foggy Bottom Forgotten Asia?" Foreign Policy, July 2, 2013.
- "The Emerging Asia Power Web: The Rise of Bilateral Intra-Asian Security Ties," Center for a New American Security, June 2013
- "The Most Dangerous Border in the World," Foreign Policy, May 4, 2013.
- "Rebalancing to Asia with an Insecure China," The Washington Quarterly, Spring 2013.
- "China's Victim Complex," Foreign Policy, April 19, 2013
- "The Mythical Liberal Order," The National Interest, March 1, 2013.
- "Smart Shift," Foreign Affairs, January/February 2013.

"The Emergent Security Threats Reshaping China's Rise," *The Washington Quarterly*, Winter 2011.

"Tokyo's Transformation," *Foreign Affairs*, September/October 2011.

"Reaping What You Sow: Democratic Transitions and Foreign Policy Realignment," *Journal of Conflict Resolution*, March 16, 2009.

"A World Without the West," *The National Interest*, July/August 2007.

"China's Illiberal Challenge," *Democracy: A Journal of Ideas*, Fall 2006.

12. Speeches (Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years—of which you have copies—in which you addressed matters relevant to the position to which you have been nominated).

Podcast: "Straight Talk with Hank Paulson," August 13, 2020.

Podcast: Center for Strategic and International Studies, "The Inaugural Trump-Xi Summit," April 14, 2020.

Podcast: National Committee on U.S.-China Relations, "Rising to the China Challenge," March 31, 2020.

"The Low Road: Charting China's Digital Expansion," CNAS video, September 4, 2019.

Conference: "CNAS: Conscious Decoupling: Are the United States and China Parting Ways," June 14, 2019.

Conference: "Council on Foreign Relations: The Future of U.S.-China Relations," February 19, 2019.

"Blunting China's Illiberal Order," Testimony before the Senate Armed Services Committee, January 29, 2019.

Podcast: "Jaw-Jaw: How America Got China Wrong," January 22, 2019.

Conference: "CSIS China's Power: Up for Debate," December 6, 2018.

Conference: The Atlantic: "Superpower Standoff," October 4, 2018.

Podcast: "McCain Institute's In the Arena," August 15, 2018.

"Blunting China's Economic Coercion," Testimony before the Senate Foreign Relations Committee, July 24, 2018.

Conference: CNAS Annual Conference presentation, "The China Challenge," June 21, 2018.

Podcast: War on the Rocks, "To Compete with China, can American get out of its own way," June 1, 2018.

"Rising to the China Challenge," Testimony before the House Armed Services Committee, February 15, 2018.

"Geostrategic and Military Drivers and Implications of the Belt and Road Initiative,"

Testimony before the U.S.-China Security and Review Commission, January 25, 2018.

"China and the Evolving Security Dynamics in East Asia," Testimony before the U.S.-China Economic and Security Review Commission, March 13, 2014.

"U.S. Rebalancing to the Asia-Pacific Region," House Armed Services Committee; Subcommittee on Seapower and Projection Forces, February 27, 2014.

COMMITMENTS IN FURTHERANCE OF CONGRESSIONAL OVERSIGHT

NOTE: In order to exercise their legislative and oversight responsibilities, it is important that this Committee, its subcommittees, and other appropriate committees of Congress timely receive testimony, briefings, reports, records—including documents and electronic communications, and other information from the executive branch.

13. Do you agree, if confirmed, and on request, to appear and testify before this Committee, its subcommittees, and other appropriate Committees of Congress?

Yes

14. Do you agree, if confirmed, to provide this Committee, its subcommittees, other appropriate Committees of Congress, and their respective staffs such witnesses and briefers, briefings, reports, records—including documents and electronic communications, and other information, as may be requested of you, and to do so timely?

Yes

15. Do you agree, if confirmed, to consult with this Committee, its subcommittees, other appropriate Committees of Congress, and their respective staffs, regarding your basis for any delay or denial in providing testimony, briefings, reports, records—including documents and electronic communications, and other information requested of you?

Yes

16. Do you agree, if confirmed, to keep this Committee, its subcommittees, other appropriate Committees of Congress, and their respective staffs apprised of new information that materially impacts the accuracy of testimony, briefings, reports, records—including documents and electronic communications, and other information you or your organization previously provided?

Yes

17. Do you agree, if confirmed, and on request, to provide this Committee and its subcommittees with records and other information within their oversight jurisdiction, even absent a formal Committee request?

Yes

18. Do you agree, if confirmed, to respond timely to letters to, and/or inquiries and other requests of you or your organization from individual Senators who are members of this Committee?

Yes

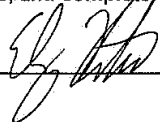
19. Do you agree, if confirmed, to ensure that you and other members of your organization protect from retaliation any military member, federal employee, or contractor employee who testifies before, or communicates with this Committee, its subcommittees, and any other appropriate committee of Congress?

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 Parts A and B of the foregoing Senate Armed Services Committee Questionnaire, and that the information provided therein and in any document appended thereto, is, to the best of my knowledge and belief, current, accurate, and complete.



This 5th day of May, 2021

[The nomination of Dr. Ely S. Ratner was reported to the Senate by Chairman Reed on June 22, 2021, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 22, 2021.]

[Prepared questions submitted to Ms. Shawn G. Skelly by Chairman Reed prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES

Question. Section 138 of Title 10, United States Code, provides that an Assistant Secretary of Defense shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

What is your understanding of the duties and functions of the ASD for Readiness?

Answer. The ASD(Readiness) is the principal advisor to the Secretary of Defense and the USD(P&R) on all matters related to the readiness of the Total Force to execute its assigned missions. The ASD(Readiness) develops policy, and provides oversight and guidance on matters including: readiness assessments and reporting, global force management, military training, joint exercises, professional military education, voluntary education, financial readiness, operational and occupational safety, and occupational health.

QUALIFICATIONS

Question. What background and experience do you have that you believe qualifies you to perform the duties and functions of this position?

Answer. I believe my cumulative career experience, in uniform and out, provides me both the background and experience to perform the duties and functions of ASD(Readiness). As a career Navy officer and qualified Naval Flight Officer, I have seen and lived many aspects of the portfolio firsthand, from my journey through commissioning as NROTC scholarship graduate through flight school to becoming a fully qualified mission commander, flight instructor, and later department head as a tactical aviator; I'm intimately familiar with how readiness is created and maintained at the servicemember and tactical until level. My time as a staff officer at both the U.S. Second Fleet and the then-U.S. Pacific Command at the operational and theater strategic levels taught me how readiness is assessed, how major units are certified for deployment, and how their availability and joint capabilities are applied to contingencies, named operations, and operational plans. As a graduate of the College of Naval Command & Staff, I know with certitude how that specific course of Professional Military Education has enabled my personal performance in every position I've held and endeavor I've undertaken; in uniform, other public service, and industry, over the past nineteen years. As a former aviator, I am keenly aware of the imperative of the Department's safety programs, both operational and occupational, in safeguarding the lives and wellbeing of the servicemembers and civilians in its charge and protecting the investments the American taxpayers have made in equipment and facilities. Unswerving vigilance and proactive, accountable leadership of safety programs and practices are paramount. Having led junior sail-

ors, I know well the importance of financial education programs, how finance issues can complicate family readiness and ultimately impinge upon individual service-member readiness. Finally, my combined experience in uniform, industry, and as a DOD civilian official has given me in depth perspective as to how the determination of requirements, technology and systems development, and the acquisition process provide the materiel capabilities that combine with and enable our personnel to execute their missions in support of the National Defense Strategy.

Question. Specifically, what leadership and management experience do you possess that you would apply to your service as ASD(Readiness), if confirmed?

Answer. The past twenty years of my career have provided me with multiple opportunities to develop my personal skills and experience in leadership and management that I believe would serve me well were I to be confirmed as ASD(Readiness). I have had the responsibility to lead high-performing, cross-functional teams responsible for large portfolios and creating and sustaining joint and interagency relationships in order to provide senior leader decision support at ever increasing levels of the DOD and the Executive Branch. I was an acting division chief responsible for politico-military affairs in thirty countries in the U.S. Pacific Command AOR, frequently briefing the Commander and Deputy Commander personally, in addition to directly supporting the Commander's travel to major treaty allies. I led the Marine Corps' service-level working group responsible for coordinating the response to Improvised Explosive Devices and providing lifesaving capabilities to deployed marines and sailors in combat in close partnership with joint and interagency partners and making recommendations on the service's Planning, Programming, Budgeting, and Execution actions required to support those capabilities. I was the day-to-day coordinator of the DOD's Department-wide forum, exercised under the authority of the Deputy Secretary of Defense, to respond to Combatant Commanders' most urgent operational needs, primarily in support of the Operations Inherent Resolve and Resolute Support and the Global War on Terrorism, focusing and facilitating the execution of those responses from requirements definition through delivery, while working with virtually every component of the DOD. I served as a personal and confidential assistant to a Cabinet Secretary and Deputy Secretary, as the Director of the Office of the Executive Secretariat of the Department of Transportation, responsible for all of the Department's official correspondence with Congress, the White House, interagency, and state, local, and tribal levels of government. Finally, I served as a Presidentially-appointed Commissioner, a principal, on the National Commission on Military, National, and Public Service, a three-year effort established by Congress to address the strategic future of the Select Service System and to address other national security and public service needs of the nation, submitting a report on our findings to Congress in 2020, and subsequently testified in front of the Senate Homeland Security and Government Affairs Committee. Through this all, I've learned that the bedrock of any complex, collaborative endeavor is the relationships formed and maintained with both people and organizations. Relationships that are based on trust, transparency, reliability, and an unwavering focus on mission and shared success. Relationships that endure whether they are close, daily partnerships or episodic. People, whether they are my own organization's team members, partner organization team members, or personal interlocutors, are what make success achievable and sustainable. Finally, I've learned that senior leaders' time, especially in the decision support space, has to be viewed as and actively treated as a precious and vital commodity that requires deliberate planning and execution in furtherance of defined, strategic goals, in each instance. Anything less than such an approach risks squandering often fleeting windows of opportunity, potentially wasting a leader's time, wasting a team's effort and jeopardizing its credibility. This is the very approach I would apply were I to be confirmed as ASD(Readiness).

Question. Are there any actions you would take to enhance your ability to perform the duties and exercise the powers of the ASD(Readiness)?

Answer. If I were to be confirmed as ASD(Readiness), beside the normal onboarding and introductory briefings and meetings one would reasonably expect to have, I would seek to expeditiously establish relationships with the leaders and organizations responsible for capabilities that I believe are crucial to the future demands of the Total Force's ability to maintain the nation's defense, not only to increase my personal knowledge and understanding of these areas in the context of readiness, but also to ensure the ASD(Readiness) organization understands them as well. These include the U.S. Space Force, the Joint Artificial Intelligence Center, the DOD CIO on the DOD Cloud Strategy, the Joint Staff for the Joint All Domain Command and Control Strategy, and multiple other stakeholders with equity in the Department's way ahead with unmanned and autonomous systems in all domains.

Question. If confirmed, what other duties would you recommend the Secretary of Defense or the Under Secretary of Defense for Personnel and Readiness (USD(P&R))

assign to you, particularly in light of the readiness component of the 2018 National Defense Strategy (NDS)?

Answer. If I were to be confirmed as ASD(Readiness), any consideration of additional duties could only come after I have been fully briefed, to include any and all classified elements, on all the component responsibilities, guidance documents, and organizational capabilities, to include personnel, and I have then had an opportunity to assess my ability to perform the duties and functions of ASD(Readiness). If I were to subsequently determine that additional duties were required, I would work with the Administration and Congress as necessary to make that case.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next ASD for Readiness?

Answer. In my view, the major challenges confronting the next ASD for Readiness are centered first on the need to improve current readiness assessment capabilities in light of the ever increasing availability of data and the ability to capture, process, and analyze that data through advanced analytics systems and approaches the Department is rapidly implementing, to inform strategic resourcing decision making with regard to the creation and sustainment of current and near term Total Force readiness. Second, a simultaneous need to pursue and create a future-focused definition and understanding of readiness in the context of the numerous capabilities the Department is pursuing as pillars of future Total Force capabilities; such as Artificial Intelligence, next generation joint command and control, new space doctrine and capabilities, and unmanned and autonomous systems, all of which will require an appreciation not just for the numbers of these systems and their operational status but their individual and combined effects' contributions to the Total Force's ability to perform in multiple, if not all mission areas, and most likely simultaneously. Finally, the next ASD(Readiness) will be charged with determining a data-informed means of assessing the Department's long term progress towards those capabilities and their desired effects in order to routinely and regularly inform the ongoing, near term resourcing decisions regarding current and legacy capabilities and systems.

Question. If confirmed, what actions and timelines would you have for addressing each of these challenges?

Answer. If confirmed as ASD(Readiness), my immediate focus in the first three months would be, while becoming familiar with the responsibilities and portfolio itself, understanding the state of the implementation of advanced analytics within the organization, its performance, and effects, while putting in place a deliberate framework to consider the readiness implications of the Department's future capability priorities. In the succeeding three to six months, I would pursue a detailed examination of those future capabilities and apply that knowledge to a portfolio-wide assessment of the implications for the organization's mission relevance and effectiveness in order to inform near- and mid-term ASD(Readiness) organizational decision-making in support of its role in supporting the Secretary of Defense and the Total Force, to include both duties and authorities. After that period, I would look to make any necessary deliberate recommendations with regard to Total Force readiness analysis and reporting in concert with all the appropriate stakeholder organizations and in accordance with relevant Departmental strategic planning and resourcing processes and timelines.

NATIONAL DEFENSE STRATEGY (NDS)

Question. The 2018 NDS outlines that the United States faces a rising China, an aggressive Russia, and the continued threat from rogue regimes and global terrorism.

Some have suggested that understanding the role of the ASD(Readiness) begins with the question: "Ready for What?". What are your views on this assertion?

Answer. "Ready for What?" is a fundamental question that must be continuously reassessed given that the current strategic environment is dynamic and becoming increasingly more complex. If confirmed, I will work closely with my colleagues across the Department to ensure that the Joint Force is ready to operate across all domains to deter, and if necessary, defeat threats posed by a rising China, an opportunistic Russia, and myriad other strategic challenges.

Question. In your view, what is the best answer to the "Ready for What?" question? Please explain your answer.

Answer. The "Ready for What?" question is the fundamental readiness question across the Department. Both the President and the Secretary of Defense have been clear on the three priorities facing the Department of Defense. The Department must be ready to meet the challenge of our strategic competitors and the Secretary

has prioritized China as the pacing challenge. We must also address and be ready to respond to and deter nation-state threats from Russia, Iran, and North Korea. I also share Secretary Austin's view that the Department must be ready to continue supporting ongoing federal COVID-19 response efforts.

Question. Where does the DOD stand, in your view, in rebuilding readiness to address the challenges set forth in the NDS—ranging from competition . . . to so-called “gray zone” conflict . . . to full-fledged kinetic conflict with a near-peer?

Answer. Building and sustaining strategic readiness must be a priority. If confirmed, I would seek to understand readiness against the requirements of the current strategy and the emerging strategic environment. We must ensure our armed forces are manned, trained, equipped, and appropriately modernized to meet the many challenges posed by strategic competitors both in large-scale combat operations, and in activities below the level of armed conflict.

Question. The strategy states that the Global Operating Model is comprised of four layers: contact, blunt, surge, and Homeland. In your view, how do each of these layers influence readiness planning and what are the unique factors that must be considered in planning for each?

Answer. The Global Operating Model describes how the Department will posture and employ the Joint Force to achieve its peacetime competition and wartime missions. The model is designed to support the National Defense Strategy in providing a flexible global posture and agile employment model that enables the Department to build the capabilities and readiness needed for strategic competition. For the Global Operating Model to work, the Department will need to ensure sufficient readiness is resident in each layer to support combat credible deterrence in peacetime and effective prosecution of the military strategy in wartime. If confirmed, I would work closely with the Joint Staff and Military Departments and Services to ensure relevance and utility in how we evaluate readiness to meet the expanding strategic requirements of the Global Operating Model.

Question. Do you believe that the military services' current force structure and authorized end strengths are sufficient to support the NDS? Please explain your answer.

Answer. Force structure and end strength decisions must be informed by rigorous analysis and national strategic priorities. If confirmed, I will work closely with my colleagues in the Office of the Secretary of Defense (OSD), the Military Departments and Military Services, and the Joint Staff to provide data-driven analysis and recommendations that ensure the appropriate joint force structure and end strength to meet the nation's security objectives.

Question. What changes to the Services' current force structure or authorized end strength that you would recommend, if confirmed, to implement properly all three lines of effort set forth in the 2018 NDS?

Answer. With the FY 2021 authorized force structure and end strengths, I believe the Department will meet the operational demands of the Combatant Commanders. If confirmed, I will work tirelessly to continually assess the force's readiness in the context of the priorities in the President's Interim National Security Strategic Guidance and the National Defense Strategy and ensure that resources are balanced appropriately to build and sustain readiness.

READINESS RESPONSIBILITIES

Question. Section 136 of title 10, United States Code, assigns to the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) certain responsibilities for military readiness. The Secretaries of the Military Departments, the Joint Staff, and other Under Secretaries of Defense (e.g., the Under Secretary for Acquisition and Sustainment exercises purview over logistics, sustainment, and materiel readiness), each have important responsibilities in the readiness domain.

What is the role of the USD(P&R) in the domain of readiness?

Answer. The USD(P&R) is the senior advisor to the Secretary on the overall readiness of the Joint Force to execute its assigned missions. This includes readiness to respond quickly in the case of contingency operations, as well as by projecting the readiness of Forces to engage in strategic competition across the continuum of conflict today and in the future.

Question. What is the role of the ASD(Readiness)?

Answer. The ASD(Readiness) develops policy, and provides oversight, guidance, and assessments of the readiness of the Joint Force to execute assigned missions. The ASD(Readiness) also prepares policy for military training, joint exercises, military education, operational and occupational safety, and occupational health. The ASD(Readiness) engages stakeholders across the OSD staff, Joint Staff, and Military Departments and Services to ensure all inputs to readiness are being consid-

ered to inform senior leader decisions, and that decisions across the Department consider readiness impacts.

Question. How do the roles of the USD(P&R) and the ASD(Readiness) network with the roles of the Military Department Secretaries, the Joint Staff, and the other Under Secretaries in the domain of readiness?

Answer. The USD and ASD must work hand-in-hand with the Military Departments, the Joint Staff, and the other Under Secretaries of Defense, to ensure the most pressing readiness issues are identified and addressed. As members of the Secretary's staff, the USD(P&R) and ASD(Readiness) must develop the policies that set the conditions for readiness across the force for today and in the future. They must then provide the oversight to ensure progress toward those readiness goals, and guidance regarding the tools (e.g., authorities, processes, best practices) available to the Military Departments and Services for building and sustaining readiness under all conditions.

Question. What is your understanding of the responsibilities of the ASD(Readiness) in developing and promulgating policies and in exercising oversight of the implementation of materiel readiness policies and programs?

Answer. It is my understanding that commanders assess the status of their unit's readiness based upon personnel, training, and equipment (condition and supply). The Under Secretary of Defense for Personnel and Readiness has policy oversight for most aspects of personnel and training, while the Under Secretary of Defense for Acquisition and Sustainment has policy oversight for materiel readiness. If confirmed, I would work closely with the Assistant Secretary of Defense for Sustainment to ensure that equipment condition and supply levels are sufficient to meet readiness requirements, that pertinent policies and oversight processes are in place, and that the universe of equipment and supply data are available to ensure timely, relevant monitoring of material readiness across the Joint Force.

Question. What role does the ASD(Readiness) play in ensuring that the personnel and health programs under the auspices of the USD(P&R) promote the readiness requirements of the Military Departments?

Answer. Readiness is connected to the personnel and health issues overseen by USD(P&R) because challenges in these areas can have detrimental impacts on the readiness of the Force. Issues in recruiting, retention, end strength, deployability, resilience, and medical readiness are prime drivers that reduce readiness of the Joint Force. If confirmed, I will work with my counterparts within the Office of the USD(P&R), including the ASD(Health Affairs) and ASD(Manpower and Reserve Affairs) to ensure we are aware and mutually supportive in these areas to reduce the potential impact to readiness.

Question. Given that responsibility for reserve affairs also resides under the USD(P&R), what role does the ASD(Readiness) play in matters of Reserve Component readiness?

Answer. Secretary Austin has been clear that increasing Joint Force readiness is one of his top priorities, and the readiness of our Reserve Components is a key element of Joint Force Readiness. The ASD for Readiness has responsibility for Joint Force Readiness programs and assessments to execute the National Defense Strategy, as well as implementing Reserve Component mobilization policy and overseeing Reserve Component participation in the global force management process. If confirmed, I will ensure the Department meets this priority and continues to access the Reserve Component in accordance with current policies. I will also assess and reinforce all appropriate efforts currently underway to ensure the readiness of the Joint Force.

Question. Given that responsibility for health affairs also resides under the USD(P&R), what role does the ASD(Readiness) play in matters related to the medical readiness of military forces—both Active and Reserve Components?

Answer. The ASD(Readiness) works closely with the ASD(Health Affairs) to monitor and report on the medical readiness of the Joint Force, and advocate for key initiatives and policies to ensure the Department has the ready medical capabilities required to maintain the most capable Active and Reserve force. If confirmed, I would continue the strong relationship I understand exists with Health Affairs to implement reporting and data analysis improvements that assist the Department in monitoring and accurately assessing the medical readiness of the Joint Force.

Question. Do you believe that the position of the ASD for Readiness would be better aligned under a different Undersecretary of Defense? Why or why not?

Answer. No, I do not believe that the ASD for Readiness should be aligned anywhere other than under the USD(P&R). As Secretary Austin noted in his Message to the Force, "we remain the preeminent fighting force in the world because of our personnel in and out of uniform." Our readiness to confront the challenges of today and in the future is rooted in our people. Most importantly, the more you look at

readiness, the more you realize that the recruiting, retention, development, education, and training of people are the principal generators of ready forces. Personnel and readiness are inextricably linked because people are the foundational building block of readiness.

Question. What do you perceive to be the most critical duties and functions that should be assigned to the ASD(Readiness) for execution?

Answer. Foremost, the ASD(Readiness) must be charged with ensuring the Department is doing all it can to promote and sustain the readiness of the Joint Force to accomplish its assigned missions today and in the future. The ASD(R) should lead the Military Departments and Services, and the Joint Staff, and the Office of the Secretary of Defense in a team effort focused on identifying key challenges to readiness, and employing the most appropriate means to mitigate operational and strategic risks.

The ASD(Readiness) should be expected to influence readiness—not just report it. This means being an active voice in the development of policies for manning, training, and equipping the force in such a way that we incentivize continuity and professionalism of our leaders and warfighters, educate them to out-think our adversaries, train them in a realistic and rigorous environment, live or virtual, and equip them with the best affordable technologies available.

Question. Does the ASD(Readiness) have purview over these duties and functions today? If not, what specific steps would you take, if confirmed, to bring these critical duties and functions under the authority, direction, and control of the ASD(Readiness)?

Answer. If confirmed, one of my first tasks will be to confirm my assumptions about who-does-what across the broad readiness community in the DOD.

The ASD(Readiness) has within its organization today the DASD for Force Readiness, the DASD for Force Education and Training, and the Director of Force Safety and Occupational Health, so those duties and functions (including military education, training, and safety) are already organic to ASD(Readiness). The ASD(Readiness) also manages the Defense Readiness Reporting System—Strategic, providing access to thousands of Commanders' assessments of their readiness today. The Manpower and Reserve Affairs and Health Affairs staffs within USD(P&R), enable access and collaboration to promote the best personnel and medical readiness practices and outcomes.

Partner offices for specific readiness concerns such as acquisition, sustainment, posture, global force management, and resourcing policies are also within the OSD staff, and if confirmed, I will seek out these partners to ensure all of our efforts are synchronized. If confirmed, I am fully committed to leading the Readiness team by enforcing effective policies, oversight, and guidance for readiness, with the greatest regard and support for the Secretaries of the Military Departments in making the tough decisions as they balance the risks and payoffs associated with their readiness.

Currently, the ASD for Readiness exercises authority, direction, and control over a number of disparate offices with no clear relationship to producing combat readiness.

Question. In your assessment, why is the Deputy Assistant Secretary of Defense for Force Education and Training aligned under the Assistant Secretary of Defense for Readiness?

Answer. The Deputy Assistant Secretary of Defense for Force Education and Training (DASD(FE&T)) plays a vital role in advancing force readiness, advising the ASD(R) on all policy aspects of military education and training to ensure the readiness of the total force to execute the strategy and missions assigned by the President and the Secretary of Defense. DASD(FE&T)'s oversight of training develops the ability of our warfighters to perform their assigned missions and continually remain ready in the future, while DASD(FE&T)'s oversight of military education develops the leadership capacity and cognitive readiness skills of our warfighters. DASD(FE&T)'s portfolio collectively contributes to force readiness at all levels—from building initial readiness, to increasing readiness, to sustaining readiness. In so doing, it also closely aligns with and reinforces the mission of the DASD(Force Readiness) under the ASD(R).

RELATIONSHIP WITH THE MILITARY DEPARTMENTS

Question. The Under Secretary of Defense for Personnel and Readiness has implemented a Readiness Recovery Framework that includes working with the Military Departments to establish a defined readiness-rebuilding plan, to include developing comprehensive goals and metrics to evaluate the extent to which identified goals are achieving intended outcomes.

Is the Readiness Recovery framework fully institutionalized across all component of the DOD?

Answer. I believe so. The Department developed the Readiness Recovery Framework (R2F) to track the readiness of our most stressed combat force elements and ensure that resources are connected to readiness. The Department currently tracks 42 Major Force Elements (MFEs) in the R2F, across the Military Services. The Readiness Recovery Framework is the Department's method for tracking and assessing readiness trends for select force elements that face the most severe readiness challenges.

Question. If confirmed, what specific steps would you take to continue the rebuild of full spectrum readiness across the department.

Answer. Thanks to Congress' support, the Department has made significant progress in rebuilding Joint Force readiness. If confirmed, I will make readiness analysis and reporting a priority, take stock of the current ability of our tools and expertise, and refine our assessment processes to ensure we are employing the best technologies and people to convey readiness challenges and develop appropriate mitigating strategies. Advanced analytics are key to providing senior leaders holistic understanding of the risks and tradeoffs between current readiness, future readiness, and modernization.

Question. In your view, what are the metrics that should be used to track readiness-rebuilding progress?

Any efforts at rebuilding full spectrum readiness must be well-grounded in analysis and risk/benefit tradeoffs. Metrics should derive from solid data from authoritative data sources. If confirmed, I will strive to focus on data-rich readiness-rebuilding efforts with definable metrics and supported by rigorous analysis.

Are these metrics being tracked today?

Answer. I understand that the Department is improving readiness data collection and sharing and, as a result, is increasing its ability to accurately measure and build readiness. If confirmed, I will continue to build and advance the Department's data integration efforts, leveraging data science and other analytic techniques to ensure an unbiased, data-driven approach to measuring readiness, identifying trends, systemic issues, and leading indicators of readiness, to provide the Department and Congress with valuable, actionable readiness information.

Question. Which components of DOD currently track these metrics?

Answer. It is my understanding that the Office of the Secretary of Defense, the Joint Staff, and the Military Departments and Services develop, refine, and track various readiness metrics used to identify readiness trends in select force elements and provide input into appropriate leadership decision-making processes. If confirmed, I will continue to advance USD(P&R)'s data analytic capability to develop predictive readiness indicators and a "Readiness Common Operating Picture" that will support senior leader awareness and influence key decision processes throughout the Department.

Question. How should these metrics be employed to affect decision making in the domain of readiness?

Answer. If confirmed, I will assess and reinforce all efforts currently underway to track and report on the readiness of the Joint Force. This includes developing required policies and maintaining oversight needed to develop, standardize, and refine meaningful metrics that convey relevant information to decision makers, consistent with the way forces are actually employed, to optimize management of the current and future force. If confirmed, I will employ advances in data science to make our data more strategically informative and help the Department develop predictive readiness models to anticipate, and ultimately avoid readiness shortfalls.

Question. Are these metrics currently being employed in the fashion you suggest?

Answer. If confirmed, I will work with my partners in the Office of the Secretary of Defense, the Joint Staff, and Military Departments and Services to ensure readiness metrics are properly aligned with the National Defense Strategy and employed in a manner that provides rigorous data-driven information to influence critical decision making processes and provide the most accurate and relevant reporting to senior Department leadership and to Congress.

Question. In your view, what additional investments or departmental reforms are needed to ensure the Military Services are addressing readiness recovery?

Answer. In my view, the Department must continue to invest in technology that enhances readiness analysis and decision-making processes. We need accelerated investments in artificial intelligence, machine learning, and other advanced technologies that help us to see ourselves better, and answer in response to the question of "Ready for What?" These investments will enable the optimization of resources needed to generate force readiness capable of deterring or defeating adversaries.

Question. Do you believe the ASD for Readiness has the necessary authorities to engender and oversee meaningful readiness improvements? If not, what additional authorities does the ASD(Readiness) need?

Answer. Yes, I do believe that the position has the necessary authorities to create and direct meaningful readiness improvements. However, if confirmed, I will review existing authorities and work with the Administration and with Congress if I determine additional authorities are necessary.

Question. Does OUSD(P&R) have the analytic tools and expertise to assist you in evaluating DOD personnel and training readiness across the spectrum of challenges presented by the current strategic environment—from low intensity, gray-zone conflicts to protracted, high-intensity fights with major-power rivals? Please explain your answer.

Answer. There are always ways to improve how we analyze data and assess readiness. If confirmed, I will continue ongoing efforts to develop a data-informed decision-making tool, one that will take a strategic level view of readiness, and will help clarify impacts of policy and resourcing decisions on readiness and modernization over the long term. I would seek to increase the role that the ASD(Readiness) plays in the Department's resource allocation process to ensure funding for readiness is appropriately balanced with other priorities, such as modernization.

READINESS MONITORING

Question. Section 117 of title 10, U.S. Code, directed the Department of Defense (DOD) to “establish a comprehensive readiness reporting system for the Department of Defense.” This led to the creation of the Defense Readiness Reporting System (DRRS). Initially, each Military Department established its own service-specific DRRS. But the Fiscal Year (FY) 2019 National Defense Authorization Act (NDAA) prohibited any further expenditure of funds for the development of service-specific systems, and required transition to single system—DRRS—Strategic—by 2020.

In your view, does the current readiness reporting system accurately and reliably collect and display the information necessary to establish that our forces are not only “ready” but “Ready for What?”

Answer. The Defense Readiness Reporting System—Strategic (DRRS–S) presents valuable insight into the readiness of the Military Services and Combatant Commanders to meet specified missions. I understand that the Semi-Annual Readiness Reports to Congress use that DRRS–S information to display it within the “Ready for what?” context from the Military Department and Military Services. Going forward, however, the “Ready for what?” context could capture a broader range of potential contexts—from low intensity, gray-zone conflicts to protracted, high-intensity fights, to provide a better sense of our strategic readiness for many or all likely scenarios.

Question. What is your understanding of the responsibility you will have, if confirmed, for the operation and evolution of DRRS?

Answer. If confirmed, the Defense Readiness Reporting System—Strategic (DRRS–S) will be a significant part of my portfolio and I will have the responsibility to oversee the development, operation, sustainment, and modernization of it. As such, if confirmed I will work to ensure DRRS–S continues to evolve to meet the needs of the Department to provide leadership with timely and accurate, data-driven strategic and operational level readiness assessments, through sound data analytics using authoritative data sources, in order to inform policy and programmatic decisions.

Question. How satisfied are you with the current utility and usage of DRRS in informing the development or update the NDS? Please explain your answer.

Answer. I believe the Department's readiness reporting system should continually evolve to meet the needs of the Department and its overseers in order to provide timely and accurate, data-driven strategic and operational level readiness assessments which can inform policy decisions and strategic documents. If confirmed, I will work with my counterparts in the Office of the Under Secretary of Defense for Policy to determine how the Department's readiness reporting system can help inform National Defense Strategy development.

Question. How satisfied are you with the current utility and usage of DRRS in informing the Secretary of Defense's development of the defense planning guidance pursuant to section 113(g) of title 10?

Answer. I believe the Department's readiness reporting system should continually evolve to meet the needs of the Department in order to provide timely and accurate, data-driven strategic and operational level readiness assessments which can inform policy, programming, and budgeting decisions. If confirmed, I will work with my counterparts in the Office of the Under Secretary of Defense for Policy to determine

how the Department's readiness reporting system can help inform the Defense Planning Guidance.

Question. How satisfied are you with the current utility and usage of DRRS in informing the Chairman of the Joint Chiefs of Staff's development of the National Military Strategy?

Answer. I believe the Department's readiness reporting system should continually evolve to meet the needs of the Department in order to provide timely and accurate, data-driven strategic and operational level readiness assessments which can inform policy decisions and strategic documents. If confirmed, I will work with the Chairman of the Joint Chiefs of Staff to determine how the Department's readiness reporting system can help inform the National Military Strategy.

Question. How satisfied are you with the current utility and usage of DRRS in informing the development and review of Combatant Commanders' operational plans and acceptance of risk?

Answer. It is my understanding that the current DRRS-S functionality captures Combatant Commander assessed risk against Operational Plans and named operations through consolidated mission essential task assessments. If confirmed, I will seek to continually evolve this aspect of readiness reporting, working with stakeholders to ensure the Department's readiness reporting system is responsive to both the Combatant Commanders in deriving risk assessments and to senior Departmental leadership in understanding strategic level risks.

Question. How satisfied are you with the current utility and usage of DRRS in informing DOD Planning, Programming, Budgeting, and Execution systems to address readiness gaps?

Answer. It is my understanding that, as currently structured, DRRS-S is not configured as a tool to forecast future readiness. If confirmed, I will work to evolve the Department's readiness reporting system to meet the Department's needs in providing timely and accurate, data-driven strategic and operational level readiness assessments which could be used to inform the Department's Planning, Programming, Budgeting, and Execution systems. I will also continue ongoing efforts to develop a data-informed decision-making tool, one that will take a strategic level view of readiness, and will help clarify impacts of policy and resourcing decisions on readiness and modernization over the long term.

Question. Will you commit, if confirmed, to conducting a review of the utility and usage of DRRS—across all domains—and reporting your findings and recommendations back to this Committee within 120 days of your appointment?

Answer. Yes. If confirmed, I would undertake a review of the current utility and usage of DRRS and report the findings and recommendations back to Congress.

Question. Recent op-eds by Generals Brown and Berger, Chief of Staff of the Air Force and Commandant of the Marine Corps, respectively, posited that readiness reporting across DOD should be updated. They proposed, "... a broader framework for readiness to better integrate elements of current availability, effects across combatant commands, future availability and readiness, and modernization efforts."

How does the current readiness reporting structure integrate the four elements to which Generals Brown and Berger referred?

Answer. I believe there is always opportunity to better understand readiness at the enterprise level and to improve how the Department assesses readiness. If confirmed, I would work toward developing a policy that defines strategic readiness and establishes a framework for integrated assessment. This type of assessment would address the Generals' concerns about the balance of current availability, modernization, and risks. Similarly, if confirmed I am committed to continuing ongoing efforts to leverage data from across the Department to help improve readiness and risk assessments over the short- and long-term.

Question. Do you agree with their assessment and proposed approach to readiness reporting? Please explain your answer.

Answer. I agree we need a more rigorous, data-driven framework that is capable of viewing readiness through a strategic lens, incorporating longer-term considerations of future availability and modernization efforts. If confirmed, I am committed to continuing our consolidation and refinement of the Defense Readiness Reporting System—Strategic (DRRS-S), DOD's ongoing progress toward digital modernization, and incorporation of advanced analytic capabilities.

QUARTERLY READINESS REPORT TO CONGRESS

Question. In your view, does the Quarterly Readiness Report to Congress provide the elements of information required to clearly inform Congress of the readiness of the joint force, including near-term risks and areas where congressional action may be needed?

Answer. I believe so. I understand that the Department's Semi-annual Readiness Report to Congress delivers a report on the current state of readiness and the top concerns of the Military Departments and Services, and provides information on how the Department is mitigating these challenges. Additional reporting requirements enacted through National Defense Authorization Act language have expanded the aperture for readiness reporting, and highlight additional issues that are complementary to operational readiness concerns reported by the Military Departments and Services. If confirmed, I am committed to working with Congress to ensure that the Semi-annual Readiness Report meets the needs of the Members and professional staff.

Question. Are you aware of readiness information that is currently in use within DOD, but that is not currently shared with Congress and that would be useful for the exercise of congressional oversight? Please explain your answer.

Answer. The Defense Readiness Reporting System—Strategic (DRRS-S) is the system of record for reporting readiness data and as we expand our data analytics efforts to incorporate more authoritative data sources, additional readiness data will become available. If confirmed, I would work with Congress to determine what data and information should be included in periodic reporting such as the Semi-Annual Readiness Report to Congress to support congressional oversight responsibilities.

OVERALL READINESS OF THE ARMED FORCES

Question. How do your assessment of the current readiness of the Armed Forces?

Answer. I believe the armed forces of the United States are ready to meet the challenges in this environment of strategic competition. The Military Services are manned, trained, and equipped to compete, and if required, succeed in Operational/Contingency Plans in support of the National Defense Strategy.

Question. If confirmed, what would be your roles and responsibilities for monitoring the Military Department and Service progress toward goals for reset and reconstitution of combat forces and equipment?

Answer. There are multiple interested parties within the Department involved in monitoring the Military Departments' and Services' progress toward goals for reset and reconstitution of equipment and combat forces. The Assistant Secretary of Defense for Readiness has the responsibility to establish and execute policy, oversight, and guidance for strategic and operational readiness across the Department. If confirmed, I will execute these responsibilities by working with all stakeholders to ensure that impacts of reset and reconstitution on readiness equities are identified and appropriately addressed.

Question. What is your understanding of the timeline on which the Department will restore readiness, and the specific shortfalls that will require the longest investment of time and money?

Answer. I have not been privy to the most current data that would inform this response. If confirmed, however, I am committed to finding out what specific shortfalls will require the most time and money, and then lead the Readiness team to provide recommendations to work-down this list in priority order. If confirmed, I also commit to keeping the Congress informed through the Semi-Annual Report to Congress.

Question. If confirmed, how would you plan to restore full spectrum readiness and on what timelines?

Answer. If confirmed, I would work with the Military Departments and Military Services and the Joint Staff to ensure progress made thus far in building full spectrum readiness does not erode. The Assistant Secretary of Defense for Readiness maintains readiness metrics with established milestones to measure progress across the Military Departments and Military Services. If confirmed, I will continue to improve the Department's ability to assess readiness through improved readiness data collection and analytics to develop readiness indicators that can identify readiness challenges before they become an issue.

Question. In recent years, the term "readiness" has come to mean many things to different stakeholders, in a variety of contexts.

What is your definition of "readiness"?

Answer. As currently defined, I look at readiness from the perspective of "operational readiness," defined in the DOD Dictionary of Military and Associated Terms as "the capability of a unit/formation, ship, weapon system, or equipment to perform the missions or functions for which it is organized or designed." However, I believe the Department must expand its thinking and gear its assessments toward strategic-level readiness spanning the short- and long-term, gauging whether the Department possesses the amount of "readiness" to meet the challenges and objectives outlined in the President's Interim National Security Strategic

GUIDANCE, AND THE NATIONAL DEFENSE STRATEGY.

Question. In your view, would there be value in establishing a standardized DOD-wide definition of “readiness”? Please explain your answer.

Answer. Yes. If confirmed, I would lead the effort to establish a standardized definition of “readiness.” I would work to establish a standard definition that views readiness from the strategic level, across echelon and timeframes, and focus the Department on building the kind of readiness that postures DOD for success in meeting objectives outlined in the President’s Interim National Security Strategic Guidance, and the National Defense Strategy.

Question. What is your understanding of the degree to which units are completing all Military Department and Combatant Commander-mandated training before deploying?

Answer. It is my understanding that DOD policy requires that the Secretaries of the Military Departments to execute pre-deployment training to satisfy theater-entry training requirements. Before deploying forces, they are to ensure units are trained and ready and must notify the relevant Combatant Commander of any requirements that their servicemembers and units will not be able to fulfill before deployment. If confirmed, I would assess how well our current readiness reporting systems account for mitigations taken by commanders to meet deployment timelines (e.g., conducting required training while underway and in-transit to the theater of operations).

MONITORING DEPLOYMENTS

Question. Current DOD policy is to set rotational deployment goals for both Active and Reserve component service members. However, some service force elements are deploying more frequently than DOD policy intends.

If confirmed, what mitigation efforts would you propose to deal with the high pace of operations, particularly for high-demand, low-density force elements that deploy more frequently?

Answer. The Department must balance sustainable readiness to meet today’s challenges while also modernizing the Joint Force and preserving readiness to respond in the future if needed. To do this, the Department must judiciously manage the availability and readiness of those high-demand, low-density force elements that are critical in both day-to-day competition and in wartime. If confirmed, I would monitor and assess readiness impacts to those force elements to prevent impacts to their ability to respond to crisis. I would work across the DOD to investigate mitigation strategies, including building additional capacity, pursuing modernization, exploring alternative capabilities, and considering Active/Reserve component mix.

Question. What steps would you take, if confirmed as the ASD for Readiness to ensure that the Military Departments deploy service members in accordance with established rotational goals, or to adjust deployment and dwell policy, as appropriate? Please address both the Active and Reserve components in your response.

Answer. I understand the Department has clearly established both its goals and “redlines” for deployment-to-dwell (D2D) and mobilization-to-dwell (M2D) for the Active and Reserve components, respectively. I support the current policy of a 1:3 goal and 1:2 “limit” for D2D and a 1:5 goal/1:4 “redline” for M2D. As the Joint Staff develops and proposes changes to Global Force Management policies, and actions are taken to deploy units, I will, if confirmed, ensure the Military Departments and Services provide solid, data-informed rationale for the few instances where they may need the Secretary’s approval to break the M2D or D2D redlines, if all other proposed sourcing solutions fail.

Question. If confirmed, what specific steps would you take to collect and analyze reliable data to measure service member “time away,” consistent with Comptroller General recommendations in the report “Military Readiness: Clear Policy and Reliable Data Would Help DOD Better Manage Service Members’ Time Away from Home” (GAO-18-253)?

Answer. I agree with the Comptroller General’s recommendation and, if confirmed, will ensure that the Assistant Secretary of Defense for Readiness provides all information and support needed to establish a consistent and reliable Department-wide personnel tempo system. Part of this support could include revision to current policy to establish a consistent set of standards and definitions across the Department.

FORCE SAFETY AND OCCUPATIONAL HEALTH

Question. The ASD (Readiness) is the DOD Designated Agency Safety and Health Official and oversees DOD Occupational Safety and Occupational Health (OSHA)

policies. The calendar year 2019 DOD Occupational Safety & Health Reports states, “DOD has some of the lowest civilian employee injury and lost time case rates among all federal agencies.” But despite a lower overall case rate, a higher percentage of DOD OSHA cases were “lost time” cases compared to the Federal government overall. These lost time cases are more significant and disruptive. Although DOD comprises 26 percent of the total Federal civilian workforce, it accounted for 31 percent of OSHA fatalities.

Specifically, what is the value added provided by the ASD(Readiness) in the domain operational safety and occupational health?

Answer. I understand that the ASD(Readiness) provides an enterprise perspective of safety and occupational health, promulgating DOD-wide guidance, supporting enterprise-wide analysis, and gathering the safety community to share best practices and lessons learned. If confirmed, I will work to ensure goals and objectives for reducing and eliminating occupational accidents, injuries, and illnesses are met and evaluated to ensure that the DOD occupational safety and health program remains effective at all operational levels. I will also work with the Military Departments to ensure compliance with the safety and occupational health policies that I would oversee. I will ensure safety programs remain an integrated part of daily operations and activities, maintain awareness of specific risk areas, and oversee ongoing efforts to mitigate risk across the Department.

Question. If confirmed, how would you use the forum provided by the Defense Safety Oversight Council to address safety challenges that present across the force?

Answer. If confirmed, I will use the Department’s senior safety governance forum to set the tone for promoting a safety culture throughout the Department. I will institute a culture that ensures safe decisions in both high risk situations and daily operations and activities. The Defense Safety Oversight Council forum must possess the right membership with the right experience to effectively influence any safety challenge that may arise. If confirmed, I will lead by example—safety must start at the top and be woven into the culture of every organization.

Question. What are the most critical issues you would you identify for the Council to tackle?

Answer. If confirmed, I will work with the Military Departments and Services to implement, as appropriate, the recommendations provided by the National Commission on Military Aviation Safety to address aviation mishaps and focus on other high risk areas such as motor vehicle safety. I will ensure safety data is accurate, reliable, timely, and informative to support resource and policy decisions. Additionally, I will also review safety-related funding throughout the Department to ensure adequate resources are available to support safety programs and technologies.

Question. If confirmed, what specific steps would you plan to take to reduce DOD’s lost time rates and workplace fatalities?

Answer. If confirmed, I will work to understand the issues impacting civilian workplace lost time and fatalities, and provide policy guidance and oversight to reduce hazards that result in lost time. To fully understand what is causing lost time and workplace fatalities, I will work to ensure the Military Departments and Services improve safety data standards, and include safety information in all data modernization efforts. I will regularly review safety data and trends, and collaborate with the Military Services on specific risk areas. This informed approach will ensure we can mitigate the appropriate risk to occupational injury, illness, or potential fatality.

Question. What are the most common causes of DOD workplace fatalities?

Answer. If confirmed, I will work with the Military Departments and Services to understand the primary causes of workplace fatalities amongst our civilian workforce. It would be my responsibility to provide oversight, policy, and guidance of all workplace safety programs and I will seek to ensure preventable fatalities are effectively mitigated through clear communication and hazard abatement.

VOLUNTARY EDUCATION PROGRAMS

Question. Do you believe DOD’s Voluntary Education Programs contribute to military recruiting and retention, and to military readiness?

Answer. Yes, I believe the Tuition Assistance (TA) program offers tangible progress toward personal growth expectations and thus contributes to military recruiting and retention. It is also my understanding that there are positive correlations with promotions, retention, and successful civilian transition. If confirmed, I will ensure that the tuition assistance continues to provide servicemembers the opportunity to achieve their respective professional and personal educational goals.

Question. By what metrics does DOD assess and evaluate the contribution of such programs to recruiting, retention, and readiness?

Answer. I understand that DOD policy allows each Military Service to employ TA to provide benefits and incentives that contribute to recruitment, retention, professional development, force management, and overall Military Service budget priorities as they judge best, and each Service measures their return on their investment differently. It is critical to ensure there is an enterprise perspective to share best practices, and review return on investment in common terms. If confirmed, I will ensure that DOD has the information necessary to assess and evaluate these programs.

Question. Do you believe such metrics adequate to discern a causal relationship between these programs and desired recruiting and retention outcomes?

Answer. Yes, I understand that education opportunities have been, and continue to be, a top reason cited by respondents in their decision to join the military. Educational pursuits conducted off-duty contribute to the readiness of the force, as education prepares individuals to think critically and develop leadership skills.

Question. Should military service obligations incurred through participation in the Tuition Assistance Program run consecutively or concurrently with other incurred service obligations, in your view?

Answer. If confirmed, I commit to reviewing the issue of consecutive or concurrent application of service obligations. If confirmed, I will ensure the service obligation requirements for the tuition assistance program do not have an adverse impact on servicemember retention, morale, or abridged length of Service.

Question. Does DOD receive an adequate return on its investment in Tuition Assistance?

Answer. I believe that these programs are critical to providing incentives for service, enabling servicemembers to grow during their service, encouraging continued service, and benefitting the Department by encouraging a more educated workforce. If confirmed, I will ensure that DOD has the information necessary to assess and evaluate the return on investment for these programs.

Question. What is your view of the adequacy of the Department's mechanisms and processes for protecting service members seeking to make use of Tuition Assistance Program funding from marketing by educational institutions that offer academic programs of dubious rigor and applicability?

Answer. I understand that the Department has developed significant oversight mechanisms with provisions that help to mitigate potential noncompliance with its policies and the provisions of the Memorandum of Understanding (MOU) that is required to participate in the TA Program. If confirmed, I will ensure that the Department's processes are sufficiently protecting servicemembers from predatory practices and focused marketing by educational institutions.

Question. What progress has the Department made in identifying and leveraging credentialing programs, both to enhance a service member's ability to perform his/her official duties, and to qualify the member for meaningful civilian employment on separation from the military?

Answer. It is my understanding that the Department has made genuine strides in strengthening the credentialing and apprenticeship to support these goals. If confirmed, I will continue the progress being made to build on and leverage the Department's credentialing programs to support mission readiness and successful transition to civilian life.

PROFESSIONAL MILITARY EDUCATION

Question. The 2018 NDS asserts that Professional Military Education (PME) has stagnated—that it focuses on the accomplishment of mandatory credit at the expense of lethality and ingenuity.

What do you perceive to be the role of the ASD(Readiness) in enhancing DOD's PME system to ensure that it fosters the education and development of a cadre of strategic thinkers and planners with the intellectual acumen, military leadership proficiency, and sound judgment to lead the Joint Force in a globally integrated, multi-domain fight?

Answer. Military education should emphasize intellectual leadership, military professionalism, and independence of action in the art and science of warfighting to develop intellectual agility required for success within the profession of arms. If confirmed, I will ensure the Department's learning opportunities focus on outcomes and reflect the priorities of the national security and national defense strategic guidance. If confirmed, I will also ensure the military education system includes assessments and evaluations to measure development and performance, and to support continuous improvement of the education system.

Question. How is the ASD(Readiness) ensuring that officers who have completed the Secretary of Defense Executive Fellows program are identified and tracked, with

a view to ensuring that the knowledge and experience they glean from the fellowship can be applied in follow-on tours of duty?

Answer. Managing talent is critical to ensuring we are getting the most out of the investments we make in our workforce and servicemembers. If confirmed, I will ensure that the Department is sufficiently tracking individuals following assignments to key developmental programs, like the Secretary of Defense Executive Fellows program.

Question. If confirmed, what more would you do to improve the utility of this program?

Answer. If confirmed, I will ensure that DOD Components have a plan to match servicemembers' follow-on and subsequent career assignments to areas that use the special skills acquired in their fellowship assignment.

TRAINING RANGES

Question. DOD is fielding Unmanned Aircraft Systems (UAS) in greater numbers, which has created a strong demand for access to national airspace to conduct training and for other purposes. The demand has quickly exceeded the current airspace available for military operations.

What is your understanding and assessment of the DOD's efforts to develop a comprehensive training strategy for the Department's UAS, to include identifying any shortfalls associated with current policies, education, stationing plans, and simulator technologies?

Answer. I understand that there are a number of efforts underway in the Department to incorporate UAS into the training ecosystem, but at this time I do not have the details to assess the Department's efforts in this area. If confirmed, I will review and assess these ongoing training efforts, including identifying shortfalls and can brief the committee at their request.

Question. In your view, what infrastructure improvements must be made to ensure that DOD training ranges are constructed and equipped to provide meaningful training for fifth generation aircraft?

Answer. It is critical to ensure the Department's training range capabilities are able to support training for next generation platforms and technology. These capabilities must include live, virtual, and constructive entities to enable training in the full range of military operations under multi-domain conditions. If confirmed, I will continue to pursue training and range capabilities required to enable training for strategic competition with near-peer competitors.

RELATIONS WITH CONGRESS

Question. What are your views on the state of the relationship between the ASD for Readiness and the Senate Armed Services Committee in particular, and with Congress in general?

Answer. It is my understanding that the ASD(Readiness) maintains a positive working relationship with the Senate Armed Services Committee in particular, and with Congress in general, but I welcome the Committee's view on the state of the relationship.

Question. If confirmed, what actions would you take to sustain a productive and mutually beneficial relationship with Congress?

Answer. Congress is a key partner in ensuring that the Department has forces that are ready to deter war and ensure our nation's security. If confirmed, I will maintain an open dialogue with the Congress on all readiness issues to ensure that the information the Department provides through the Semi-Annual Readiness Report to Congress, and other reports and engagements, provides the Congress with the information necessary to perform their oversight functions.

SEXUAL HARASSMENT

Question. In responding to the 2018 DOD Civilian Employee Workplace and Gender Relations survey, 17.7 percent of female and 5.8 percent of male DOD employees indicated that they had experienced sexual harassment and/or gender discrimination by "someone at work" in the 12 months prior to completing the survey.

What is your assessment of the current climate regarding sexual harassment and gender discrimination in the DOD?

Answer. The data from the last survey indicates that far too many civilian employees are experiencing harassment and discrimination. I also am aware that, since this survey fielded, the Department has issued a number of policies that specifically address harassment by servicemembers and civilian employees. I think having policies such as these are critical and, if confirmed, would work to ensure they are fully implemented and effective.

Question. If confirmed, what actions would you take were you to receive or become aware of a complaint of sexual harassment or discrimination from an employee of the Office of the ASD(Readiness)?

Answer. I have always taken every complaint of this nature extremely seriously and will continue to do so if confirmed. I would ensure the individual not only understood the options of redress available to them within the Department, depending on the specifics of the incident, but I would also ensure the individual has access to supportive resources throughout the process. As a leader, I am responsible for the climate under me and would work to ensure all can serve safely and honorably.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this Committee, its subcommittees, and other appropriate committees of the Congress receive testimony, briefings, reports, records—including documents and electronic communications, and other information from the executive branch.

Do you agree, without qualification, if confirmed, and on request, to appear and testify before this Committee, its subcommittees, and other appropriate committees of the Congress? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to provide this Committee, its subcommittees, other appropriate committees of Congress, and their respective staffs such witnesses and briefers, reports, records—including documents and electronic communications, and other information, as may be requested of you, and to do so in a timely manner? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to consult with this Committee, its subcommittees, and other appropriate committees of Congress, and their respective staffs, regarding your basis for any delay or denial in providing testimony, briefings, reports, records—including documents and electronic communications, and other information requested of you? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to keep this Committee, its subcommittees, other appropriate committees of Congress, and their respective staffs apprised of new information that materially impacts the accuracy of testimony, briefings, reports, records—including documents and electronic communications, and other information you or your organization previously provided? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, and on request, to provide this Committee and its subcommittees with records and other information within their oversight jurisdiction, even absent a formal committee request? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to respond timely to letters to, and/or inquiries and other requests of you or your organization from individual Senators who are members of this Committee? Please answer a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to ensure that you and other members of your organization protect from retaliation any military members, federal employee, or contractor employee who testifies before, or communicates with this Committee, its subcommittees, and any other appropriate committee of Congress? Please answer with a simple yes or no.

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR GARY C. PETERS

SKILLBRIDGE

1. Senator PETERS. Ms. Skelly, the International Brotherhood of Electrical Workers (IBEW), Teamsters, Helmets to Hardhats, and several other Skillbridge partners have invested significant time and resources in providing a direct entry program for our servicemembers leaving Active Duty. This has not only provided those organizations with exceptional apprentices, it has also provided the transitioning servicemembers with a career and job immediately upon separation. Your prede-

cessor did not value Skillbridge and other similar programs, if confirmed, how will you approach initiatives such as Skillbridge?

Ms. SKELLY. If confirmed, I will absolutely support the success of the SkillBridge program and its relationships with industry, organized labor, non-profit organizations, and other governmental agencies. These win-win relationships with industry and the Department of Labor provide increased opportunities for our transitioning Service members to gain valuable civilian work experience and follow-on employment upon separation from the military. I am committed to doing all I can to assist our Veterans as they transition to their post-military careers as Government civilian employees or in the private sector.

QUESTIONS SUBMITTED BY SENATOR MARSHA BLACKBURN

CHINA—AFGHAN RELATIONSHIP

CIVILIAN CYBER RESERVE

2. Senator BLACKBURN. Ms. Skelly, do you believe that a cybersecurity reserve corps would meet the intent of the recommendation of the Commission on Military, National, and Public Service?

Ms. SKELLY. Expanding access to talent with cybersecurity skills is critical to mitigating mission-critical skills gaps and protecting our most vital assets. As a former Commissioner of the National Commission on Military, National, and Public Service, I do believe that a cybersecurity reserve corps would, depending on the details of the proposal, meet the intent of the Commission's recommendation regarding such a capability. If confirmed, I will work with my colleagues across the Department, including in civilian personnel management, to ensure that we are exploring all available means to assess and improve the readiness of our cyber workforce.

[The nomination reference of Ms. Shawn G. Skelly follows:]

NOMINATION REFERENCE AND REPORT

PN431

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 27, 2021.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Shawn Graham Skelly, of Virginia, to be an Assistant Secretary of Defense, vice Veronica Daigle, resigned.

_____, 2021.
(Date)

Reported by Mr. Reed _____
(Signature)

with the recommendation that the nomination be confirmed.

The nominee has agreed to respond to requests to appear and testify before any duly constituted committee of the Senate.

[The biographical sketch of Ms. Shawn G. Skelly, which was transmitted to the Committee at the time the nomination was referred, follows:]

Bio
Shawn G. Skelly

Education:

- University of South Carolina, Columbia, SC
 - September 1984 – May 1988
 - B.A. History
- Naval Flight Officer Training, Naval Air Station Pensacola, FL
 - August 1988 – January 1990
 - Naval Flight Officer designation
- College of Naval Command & Staff, U.S. Naval War College, Newport, RI
 - November 2001 – November 2002
 - M.A. National Security and Strategic Studies
- Joint Forces Staff College, Norfolk, VA
 - January 2003 – April 2002
 - Joint Professional Military Education Phase II

Employment Record:

List all jobs held since college including title or description of job, name of employer, location of work, and dates of employment.

- U.S. Navy Various global locations
 - Active Duty Navy Officer
 - May 1988 – September 2008
- ITT Exelis, Herndon, VA & Arlington, VA
 - Technical Director – Joint Service and Intel Programs
 - October 2008 – September 2013
- Special Assistant to the Under Secretary of Defense for Acquisition, Technology and Logistics, U.S. Department of Defense, Washington, D.C.
 - December 2013 – June 2016
- Director, Office of the Executive Secretariat, U.S. Department of Transportation, Washington, D.C.
 - June 2016 – January 2017
- National Commission on Military, National, and Public Service, Arlington, VA
 - Commissioner (Presidentially appointed Special Government Employee)
 - January 2017 – September 2020

- CACI International, Inc., Washington, D.C.
 - Acquisition Analyst
 - March 2018 – November 2020
- Out in National Security, Washington, D.C.
 - Vice President (Unpaid officer of a registered 501 (c) (3) organization)
 - May 2019 - Current
- Biden-Harris Presidential Transition, Washington, D.C.
 - Member, Defense Agency Review Team (Full time, unpaid volunteer)
 - November 2020 – January 2021

Honors and Awards:

- Military Awards
 - Defense Meritorious Service Medal
 - Meritorious Service Medal
 - Joint Service Commendation Medal
 - Navy and Marine Corps Commendation Medal (4)
 - Navy and Marine Corps Achievement Medal
 - National Defense Service Medal
 - Armed Forces Expeditionary Medal
 - Global War on Terrorism Service Medal
 - Kuwait Liberation Medal (Kuwait)
- Academic Awards
 - Navy ROTC Scholarship (4 year)

[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. Shawn G. Skelly in connection with her nomination follows:]

117th CONGRESS, 2020 -- 2021
UNITED STATES SENATE
COMMITTEE ON ARMED SERVICES
ROOM SR-228
WASHINGTON, D.C. 20510-6050
(202) 224-3871

COMMITTEE ON ARMED SERVICES QUESTIONNAIRE
INFORMATION REQUESTED OF CIVILIAN NOMINEES

INSTRUCTIONS TO THE NOMINEE: Answer all questions and provide all requested information. If more space is needed, attach an additional sheet of paper to the Questionnaire and cite the part of the Questionnaire and the question number (e.g., A-9, B-4) to which the continuation of your answer applies. Unless otherwise required, an answer of "yes", "no", or "not applicable" is appropriate.

QUESTIONNAIRE, PART A

NOTE: Information furnished in this part of the Questionnaire will be made available in Committee offices for public inspection prior to the hearing, if any, and will be entered in the hearing record, also available to the public.

BIOGRAPHICAL INFORMATION TO BE MADE PUBLIC

1. **Name (Include any former names you have used):** Shawn Graham Skelly (Sean Graham Skelly)
2. **Position to which nominated:** Assistant Secretary of Defense for Readiness
3. **Date of nomination:** 27 April, 2021
4. **Education (List names of secondary and higher education institution attended, type of school [vocational, technical, trade school, college, university, military college, correspondence, distance, extension, and on-line], dates attended, degree received, and date degree granted):**
 - East Islip High School, Islip Terrace, NY; 1980-1984; High School Degree; 1984
 - University of South Carolina, Columbia, SC; 1984-1988; BA History; 1988
 - U.S. Navy Naval Flight Officer Training, Naval Air Station Pensacola, FL; 1988-1990; Naval Flight Officer Designation; 1990
 - U.S. Naval War College, College of Naval Command & Staff, Newport RI; 2001-2002; MA National Security & Strategic Studies; 2002

- Joint Forces Staff College, Norfolk, VA; 2003; Joint Professional Military Education Phase II; 2003

5. Employment record (List all jobs held since college, or in the last 10 years, whichever is less, including the title or description of the job, name of employer, location of work, and dates of employment. If the employment activity was military duty, show each change of military duty station as a separate period of employment):

- Technical Director, Joint Service & Intel Programs; ITT Exelis; Herndon, VA & Arlington, VA; October 2008 – September 2013.
- Special Assistant to the Under Secretary of Defense for Acquisition, Technology and Logistics; Coordinator, Department of Defense Warfighter Senior Integration Group; U.S. Department of Defense; Arlington, VA; December 2013 – June 2016.
- Director, Office of the Executive Secretariat; Personal and confidential assistant to both the Secretary and Deputy Secretary; U.S. Department of Transportation Washington, DC; June 2016 – January 2017
- Acquisition Analyst; Program Executive Office, Unmanned and Small Combatants and PEO Integrated Warfare Systems (PEO IWS); CACI International; Washington, DC; March 2018 – November 2020.
- Member, Defense Agency Review Team, Biden-Harris Presidential Transition; Unpaid, full time volunteer Washington, DC; November 2020 – January 2021.

6. Government experience (List any advisory, consultative, honorary, and other part-time service or positions with Federal, State, or local governments, other than those listed in response to question 5, above):

- Commissioner; Special Government Employees (SGE), National Commission on Military, National, and Public Service; Arlington, VA; January 2017 – September 2020

7. 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, and of any educational or other institution):
None

8. Memberships (List all memberships and offices that you currently hold, as well as any memberships and offices you have previously held in professional, fraternal, scholarly, civic, business, charitable and other organizations):

- Vice President (unpaid), Out in National Security.
- Member, Atlantic Council LGBTI Advisory Council.
- Member, Service Year Alliance Leadership Council.
- Member, Modern Military Association of America Advocacy Advisory Council.
- Member, PFLAG Business Advisory Council.
- Member, Viking Association.

- Former Member, Center for Emergent National Security Affairs.
- Former Member, The Tailhook Association.

9. Political affiliations and activities:

a. If you have ever been a candidate for, or have been elected or appointed to a political office, list the name of the office(s); whether you were a candidate/elected/appointed; the year(s) during which you were a candidate, or in which the election was held or the appointment was made; and the term of office (if applicable):

- Appointed 2013 - Special Assistant to the Under Secretary of Defense for Acquisition, Technology and Logistics, U.S. Department of Defense. December 2013- June 2016.
- Appointed 2016 - Director, Office of the Executive Secretariat, U.S. Department of Transportation. June 2016- January 2017.
- Appointed 2017 - Commissioner, National Commission on Military, National, and Public Service. October 2017- September 2020.

b. List all memberships and offices held in, and services rendered to, all political parties or election committees during the last 5 years:

Services rendered:

- Volunteer member, Biden for President campaign foreign policy and domestic policy working groups July 2019 – October 2020.
- Online events supporting Biden for President.
 - Moderator, 'LGBTQ+ Veterans for Biden' Biden for President June 25, 2020
 - Panelist, 'DADT Repeal Commemoration Event' Biden for President September 25, 2020
 - Panelist, 'Military Moms Speak Truth to Power, Uniting Our Nation's Communities' Victory 2020, National Democratic Committee October 3, 2020
 - Panelist, 'Women Veterans Council for Biden' Biden for President October 8, 2020
- Moderator, fundraising event, 'Biden Victory Fund Virtual Conversation for Veterans, Military Families & Allies with Mayor Pete Buttigieg and Senator Tammy Duckworth' Biden for President July 30, 2020
- Speaker, 'Virginia for Biden Watch Party' Virginia Democratic Party August 20, 2020
- Biden for President campaign videos
 - 'Veterans React to Trump's Military Comments' Biden for President September 5, 2020
 - 'Veterans React to Trump' Biden for President September 6, 2020

c. Itemize all individual political contributions of \$100 or more to any individual, campaign organization, political party, political action committee, or similar entity during the past 5 years. List each individual contribution (not the total amount contributed to the person or entity) over this period:

1. Hillary for America June 10, 2016 \$250 fec.gov

2. Hillary for America	July 22, 2016	\$250	fec.gov
3. Hillary for America	August 23, 2016	\$250	fec.gov
4. Hillary for America	September 8, 2016	\$100	fec.gov
5. Hillary for America	September 27, 2016	\$250	fec.gov
6. Hillary for America	October 16, 2016	\$100	fec.gov
7. Hillary for America	October 19, 2016	\$150	fec.gov
8. Hillary for America	October 19, 2016	\$250	fec.gov
9. Biden for President	July 26, 2020	\$250	fec.gov
10. Biden for President	September 8, 2020	\$100	fec.gov
11. Biden for President	September 29, 2020	\$100	fec.gov
12. Biden for President	October 14, 2020	\$100	fec.gov

10. Honors and awards (List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognition received for outstanding service or achievements):

- Navy ROTC Scholarship, four-year undergraduate tuition, awarded 1984
- Defense Meritorious Service Medal
- Meritorious Service Medal
- Joint Service Commendation Medal
- Navy and Marine Corps Commendation Medal (4)
- Navy and Marine Corps Achievement Medal
- National Defense Service Medal
- Armed Forces Expeditionary Medal
- Global War on Terrorism Service Medal
- Kuwait Liberation Medal (Kuwait)

11. Published writings (List the titles, publishers, and dates of books, articles, reports, or other published materials that you have written or for which you served as co-author or editor, including articles and blogs published on the internet):

- 'In fighting for trans rights, don't demean others.' *Washington Blade* November 2, 2018 by Shawn Skelly <https://www.washingtonblade.com/2018/11/02/opinion-transgender-rights-fight/>
- 'Interim Report: A Report to the American People, the Congress, and the President' *National Commission on Military, National, and Public Service* January 2019. Shawn Skelly, as one of eleven appointed Commissioners responsible for the report and its findings. <https://www.inspire2serve.gov/reports>
- 'A New Era of Telework Should be the Beginning of a More Flexible Federal Workforce' *Government Executive* April 9, 2020 by Shawn Skelly <https://www.govexec.com/workforce/2020/04/new-era-telework-should-be-beginning-more-flexible-federal-workforce/164504/>

- 'Inspired to Serve: The Final Report of the National Commission on Military, National, and Public Service' *National Commission on Military, National, and Public Service* March 2020.
Shawn Skelly, as one of eleven appointed Commissioners responsible for the report and its recommendations. <https://www.inspire2serve.gov/reports>
- 'A Biden-Harris Administration Means Equitable Care for Transgender Veterans' *LGBTQ Nation* September 8, 2020 Commentary by Shawn Skelly and Kayla Williams <https://www.lgbtqnation.com/2020/09/biden-harris-administration-means-equitable-care-transgender-veterans/>
- 'Transphobia and National Security' *CSIS Defense 360 Represent Series* October 29, 2020 by Shawn Skelly <https://defense360.csis.org/transphobia-and-national-security/>

12. Speeches (Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years—of which you have copies—in which you addressed matters relevant to the position to which you have been nominated).

- Please see attached.

COMMITMENTS IN FURTHERANCE OF CONGRESSIONAL OVERSIGHT

NOTE: In order to exercise their legislative and oversight responsibilities, it is important that this Committee, its subcommittees, and other appropriate committees of Congress timely receive testimony, briefings, reports, records—including documents and electronic communications, and other information from the executive branch. A simple “yes” or “no” response is appropriate.

13. Do you agree, if confirmed, and on request, to appear and testify before this Committee, its subcommittees, and other appropriate Committees of Congress?
YES
14. Do you agree, if confirmed, to provide this Committee, its subcommittees, other appropriate Committees of Congress, and their respective staffs such witnesses and briefers, briefings, reports, records—including documents and electronic communications, and other information, as may be requested of you, and to do so timely? YES
15. Do you agree, if confirmed, to consult with this Committee, its subcommittees, other appropriate Committees of Congress, and their respective staffs, regarding your basis for any delay or denial in providing testimony, briefings, reports, records—including documents and electronic communications, and other information requested of you? YES
16. Do you agree, if confirmed, to keep this Committee, its subcommittees, other appropriate Committees of Congress, and their respective staffs apprised of new

information that materially impacts the accuracy of testimony, briefings, reports, records—including documents and electronic communications, and other information you or your organization previously provided? YES

17. Do you agree, if confirmed, and on request, to provide this Committee and its subcommittees with records and other information within their oversight jurisdiction, even absent a formal Committee request? YES
18. Do you agree, if confirmed, to respond timely to letters to, and/or inquiries and other requests of you or your organization from individual Senators who are members of this Committee? YES
19. Do you agree, if confirmed, to ensure that you and other members of your organization protect from retaliation any military member, federal employee, or contractor employee who testifies before, or communicates with this Committee, its subcommittees, and any other appropriate committee of Congress? 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 Parts A and B of the foregoing Senate Armed Services Committee Questionnaire, and that the information provided therein and in any document appended thereto, is, to the best of my knowledge and belief, current, accurate, and complete.



This 7th day of June, 2021

[The nomination of Ms. Shawn G. Skelly was reported to the Senate by Chairman Reed on June 22, 2021, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 22, 2021.]

[Prepared questions submitted to Ms. Meredith A. Berger by Chairman Reed prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES AND QUALIFICATIONS

Question. What is your understanding of the duties and responsibilities of the Assistant Secretary of the Navy for Energy, Installations, and Environment (ASN(EI&E))?

Answer. The ASN(EI&E) leads policy for Navy and Marine Corps energy programs, real property, installation resilience, environmental protection afloat and ashore, safety and occupational health, and housing. In addition, the position is re-

responsible for overseeing closures and realignments of installations as directed by Congress.

Question. What background and experience do you possess that qualify you to perform the duties and functions of the ASN(EI&E)?

Answer. I have served in various positions in State and Federal government, including positions in the Department of Defense, the Environmental Protection Agency, and the Office of the Florida Chief Financial Officer. Currently, I work in industry, at Microsoft with the Defending Democracy Program. I have also worked at the Mabus group, and with Harvard's Belfer Center for Science and International Affairs. I am very familiar with the Department of the Navy (DON), its mission and processes, having previously served as the Deputy Chief of Staff to the Secretary of the Navy, advising him on the formulation, prioritization, and execution of Department-wide strategies, policies, plans, and standards. I have also worked specifically on environmental matters, environmental justice, climate, energy, housing, and finance in my previously-listed positions.

Question. In particular, what management and leadership experience do you possess that you would apply to your service as ASN(EI&E), if confirmed?

Answer. Having served in both the Department of Defense (DOD) and the Department of the Navy (DON) in policy positions, I understand the management and leadership required of senior leaders, the importance of effective communication and collaboration, and the necessity of setting and meeting measurable goals. Many years of serving as a manager and leader in government at both the State and Federal level, and in private industry have given me the opportunity to lead large organizations and observe the leadership of others in similar capacities. If confirmed, I will lead as a hands-on contemplative Assistant Secretary, one that works collaboratively within the Department and externally to advance the energy, installations, safety, and environmental needs of the Department, its personnel, their families, and the communities that support it.

Question. Do you believe that there are actions you need to take to enhance your ability to serve as the ASN(EI&E)?

Answer. I am confident I possess the requisite management experience, analytical skills, and leadership qualities required to be the ASN(EI&E). I have always educated myself on the specific duties and issues associated with each new position I have held in order to carry out my responsibilities more effectively. If confirmed, I will dedicate myself to leading the ASN(EI&E) organization, working closely with the civilian and military leadership within the DOD, and incorporating the collective knowledge and experience of the dedicated professionals who work in the Office of the ASN(EI&E) and subordinate commands. I will also continue to build and enhance working relationships with members of other Government Agencies, Congress and their staffs, private industry, academia, civil society, local communities, and Tribes.

Question. If confirmed, what actions would you take to develop and sustain an open, transparent, and productive relationship between your office and Congress, and the Senate Armed Services Committee, in particular?

Answer. If confirmed, I will continue to promote open and frequent dialog with Congress and the Senate Members as well as the professional staffers who support the Senate Armed Services Committee.

MAJOR CHALLENGES

Question. In your view, what are the major challenges that confront the ASN(EI&E)?

Answer. In general, the major challenges facing the ASN(EI&E) are ensuring the resiliency of our installations, ensuring effective, environmentally-protective, and safe areas in which to test and train, and providing the necessary infrastructure to support military members and their families.

Question. If confirmed, specifically what actions would you take, in what order of priority, and on what timeline—to address each of these challenges?

Answer. If confirmed, I will work closely with Congress, the Acting Secretary of the Navy, the Chief of Naval Operations (CNO) and the Commandant of the Marine Corps (CMC), and the Office of the Secretary of Defense to prioritize and proactively undertake the actions necessary to meet Departmental challenges.

CIVILIAN CONTROL OF THE MILITARY

In its 2018 report, *Providing for the Common Defense*, the National Defense Strategy Commission cautioned, “there is an imbalance in civil-military relations on critical issues of strategy development and implementation. Civilian voices appear

relatively muted on issues at the center of U.S. defense and national security policy.”

Question. Do you agree with this assessment?

Answer. I am not in a position to agree or disagree with the specifics of this assessment as it relates to the DON. I understand and support the concept of civilian control of the armed forces and the subordination of military power to civil authorities. I also understand the value of appropriately balanced civilian and military advice on the formulation of U.S. defense and national security policy.

Question. If confirmed, how would you ensure inclusion of the ASN(EI&E) in the discussion, debate, and resolution of Department of the Navy, defense, and national security issues?

Answer. I’d immediately seek to establish a positive working relationship with my fellow Assistant Secretaries of the Navy, the Under Secretary of the Navy, the CNO and the CMC, and the Secretary of the Navy. In addition, I’d look for ways to partner with counterparts within the United States Air Force and Army, and I would maintain frequent and transparent communications between my office and our OSD counterparts.

Question. If confirmed, specifically what would you do to ensure that your tenure as ASN(EI&E) epitomizes the fundamental requirement for civilian control of the Armed Forces embedded in the U.S. Constitution and other laws?

Answer. If confirmed, I will diligently and arduously fulfill my Constitutional and statutory responsibilities to exercise control and oversight over the policies and duties of the ASN(EI&E) portfolio.

2018 NATIONAL DEFENSE STRATEGY

The 2018 National Defense Strategy (NDS) outlines that the United States faces a rising China, an aggressive Russia, and the continued threat from rogue regimes and global terrorism.

Question. In your view, does the 2018 NDS accurately assess the current strategic environment, including the most critical and enduring threats to the national security of the United States and its allies? Please explain your answer.

Answer. I expect a forthcoming new defense strategy will modify the lines of effort in the 2018 National Defense Strategy to align with the administration’s Interim National Security Strategic Guidance. However, we know peer and near-peer strategic competitors such as China and Russia continue to be critical and enduring threats in the global security environment, while still contending with threats from Iran, North Korea and terrorist organizations. We also know that climate-related disasters are especially costly to our defense budgets and have degraded the DoD’s ability to operate and train at and from some installations. At the same time, climate change is opening up the Arctic Region to competition. These climate related issues, and opportunities, are critical to our national defense in the current strategic environment.

Question. How do you believe the Office of the ASN(EI&E) directly supports the NDS?

Answer. The readiness of our installations and infrastructure directly support our operational forces’ ability to compete and prevail in great power competition. Our Navy ships, submarines and aircraft as well as our Marine Corps forces train from our bases, deploy from our bases, and resupply from our bases. Additionally, our installations provide support to military family members, whether through housing, health care, and childcare; or, through employment assistance training and transition services.

Question. What are the key areas in which the Navy and Marine Corps must improve to provide the necessary capabilities and capacity to the Joint Force to prevail in great power competition and potential conflict with China?

Answer. The rapid pace of China’s military modernization and expansion, as well as their increasing aggression in the INDO-PACIFIC region and ability to threaten our Homeland, are challenges we must face straight on. If confirmed, I will work with the Navy and Marine Corps Installations teams to ensure our networks of bases are ready to support the operational and Joint Force across the spectrum from competition to potential conflict with China. If confirmed, ensuring our installations have the required capacity and capabilities our warfighters need will be a top priority. We know the United States needs more resilient and distributed posture in the Indo-Pacific Area of Operations to counter China. If confirmed, I would work with the Navy and Marine Corps teams to review current posture to support logistical and infrastructure requirements to determine where strategic investments will be needed in the future and what our installations teams can do to support capacity building and cooperation with allies and partners.

Question. What Department of the Navy infrastructure and military construction investments would be required, in your view, to achieve these improvements?

Answer. The DON uses strategy-driven and resource-informed defense planning. While I cannot provide an informed assessment yet, if confirmed, I would continuously assess the requirements for new or additional infrastructure and military construction investments to ensure our installations support existing and future operational capabilities and have the capacity needed to compete and prevail in potential conflict with China.

Question. What are the key areas in which the Navy and Marine Corps must improve to provide the necessary capabilities and capacity to the Joint Force to prevail in great power competition and potential conflict with Russia?

Answer. As we have seen recently in the news, cyber-attacks on critical infrastructure attributed to Russian hackers continue to increase in scope and severity. We must continue to proactively improve cybersecurity and mission assurance at our installations and ensure critical infrastructure is resilient. There are logistics challenges in the European theater as well, related to competition with Russia. This is an area where Congress has provided significant European Deterrence Initiative funding to address deficiencies and gaps. If confirmed, I would conduct a more detailed review of where our Navy and Marine Corps installations and energy team could assist the broader departmental efforts in this area.

Question. What Department of the Navy infrastructure and military construction investments would be required, in your view, to achieve these improvements?

Answer. While I cannot provide a fully informed assessment on this at present, future investments in infrastructure will surely be needed to combat increased cyberattacks. If confirmed, this is one area I would want to assess for valid requirements related to future investments.

SAFETY

The Department of the Navy continues to experience non-combat related injuries, fatalities, and mishaps that undermine its ability to execute mission-critical taskings, even when its sailors and marines are successfully trained.

Question. What are your ideas for improving mishap, hazard, and near-miss reporting and tracking?

Answer. If confirmed, I will continue to leverage the solid safety and occupational health framework that has been established through collaboration with the Naval Safety Center and U.S. Marine Corps Safety Division. This teamwork and partnership extends to the Fleets, Echelon II and Type commands, and I will take full advantage of this synergy to further enhance the Safety and Occupational Health portfolio. Further, the DON fielded the Risk Management Information (RMI) System in August 2020 through a partnership with the Air Force. If confirmed, I will continue to enable this capability through effective Streamlined Incident Reporting, advanced Analysis and Dissemination and solid Safety Program Management.

Question. What specific steps would you take, if confirmed, to ensure that all Department of the Navy personnel are protected from coercion, discrimination, or reprisal for reporting mishaps, hazards, and near misses?

Answer. If confirmed, I would continue to emphasize an environment where reporting of near miss events, hazards and mishaps is encouraged. The identification and mitigation of safety and occupational health hazards before unplanned outcomes occur cultivates effective risk management, and this detailed information facilitates a more proactive safety and occupational health program by addressing areas of concern proactively. Additionally, if confirmed, I would continue to emphasize and promote SECNAV Safety Awareness Campaign Themes that highlight the importance of reporting to ensure we are addressing issues at the onset. I would ensure that all members of the Navy and Marine Corps comply with the requirements in the Secretary of the Navy instruction for Military Whistleblower protection.

Question. In your view, how can available data, current systems, and technology be applied to predict safety risks, particularly as regards sailor and marine off-duty behavior and activities?

Answer. The Department is focusing on safety education, tracking and oversight to reduce both mishaps and non-combat fatalities, including those occurring off-duty. I understand the Department recently deployed a new mishap reporting system, Risk Management Information Streamlined Incident Reporting that supports better capturing of information and data analysis to identify trends for corrective action.

Question. If confirmed, by what principles would you be guided in executing the ASN(EI&E)'s role as Program Decision Principal Advisor for Safety for Acquisition Program Decision Meetings, Program Reviews, and Gate Reviews?

Answer. Safety in acquisition is vital to ensuring protection of our personnel, the environment and material assets through the entire acquisition lifecycle—from initial design to disposal. If confirmed, I will work closely with ASN(RD&A) to ensure that safety is not sacrificed for the sake of expediency of the acquisition process. This would be accomplished by addressing barriers and investigating opportunities for streamlining and resolving system safety and environmental challenges.

DEFENSE POLICY REVIEW INITIATIVE (DPRI)

First launched by the United States and Japan in 2002, the Defense Policy Review Initiative (DPRI) aimed to adapt the U.S.-Japan alliance to the dramatically changed threat in the security environment of the 21st century.

Question. What is your understanding of the status of the Department of the Navy's implementation of DPRI?

Answer. My understanding is that overall, the program is moving forward well and construction has recently increased along with many recent contract awards this fiscal year. I believe that the goal for Okinawa-based marines to relocate to Guam is on track and will begin in the first half of 2025. I understand that the program is still on track to meet the Department of Defense goal to improve the Indo-Pacific defense posture.

Question. If confirmed to be ASN(EI&E), what would be your role in DPRI implementation and execution?

Answer. If confirmed, my role in DPRI implementation will be to oversee the progress of the program and to update Department of Navy policies as needed to keep the program on schedule. To support this effort, I will review current infrastructure planning and design efforts, construction progress and procedures, and the implementation of policies regarding environmental and cultural resources.

Question. If confirmed, what specific actions would you take to address munitions of explosive concern on Guam and in the Commonwealth of the Northern Mariana Islands (CNMI) to mitigate adverse effects to DPRI-related construction cost and schedule impacts?

Answer. My understanding is that the Department of Navy has made significant progress in discovering and safely removing remaining unexploded ordnance from World War II in Guam and CNMI. Continuing this effort is of the utmost importance. If confirmed, I will continue to ensure that the discovery and removal of unexploded ordnance on Guam and CNMI is completed safely while keeping the DPRI program on track for completion.

Question. What is your understanding of current situation as it pertains to cost overruns and delays?

Answer. My understanding is that there have been schedule delays and cost increases due to various items including unexploded ordnance clearance, COVID-19 impacts to construction, workforce employment, environmental concerns, and preservation of cultural resources. While I do not have specifics on every project yet, I know the Department of Navy met a major milestone with the recent establishment of Marine Corps Base Camp Blaz in October 2020, and construction is still on track to start moving Marines from Okinawa to Guam in the first half of 2025 to honor the United States agreement with the Government of Japan. If confirmed, I will create policy that mitigates delays and cost increases to ensure the program remains on schedule in a manner that respects the agreement with Japan, and the people of Guam and CNMI.

MILITARY HOUSING PRIVATIZATION INITIATIVE

In the Fiscal Year 1996 NDAA, Congress established the Military Housing Privatization Initiative (MHPI), providing DOD with the authority to obtain private-sector financing and management to repair, renovate, construct, and operate military housing. DOD has since privatized 99 percent of its domestic housing. In 2019, the Senate Armed Services Committee held three hearings to address concerns voiced by military families living in privatized housing that the program had been grossly mismanaged by certain of the private partners, that military and chain of command oversight were non-existent, and that in speaking out about the appalling condition of the quarters in which they lived, they were opening themselves and their military sponsor to reprisal.

Question. What are your impressions of the overall quality and sufficiency of Navy and Marine Corps family housing, both in the United States and overseas?

Answer. I have read testimony and news articles describing poor quality and experiences in privatized housing. However, I have not had any recent personal experience with Department of Navy privatized housing. If confirmed, I will prioritize safe, quality, well-maintained housing and fair treatment from Military Housing

Privatization Initiative (MHPI) companies for our sailors, marines, and their families.

Question. What is your view of the current goals and structure of the Department of the Navy's military housing privatization program?

Answer. Military members and their families deserve safe, quality, well-maintained housing and fair treatment from Military Housing Privatization Initiative (MHPI) companies.

Question. What have the Navy and Marine Corps done to address sailor, marine, and family member concerns regarding the untenable living conditions prevalent in certain privatized housing locales?

Answer. The Department of Navy has increased the number of government personnel overseeing privatized housing, introduced online work order tracking tools, strengthened the involvement of the installation commander in housing oversight, and worked with the Military Housing Privatization Initiative (MHPI) companies to make the Tenant Bill of Rights available to our sailors, marines, and their families.

Question. If confirmed as the ASN(EI&E), what specifically would you do to ensure accountability in Navy and Marine Corps leaders for oversight of the privatized housing program?

Answer. If confirmed, I will work to ensure Navy and Marine Corps installation commanding officers have the staff, resources and authorities they need in order to advocate for military families who live in privatized housing.

Question. If confirmed, what specifically would you do to improve applicable business operations constructs and vest accountability in MHPI contractors for strict compliance with the terms of their public-private partnership agreements with the Department of the Navy?

Answer. If confirmed, I would review the Department's business agreements with the MHPI companies to determine the appropriate business operations construct.

Question. What are your views of the efficacy of the MHPI reforms enacted in the Fiscal Year 2020 NDAA, as amended by the NDAA for fiscal year 2021?

Answer. At this time, I do not have the information needed to give my views of the efficacy of the NDAA reforms. However, I have read the Department of Defense's June 4 announcement on the Tenant Bill of Rights, and I am pleased the Department expects all 18 tenant rights to be fully available at all installations with privatized housing by the end of fiscal year 2021.

Question. What do you believe to be the root causes of the MHPI crisis?

Answer. At this time, I have not had access to the information necessary to identify the root causes of the MHPI crisis. If confirmed, I will work with the ASN(EI&E) staff and senior Navy and Marine Corps leadership to determine where the program has fallen short and work to address those shortfalls.

Question. Do you believe the Navy has rectified these problems, notwithstanding Congress's continued receipt of complaints from military families?

Answer. I believe the Department has worked tirelessly to improve privatized housing for our military families over the last few years. But there is still much more work to be done.

Question. If not, what would you do differently to address this issue, if confirmed?

Answer. If confirmed, I would continue to seek ways for Department leadership to advocate for military families and to give installation commanding officers the tools they need to provide oversight of MHPI companies.

Question. What role would you establish for yourself, if confirmed to be the ASN(EI&E), in ensuring that the Department of the Navy's use of direct hire authority to fill vacancies in military installation housing offices results in the timely hire of highly qualified individuals to perform these critical duties?

Answer. If confirmed, I will advocate for direct hire authority and other tools that will enable better oversight of privatized housing.

Question. If confirmed, how would you view and order your relationship with the private contractors who own and manage the privatized housing agreements with the Navy?

Answer. If confirmed, I will review the Navy's business agreements to understand the ASN(EI&E)'s relationship with the MHPI companies.

Question. What do you view as your obligations to the "partners"?

Answer. I believe the Department's obligations are codified in the business agreements with MHPI companies. If confirmed, I will review the business agreements to better understand the specific obligations the Department and the office of ASN(EI&E) has.

Question. What do you view as your obligations to the sailors, marines, and family members who reside in military housing?

Answer. Military members and their families deserve safe, quality, well-maintained housing and fair treatment from Military Housing Privatization Initiative (MHPI) companies.

Question. If confirmed to be the ASN(EI&E), how would you order your relationship with DOD's Chief Housing Officer?

Answer. If confirmed, I would seek to establish a healthy partnership with regular meetings with the DOD Chief Housing Officer.

Question. What are your views on establishing command accountability by having MHPI issues become part of the performance evaluations of base commanders and their senior enlisted counterparts?

Answer. Installation and Command leadership have a responsibility to their people and families. If confirmed, I will consult with Navy and Marine Corps leadership to determine how this command accountability can be best implemented at the base commander and senior enlisted leadership level.

Question. Given the challenges associated with the MHPI, do you support the further privatization of Military Service lodging facilities?

Answer. If confirmed, I would seek the advice from Navy experts on the feasibility and advisability of additional housing and lodging privatization projects. We must leverage lessons learned from MHPI.

BASE REALIGNMENT AND CLOSURE

In past years, DOD has requested Congressional authorization to conduct another Base Realignment and Closure (BRAC) round.

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

Answer. If confirmed, I will consult with Navy and Marine Corps leadership to determine if the Department of Navy would benefit from an additional BRAC round.

Question. Were Congress to authorize another BRAC round, what is your understanding of the responsibilities that would be assigned to the ASN(EI&E) for formulating BRAC recommendations?

Answer. If confirmed, and if another BRAC round is authorized, I, as the ASN(EI&E), would be responsible for carrying out the requirements of the BRAC authorizing language and executing BRAC recommendations. If confirmed, I would be the primary liaison with Congress, State and local community leaders regarding BRAC actions in their jurisdictions.

Question. How would you undertake to execute these responsibilities?

Answer. If confirmed, I would look to leverage the Department of Navy personnel who are recognized subject matter experts and have experience with prior BRAC rounds.

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

Question. Do you believe such issues could be anticipated and addressed suitably in a future BRAC round, and if so, how?

Answer. I do not have first-hand knowledge of the 2005 BRAC round. However, I believe that robust management and oversight controls, paired with active communication with Congress and other stakeholders, is vital to the success of an initiative like BRAC.

Question. What steps has the Department of the Navy taken to share with the other Military Departments and Services its "lessons learned" from environmental remediation in support of the redevelopment of military bases closed under BRAC—particularly as regards the remediation of emerging contaminants?

Answer. I understand the Department of Navy has a robust environmental restoration program and participates in several DOD working groups, along with the other Services, to share lessons learned regarding environmental remediation successes and challenges.

INSTALLATION MODERNIZATION AND RESILIENCE

Decades of underinvestment in Department of Defense installations has led to substantial backlogs in facilities maintenance, while making it more difficult for DOD to leverage new technologies that could enhance installation efficiency and productivity. Yet, the quality of installation resilience directly impacts the entire spectrum of military operations—from force development through power projection, interoperability with partner nations, and force sustainment—while providing an appropriate quality of life for sailors, marines, and their families.

Question. In your view, does the Department of the Navy receive adequate funding for its installations? Please explain your answer.

Answer. I understand that the Department of Navy has routinely funded facilities sustainment below the Department of Defense's model. Additionally, the Navy and Marine Corps is compelled to balance investment in current and future infrastructure with today's urgent readiness needs, future force requirements and business reforms. At this time, I do not have detailed information on the Department's specific infrastructure requirements and associated funding requirements. If confirmed, I will meet with the commanders of the Navy and Marine Corps' installations commands to better understand any infrastructure funding shortfalls.

Question. Do you have any specific plans to leverage infrastructure modernization to improve the quality of life for Navy and Marine Corps service members and their families?

Answer. At this time, I do not have a specific plan to leverage infrastructure modernization to improve the quality of life of military personnel and their families. If confirmed, I will consult with Navy and Marine Corps senior leaders to identify specific quality of life shortfalls and develop solutions to meet the needs of our sailors, marines, and their families.

Military Construction (MILCON) accounts have failed to see the same amount of growth over the last several years compared to other accounts such as procurement and research and development.

Question. If confirmed, what arguments would you advance to advocate for additional MILCON dollars during budget builds?

Answer. If confirmed, I would seek to strengthen the relationship of Navy and Marine Corps installations to the lethality and warfighting readiness of maritime forces. Our installations are the platforms from which we project and sustain our forces. We need modern, resilient, and sustainable facilities able to withstand the effects of deliberate and directed attacks from our adversaries along with the consequential effects of events such as climate change, pandemics, and extreme weather.

The results of past underinvestment in infrastructure is particularly acute in naval shipyard facilities. According to the Navy's shipyard modernization plan, it may take roughly \$1 billion per year for 20 years.

Question. If confirmed, how would you prioritize the resourcing of Navy shipyard modernization going forward, in light of other competing priorities?

Answer. If confirmed, I would partner with the Assistant Secretary of the Navy for Research, Development and Acquisition (ASN(RDA)) to ensure the Department is dedicating the resources and oversight necessary to improve naval maintenance production through dry dock recapitalization, facility layout and optimization, and capital equipment and modernization.

Question. In your view, has the Shipyard Infrastructure Optimization Program achieved its objective of streamlining local project reviews, resulting in more predictable timelines and solutions for shipyard projects?

Answer. It is my understanding that the Department has established a Program Office to ensure the integration of all elements of the SIOP plan. I have not had the opportunity to study the specific elements of the Shipyard Infrastructure Optimization Program, but I will do so if confirmed.

Question. If not, how would you adjust the Shipyard Infrastructure Optimization Program, if confirmed, to achieve these paramount objectives?

Answer. My understanding is the Department is currently studying to see how much additional funding would be needed to accelerate the program to meet the needs of a modernized fleet. If confirmed, I would consult with the experts in the SIOP program office to advocate for adjustments to the program and necessary funding to ensure the Department meets its SIOP goals to sustain our current and future fleets.

The Department of the Navy defines "installation resilience" as the ability of the platforms from which it generates and projects naval power to accomplish their missions, despite actions by adversaries or other events to deny, disrupt, exploit, or destroy installation-based capabilities. The range of threats against which a military installation must maintain resiliency: cyber threats, physical attacks, political influence, and extreme weather events, is ever-growing.

Question. Given the 2018 NDS, what priority in the Navy program would you accord the survivability of Navy and Marine Corps expeditionary advanced bases, forward operating bases, and other locations?

Answer. If confirmed, I would accord a high priority on ensuring the survivability of our Navy and Marine Corps Installations – both enduring installations within the continental United States and overseas – and our expeditionary advance bases, forward operation bases, and other locations. The Department must continue to work with Congress, industry, and community leaders to evaluate and validate installation resiliency risks across multiple technical domains and incorporate solutions into

budgetary planning processes in order to mitigate risks and ensure mission survivability and functionality of the Shore Enterprise.

Question. What are the Navy and Marine Corps doing to assess and prioritize facility requirements for prepositioned forward fuel, stocks, and munitions, as well as to generate options for non-commercially dependent distributed logistics and maintenance—all to ensure logistics sustainment in the face of persistent multi-domain attack?

Answer. This is a complex issue, and one that I do not yet have enough information on to make an evaluation. If confirmed, I will work with the Navy and Marine Corps Installation staffs to determine what actions have already been taken, what planning is underway and how I can assist moving forward to ensure logistics sustainment in the face of persistent multi-domain attacks.

EXTREME WEATHER EVENTS

President Biden has declared that climate change is an essential element of national security and foreign policy. Secretary Austin has stated that DOD will include the security implications of climate change in risk analyses, strategy development and planning guidance. If confirmed, you would sit on the Secretary's Climate Working Group and your portfolio would oversee energy resilience and environmental threats to military installations. Thus, you would have a major role in implementing this guidance.

Question. What is your understanding of the ways in which climate change poses a risk to national security and the Department's responsibility to prepare for its impacts?

Answer. Climate change is a global crisis and working to both mitigate it and ensure resilience to climate change impacts must be an essential element of U.S. national security. The changing climate poses immediate and long-term impacts to the global security environment and the operations of the Department of Defense, and the readiness of the force. Partnering with internal Department of Defense organizations and external federal agencies and stakeholders, the Department of Navy will prepare for and mitigate the negative impacts that climate change poses to the Department's operations and infrastructure worldwide.

Question. How do you believe the Department should be incorporating climate change into its risk analyses, strategy development, and planning guidance?

Answer. The Department should incorporate climate change into its operations, planning activities, risk analysis and decision-making processes. If confirmed, I would support Secretary Austin's direction to establish a Department of Defense Climate working group as the primary form to coordinate the Department's tackling of the Climate Crisis. It is vital for the senior military and civilian leadership across the department be personally engaged and to work together to track implementation of climate and energy-related actions and progress toward goals.

Question. How should readiness and budget concerns factor into these assessments?

Answer. The Department of Navy readiness and budget analyses should incorporate consideration of climate risk and enable the deployment of new solutions to strengthen resilience of key capabilities.

Question. Section 2801 of the Fiscal Year 2020 NDAA required each major military installation to include military installation resilience in each installation's master plan. If confirmed, do you commit to ensuring these plans are completed and shared with this Committee?

Answer. If confirmed, yes, I will commit to integrate resilience into each installations master plan and to share them with the committee upon request.

ENERGY RESILIENCE

It is essential that the Department of the Navy maintain capability to sustain critical operations in the event of intentional and unintentional grid outages.

Question. If confirmed, specifically what would you do to inculcate energy resilience as a mission assurance priority for the Department of the Navy?

Answer. It is my understanding that energy resilience is already part of the mission assurance process, but, if confirmed, I would work with Navy and Marine Corps leadership to incorporate energy resilience into existing exercises and wargames to ensure resilience during grid outages.

Question. When do you envision the work of the Energy Mission Integration Group will manifest in actual projects (MILCON or non-DOD funded) to fill gaps in individualized Installation Energy Plans and to identify and remediate resilience gaps both on- and off-Navy and Marine Corps installations?

Answer. It is my understanding that, starting in fiscal year 2021, energy security gaps identified through mission assurance assessments and prioritized by the respective Navy and Marine Corps governance processes are reflected in third-party financing efforts, the Energy Resilience and Conservation Investment Program, Military Construction, and installation-funded projects.

Question. How can the Department of the Navy better integrate energy security and resilience as standard components of its MILCON projects and programs?

Answer. It is my understanding that, over the last several years, the Navy has been steadily incorporating resiliency planning into all aspects of the facilities management lifecycle, from installation master planning to the design of new construction and major renovation projects. Region and installation facility planners are utilizing updated Unified Facilities Criteria, Department of Defense Sea Level Rise studies, the Department of Defense Coastal Risk Management tool and the new Navy Climate Change Installation Planning Handbook to mitigate risks to shore infrastructure. The Department is also incorporating new design criteria and the latest industry standards to help mitigate the impact of extreme weather and a changing climate.

Question. How can Naval and Joint Force training exercises and wargames better incorporate real-world scenarios regarding energy-related threats and constraints—such as less rosy assumptions about availability of fuel in the Pacific and assessing black start ability in response to a cyberattack on commercial electric grids?

Answer. Wargaming and training exercises are critical to testing how the Department's people, process and equipment will actually operate in real-world scenarios. I am aware that the Marine Corps and Navy have both completed table top exercises and participated in a recent wargames focused on the Pacific area of operation. MCAS Miramar completed a full scale black start exercise demonstrating the ability to maintain mission critical operations during a planned grid outage with San Diego Gas and Electric. Similarly, the Navy is developing an Energy Resilience Readiness Exercise program built on multiple phases beginning with table top exercises and culminating with "pull the plug" events. If confirmed, I will continue to incorporate exercises that measure an installation's resilience to conduct critical and essential missions while disconnected from the commercial power grid.

Question. Given the Department of the Navy's dependence on non-DOD energy sources, how can the public and private sectors best be integrated in installation resilience plans and programs to reduce vulnerabilities, add redundancy, or improve energy management?

Answer. It is my understanding that the Department has a long history of successful partnering with local communities, utility service providers, and experts in the private sector to collaborate on initiatives to reduce vulnerabilities, add redundancy, or improve energy management. If confirmed, I will continue to maintain and pursue such partnerships.

Question. In your view, is the use of stationary micro-reactors a workable option to provide long-term energy resiliency to U.S.-based Department of the Navy installations?

Answer. I do not currently have the information to make an informed opinion on the viability of stationary micro-reactors as a long-term energy resiliency strategy for installations. If confirmed, I learn more about this technology and how Navy and Marine Corps installations can leverage it.

Question. What initiatives is the Department of the Navy undertaking in regard to development of long duration grid batteries for use on bases?

Answer. I understand that the Department of Navy continues to partner with industry to pursue new energy technologies. I am not aware of specific initiatives related to long-duration grid batteries on Navy and Marine Corps installations.

AUTHORITIES TO IMPROVE ENERGY RESILIENCE

DOD and the Military Departments can use any number of authorities and mechanisms to pursue distributed energy projects that improve installation resilience, increase readiness and mission assurance, and offer long-term cost savings. These include: Inter-Government Support Agreements, Other Transaction Authority, Utility Privatization, Energy Savings Performance Contracts, Utility Energy Service Contracts, Enhanced Use Leases, and the Defense Community Infrastructure Program. The Navy faces a litany of challenges to fund its infrastructure. If contracts are written properly, non-DOD funded mechanisms are excellent ways to lock in cost savings for 25 years, increase resilience, modernize infrastructure, and diversify energy sources.

Question. If confirmed, what steps would you take to streamline the process of writing and awarding contracts that will improve mission assurance through the Navy's Energy Security Programs Office?

Answer. If confirmed, I would partner with Congress and the ASN(RDA) to ensure the Department of Navy is resourced and empowered to leverage the authorities granted by Congress to continue to execute Intergovernmental Support Agreements, Other Transaction Authority, Utility Privatization, Energy Savings Performance Contracts, Utility Energy Service Contracts, Enhanced Use Leases and the Defense Community Infrastructure Program.

Question. In your view, how can the Department of the Navy use one or more of the above mentioned authorities to secure access to advanced energy-related technologies and concepts, including cyber-secure microgrids?

Answer. It is my understanding that the Department has already used a combination of these authorities to great success. The Department has used enhanced use lease authority to site secure a microgrid at Marine Corps Air Station Yuma and Naval Weapons Station Seal Beach and install a cutting-edge battery energy storage system at Pacific Missile Range Facility Kauai, Hawaii and a fuel cell at Naval Submarine Base, New London, Connecticut. If confirmed, I would build upon this momentum and ensure energy-related technology is prioritized and pursued.

OPERATIONAL ENERGY

The Department defines operational energy as the energy required for training, moving, and sustaining military forces and weapons platforms for military operations, including the energy used by tactical power systems, generators, and weapons platforms. As early as 2004, General Mattis cautioned that "units would be faced with unacceptable limitations because of their dependence on fuel" and that resupply efforts "made us vulnerable in ways that would be exploited by the enemy." On the battlefield of the future, warfighters will need exponentially more energy with rapid recharge and resupply over longer operating distances. The quality of electricity will matter too—the Navy's vehicles, sensors, robots, cyber forces, directed energy weapons, and artificial intelligence will be controlled by systems sensitive to fluctuations in voltage or frequency.

Question. If confirmed, what priorities would you establish for Department of the Navy investments in operational energy technologies to increase warfighter combat capabilities and reduce logistical burdens?

Answer. Although operational energy responsibilities are executed by the ASN(RDA), I believe that the Department is focused on the opportunity for energy technologies to increase warfighting capability like more time-on-station and silent watch while reducing logistics burdens is enabled by hybridization and electrification, advanced battery, and energy efficiency technologies.

Question. In what specific areas do you believe the Department of the Navy needs to improve the incorporation of operational energy considerations and distributed energy resources into the strategic planning processes?

Answer. I believe that DON should account for energy in budget, program, and operational planning and if confirmed, I will work to ensure that the Department does so.

Question. How can Department of the Navy acquisition systems better address requirements related to the use of energy in military platforms to decrease risks to warfighters?

Answer. If confirmed, I will pursue opportunities to reduce risk through the integration of energy requirements across platforms such as ships, airplanes, and ground combat systems, which would create efficiencies and redundancies to support the deployment of those platforms out of our many bases and stations.

Question. Further, in your view, how can energy supportability that reduces contested logistics vulnerabilities become key factors in the requirements process?

Answer. Improving commanders' visibility of fuel and energy consumption by their forces is essential to reducing logistics requirements, vulnerabilities, and costs.

Question. Specifically, how can the Navy broadly include operational energy improvements in its ships, such as hybrid electric drives, stern flaps, and bow bulbs, to reduce fuel costs and extend combat range in multiple classes of ships?

Answer. Technology improvements often translate between platforms. Successes in that space include stern flaps and other energy efficiency technologies that are already providing improvements to Naval capability. If confirmed, I will ensure that the Navy continues to evaluate, invest in and expand energy improvements across and between as many platforms as possible.

Question. In your view, how can the Department of the Navy better leverage advancements in data analytics and associated technologies to improve commanders' visibility of fuel consumption by the force?

Answer. If confirmed, I would like to work with the Navy and Marine Corps to incorporate advanced data analytics in operational energy. Under this approach there is an opportunity to collect real time information to support data-driven decision making on the part of Navy and Marine Corps as well as capture metrics. In order to do that, we will need to meter and monitor our platforms, our bases, and our stations.

ENERGY CONSERVATION

Question. What do you perceive to be the core elements of an effective energy conservation strategy for the Department of the Navy?

Answer. One of the three pillars of the Department of Navy's energy security strategy is energy efficiency, which is aimed at reducing the demand and cost of utilities through metering, demand response, audits, energy intensity reduction, use of renewable energy, and data analytics.

Question. What do you perceive to be the most achievable and realistic energy conservation goals for the Department of the Navy?

Answer. The Department of Navy's energy conservation goals are centered around the energy management requirements and federal building energy efficiency standards codified in 42 USC 8253 and 6834, respectively. These standards set the foundation upon which the Department must build our energy conservation efforts.

Question. What do you consider to be a "stretch goal" for Department of the Navy energy conservation?

Answer. If confirmed, I would collaborate with the ASN(EI&E) staff and the Navy's and Marine Corps' senior military leadership to identify new stretch goals for energy conservation.

Question. If confirmed, what specific actions would you take to reach these goals, and how would you measure your progress toward both?

Answer. If confirmed, I would work with the Navy's and Marine Corps' senior military leadership to create meaningful, measureable benchmarks and set achievable goals together and encourage the innovations needed to meet these goals.

Question. In your view, what is the impact of the current Department of the Navy energy conservation goals for the Navy or Marine Corps? Please explain your answer.

Answer. The Navy and Marine Corps have reaped the benefits of energy conservation in increased operational flexibility and mission assurance as well as the associated cost savings. In addition to the tangible benefits of energy conservation, the Navy and Marine Corps have cultivated a culture of energy conservation that can be augmented and magnified with additional leadership focus on energy conservation. I am aware of examples of this conservation in action at Naval Air Station Pensacola and Marine Corps Recruit Depot Paris Island, and understand there are dozens of success stories across the Department that, if confirmed, I would strive to build upon.

WATER RESILIENCE

A secure and reliable supply of water is essential to the Department of Defense's ability to perform its critical missions on installations and in support of operational deployments.

Question. If confirmed, how would you lead the Department of the Navy in developing a comprehensive water strategy that addresses research, acquisition, training, and organizational issues?

Answer. If confirmed, I would partner with the Navy Secretariat leadership as well as senior Navy and Marine Corps leaders to develop a comprehensive water strategy that addresses all facets of Department operations, including research, acquisition, training and organizational roles and responsibility. From an ASN(EI&E) perspective, if confirmed, I would continue the Department's work on cooperative regional management action plans and a review of water rights to mutually benefit the Department and local communities.

Question. What actions has the Department of the Navy already undertaken to improve access to sustainable water sources in drought-prone areas across the United States and the globe, and with what result?

Answer. To improve water conservation, the Department promotes policies that minimize potable water use for non-core mission functions like irrigation, and engages with industry leaders to improve water conveyance and treatment systems. For example, Camp Pendleton has improved water security, expanding reclaimed

water conveyance by installing new ‘recycled water’ lines, and new reservoirs for base irrigation and aquifer recharge. The use of recycled water helps to conserve potable water for core mission functions, and increases the health and sustainability of the aquifer basin for the greater San Diego area.

Question. What progress is the Department of the Navy making in developing and implementing a technology roadmap to address capability gaps for water production, treatment, and purification?

Answer. Water resilience is critical to mission success. The Department has incorporated water resilience into its Energy Mission Integration Group (EMIG) process to identify water resilience gaps and prioritize investments against other commodities. In fiscal year 2020, the EMIG tested water resilience criteria for Navy Region Southwest and prioritized necessary water resilience projects at Naval Base Coronado and Naval Air Station Lemoore. In 2021, the EMIG opened the analysis of water resilience to the entire enterprise and are currently developing eight projects to address mission-critical gaps. The identified solutions for the Department’s water resilience gaps range from utilities privatization to the Energy Resilience and Conservation Investment Program (ERCIP).

Question. What actions has the Department of the Navy undertaken to improve water conveyance systems to reduce loss, recapitalize aging infrastructure, and meet installation mission requirements?

Answer. The Department includes water systems in its annual military construction and facility restoration and modernization prioritization process. Additionally, it is my understanding that the Department of Navy is in the process of reinvigorating its utility privatization program through several pilots at installations to evaluate the business case analysis and the ability to improve reliable, resilient and efficient energy for the priority missions on those installations.

EMERGING CONTAMINANTS

The environmental and health effects associated with exposure to Per- and Poly-fluoroalkyl substances (PFAS) have long been a major concern for Congress, DOD, military families, and communities in the vicinity of military installations.

Question. If confirmed, what role would you establish for the ASN(EI&E) in addressing potential PFAS contamination at Navy and Marine Corps bases, installations, and operational platforms?

Answer. If confirmed, I would actively pursue my role as the Department of Navy representative on the Department of Defense PFAS Task Force.

Question. In your view, what role should the Navy and Marine Corps take in funding and overseeing PFAS-related environmental cleanup and restoration activities at Reserve locations and in communities adjacent to or near military bases, installations, and operational platforms?

Answer. As a first step, the Department should identify the locations where PFAS released by the Department may have migrated to off-installation drinking water sources. The Department should test public and private drinking water wells in these areas for PFAS. Where EPA lifetime health advisory levels are exceeded, the Department should provide a short-term solution of alternate water for drinking and cooking purposes and follow up to implement long-term solutions. Once these initial actions are taken to protect public health, the Department should follow through with investigations and response actions in accordance with the Federal cleanup law to ensure protection of human health and the environment.

Question. If confirmed, what would be your approach to addressing public health concerns—including the concerns of increased transparency to service members and their families—regarding alleged exposures to potentially harmful contaminants on or deriving from Navy and Marine Corps bases?

Answer. If confirmed, I will promote early, meaningful, two-way communication with service members, their families and members of the public.

THE FISCAL YEAR 2020 NDAA REQUIRED THE DEPARTMENT OF DEFENSE TO PHASE OUT THE CURRENT AQUEOUS FILM FORMING FOAM (AF3) CONTAINING PFAS BY 2024, WITH AN EXCEPTION FOR SHIPS AND SUBMARINES.

Question. What is your understanding of the current progress made to date in finding a replacement for Aqueous Film Forming Foam?

Answer. I believe the Department of Navy is actively supporting the Department of Defense’s research and development effort to identify suitable replacements to transition to a PFAS-free firefighting alternative on installations. To date, I do not believe there is an accepted alternative that meets the Navy’s requirements; once an alternative is identified, the Department will have a short timeframe to convert all fixed and mobile systems to this new product at a yet unknown cost.

The current Navy-owned military specification for AF3 is largely based on the need to extinguish fires on ships and submarines within 30 seconds from contact. Recently tested non-PFAS alternatives can extinguish fires in roughly 39 seconds and some Jet-A fires in 21 seconds or less.

Question. Given that the required phase out of PFAS in AF3 does not apply to ship and submarines, what do you view as the effects of more than one specification going forward: one for ships and submarines, and another for bases where AF3 cannot contain PFAS?

Answer. I believe the DON has a capable supply chain system to ensure that the correct firefighting agents are provided to ships, submarines, and shore installations. If confirmed, I will verify this is the case and take actions if needed to make it so.

RESILIENCE TO EXTREME WEATHER EVENTS

In 2018 alone, extreme weather caused roughly \$9 billion in damage at military bases across the United States, Camp Lejeune among them. In the aftermath of the July 2019 earthquakes that struck outside Ridgecrest, California, the Navy was required to recover and restore critical weapons system test and development capabilities at Naval Air Weapons Station China Lake.

Question. How would you assess the readiness and resource impacts on the Department of the Navy from recent extreme weather events?

Answer. If confirmed, I would work with Navy and Marine Corps installation management commands to ensure Naval installations have the tools and resources they need to plan, prepare, adapt, and recover. These solutions would need to consider a range of threats, from natural disasters and climate change, to adversarial risks to energy, water supplies and industrial cyber controls.

Question. In your view, how can the Navy and Marine Corps best mitigate risks to Department missions and infrastructure associated with extreme weather events?

Answer. Navy and Marine Corps installations must incorporate installation resilience into all aspects of installation management, from emergency action plans and continuity of operations, to the installation master planning process and facility siting, design and construction. Installations must also continue to partner and collaborate with local communities, utility service providers, and in the private sector.

Question. If confirmed to be the ASN(EI&E), how would you update the DOD Building Requirements Unified Facilities Criteria (UFC) to incorporate designs more resilient to the effects of extreme weather events to ensure that MILCON-funded structures exist and remain fully functional for their intended lifecycles?

Answer. If confirmed, I would support the Chief Engineer of Naval Facilities Engineering Systems Command as the Department of Navy's representative for the Unified Facility Criteria. It is my understanding that this group has proactively updated DOD standards to be on par or exceed current industry standards and meet congressional requirements.

ENVIRONMENTAL COMPLIANCE

The Department of the Navy has implemented a robust environmental compliance program to ensure the Navy and Marine Corps can meet their title 10 responsibilities, in balance with the need for environmental stewardship and conservation.

Question. If confirmed to be the ASN(EI&E), what policies and programs would you enable to educate Navy and Marine Corps leaders and the force about the imperative of complying with laws and regulations addressing environmental matters and the substantive tenets of same?

Answer. If confirmed, I would ensure the Department of Navy promulgates robust and clear policies and instructions to Navy and Marine Corps leaders on the integration of environmental protection, natural resources and cultural resources into all operations and activities.

Question. If confirmed, how would you work with the Department of Interior and the U.S. Fish & Wildlife Service to ensure military readiness, while protecting the environment on and around Navy and Marine Corps installations, bases, and ranges?

Answer. If confirmed, I would support and leverage the ongoing work by the DOD and DON to forge partnerships with the Department of the Interior, U.S. Fish & Wildlife Service, other government agencies and non-governmental organizations to ensure military readiness while protecting the environment.

Question. What are your ideas as to how the process associated with generating an Environmental Impact Statement (EIS) could be streamlined, with a view to completing any future EIS in two years or less, from start to finish?

Answer. If confirmed, I would consult with the environmental subject matter experts within the Navy and Marine Corps, and the Council on Environmental Quality, to determine how the EIS process could be improved and streamlined while fully complying with the National Environmental Policy Act (NEPA) process.

ENVIRONMENTAL RESTORATION

Funding for the Department of the Navy's environmental restoration program remains a significant part of the Navy's overall environmental program budget.

Question. What do you see as the main priorities for environmental cleanup and restoration in the context of the Department of the Navy program?

Answer. Per- and polyfluoroalkyl substances are clearly at the forefront of the many chemicals of emerging concern across the nation. The Department must continue identifying, evaluating and addressing PFAS releases resulting from our activities, and take proactive action to identify and mitigate the impacts of PFAS releases to human health and the environment.

Question. If confirmed, what specific steps would you take to ensure that the Department of the Navy continues to program, budget, and execute adequate funding to permit cleanups under the Installation Restoration and Military Munitions Remediation Programs to continue apace?

Answer. If confirmed, I will continue the Department's practice of prioritizing Environmental Restoration sites by risk to human health and the environment. I will also ensure the Department conducts relative risk evaluations in consultation with regulatory agency partners and community stakeholders, and then sequences funding and projects for assessment and mitigation of the highest risk sites first. I believe the majority of the highest risk sites have been mitigated and most of the remainder of the Department's environmental response program is focused on completing long-term cleanup remedies that will span several more decades to fully achieve.

ENCROACHMENT ON MILITARY INSTALLATIONS

Competition for space and other forms of encroachment continue to challenge the resiliency of DOD ranges and amplify the need for larger hazard areas to execute training, testing, and operations to meet NDS requirements. Encroachment on military installations by commercial and residential development can negatively impact ongoing operations and significantly delay or halt the construction of new testing and training facilities vital to generating readiness going forward.

Question. In your view, how might virtual testing and training solutions contribute to the Department of the Navy's ability to meet capability requirements and mitigate the adverse effects of encroachment?

Answer. If confirmed, I would work to ensure the Department has what it needs to conduct realistic and effective test and training activities. The Department must assess new and emerging technology to determine how virtual or other innovative methods can supplement our training needs.

Question. If confirmed, how would you lead the Department of the Navy in projecting future operations, testing, and training range requirements?

Answer. If confirmed, I would work with Navy and Marine Corps uniformed leadership to ensure the Department's forces have the right facilities to train, fight, and win, even as various land, sea, and airspace demands reduce the available area for military training.

Question. How would you structure your role as the ASN(EI&E), if confirmed, with regard to engaging with communities surrounding Navy and Marine Corps ranges, to address and resolve concerns, while ensuring the resilience of range capabilities? If confirmed, I would encourage communication with residential communities, state and local governments, and non-governmental organizations. For energy projects, I would also work closely with the DOD Military Aviation and Installation Assurance Siting Clearinghouse as the single point of contact for working with stakeholders to resolve mission compatibility issues.

Answer. One significant tool the Department of the Navy can use to mitigate impacts to base encroachment and preserve natural habitat buffers to bases, is the Readiness and Environmental Protection Integration (REPI) Program. Another avenue to mitigate potential conflicts between base radar and energy development is software updates and the modernization of radars, which are often paid for by energy developers.

Question. If confirmed, what new ideas would you propose as objectives and means for addressing this issue?

Answer. If confirmed, I would partner with installation commanders, operational leadership, local communities, conservation organizations, and industry to develop

solutions that benefit the community and the Department's critical national defense mission.

Question. If confirmed, what policies or steps would you take to balance the trade-off between energy development, radar modernization, and impact on operations and training?

Answer. If confirmed, I would take deliberate and informed steps to support energy development that minimizes impacts to military operations and training. If confirmed, I will keep Congress informed on the Department's progress in this area.

DEPARTMENT OF THE NAVY LABORATORY AND TEST CENTER RECAPITALIZATION

Historically, Department of the Navy technical centers, laboratories, and test centers do not appear to have fared well in the internal Department competition for limited military construction and facility sustainment funds; as many facilities in these categories approach the mid-point or near-end of their life cycles, recapitalization has become a concern.

Question. What is your view of the importance of technical centers, laboratories, and test centers to the ability of the Department of the Navy to accomplish its mission now and into the future?

Answer. The Department of Navy's Research, Development, Testing and Evaluation community provide weapons, systems, and platforms for the Navy and Marine Corps that give a technological edge over the United States' adversaries. The Department's technical centers, laboratories, and test centers are uniquely positioned to develop and accelerate warfighting technology, capabilities and rapidly deliver advantages to the current and future Naval force.

Question. What metrics would you use to assess and determine the appropriate level of investment in the recapitalization of Department of the Navy technical centers, laboratories, and test centers?

Answer. If confirmed, I would work closely with the Department's Research, Development, Testing and Evaluation community to develop a strategy to recapitalize infrastructure at technical centers, labs and test centers. This holistic strategy would define metrics and identify innovative funding recommendations and partnership opportunities.

Question. If confirmed, how would you work with the Assistant Secretary of the Navy for Research, Development, and Acquisition and other stakeholders to ensure that the Department of the Navy technical centers, laboratories, and test centers are properly recapitalized?

Answer. If confirmed, I would partner with other leaders at the Navy Secretariat level and leaders at all levels of the Department of Navy's robust Research, Development, Testing and Evaluation community to understand the unique infrastructure requirements of the Department's warfare centers and labs as well as all available funding solutions.

COMMAND CLIMATE SURVEY

Question. If confirmed, would you plan to administer a command climate survey to the workforce under your leadership and management?

Answer. If confirmed, I will administer a command climate survey across the ASN(EI&E) workforce within the first 100 days of taking office.

SEXUAL HARASSMENT

In responding to the 2018 DOD Civilian Employee Workplace and Gender Relations survey, 17.7 percent of female and 5.8 percent of male DOD employees indicated that they had experienced sexual harassment and/or gender discrimination by "someone at work" in the 12 months prior to completing the survey.

Question. What is your assessment of the current climate regarding sexual harassment and gender discrimination in the Department of the Navy?

Answer. I have reviewed the Navy and Marine Corps Fiscal Year 2020 Annual Report on Sexual Assault in the Military, which was publically released earlier this year. The Department of Navy has a comprehensive approach to sexual assault prevention and response. Yet there were still more than 2,800 reported assaults in the Navy and Marine Corps in fiscal year 2020. No level of sexual assault and harassment is tolerable. There is clearly more work to be done to foster a culture where respect is the foundation for all interactions and where all sailors, marines and civilians have the opportunity to thrive.

Question. If confirmed, what actions would you take were you to receive or become aware of a complaint of sexual harassment or discrimination from an employee of the Office of the ASN(EI&E)?

Answer. Sexual assault undermines trust that our sailors, marines and civilians place in each other and in their leaders, and it threatens the lethality of the Navy and the Marine Corps. If confirmed, I would vigorously adhere to DOD and DON policies to ensure that complaints of sexual harassment or discrimination are acted upon expeditiously and appropriately while protecting the victim.

CONGRESSIONAL OVERSIGHT

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, reports, records (including documents and electronic communications) and other information from the Department.

Question. Do you agree, without qualification, if confirmed, and on request, to appear and testify before this Committee, its subcommittees, and other appropriate committees of Congress? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to provide this Committee, its subcommittees, other appropriate committees of Congress, and their respective staffs such witnesses and briefers, briefings, reports, records (including documents and electronic communications), and other information as may be requested of you, and to do so in a timely manner? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to consult with this Committee, its subcommittees, other appropriate committees of Congress, and their respective staffs, regarding your basis for any delay or denial in providing testimony, briefings, reports, records—including documents and electronic communications, and other information requested of you? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to keep this Committee, its subcommittees, other appropriate committees of Congress, and their respective staffs apprised of new information that materially impacts the accuracy of testimony, briefings, reports, records—including documents and electronic communications, and other information you or your organization previously provided? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, and on request, to provide this Committee and its subcommittees with records and other information within their oversight jurisdiction, even absent a formal Committee request? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to respond timely to letters to, and/or inquiries and other requests of you or your organization from individual Senators who are members of this Committee? Please answer with a simple yes or no.

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to ensure that you and other members of your organization protect from retaliation any military member, federal employee, or contractor employee who testifies before, or communicates with this Committee, its subcommittees, and any other appropriate committee of Congress? Please answer with a simple yes or no.

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR GARY C. PETERS

DEFENSE COMMUNITIES

1. Senator PETERS. Ms. Berger, as co-chair of the defense communities caucus I can tell you, from my experience, that the duties of this position can only be truly executed successfully when you make it a top priority to engage with the communities that host installations. If it's anything this past year has taught us, it is that the big issues you will be facing in this role, including COVID-19, climate change, secure and resilient infrastructure, racial inequity and quality of life, don't recognize fence lines and require a truly one community response. Do I have your commitment that you will work closely with defense communities and actively work to establish a more integrated and robust installation-community partnership?

Ms. BERGER. The important stakeholders, perspectives, and interests that make up the defense communities are critical to consider to make sure that the Department of Navy is operating and making decisions in an informed and thorough way. If confirmed, I will work with these communities and cultivate these relationships and look forward to the opportunity to work with you and your office on this effort.

[The nomination reference of Ms. Meredith A. Berger follows:]

NOMINATION REFERENCE AND REPORT

PN482

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 28, 2021.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Meredith Berger, of Florida, to be an Assistant Secretary of the Navy, vice Charles Williams.

_____, 2021.
(Date)

Reported by Mr. Reed _____
(Signature)

with the recommendation that the nomination be confirmed.

The nominee has agreed to respond to requests to appear and testify before any duly constituted committee of the Senate.

[The biographical sketch of Ms. Meredith A. Berger, which was transmitted to the Committee at the time the nomination was referred, follows:]

Bio
Meredith A. Berger

Education:

- Vanderbilt University
 - August 2000-May 2004
 - Bachelor's Degree, American and Southern Studies, and Spanish, May 2004
- Nova Southeastern University Shepherd Broad College of Law
 - August 2005-June 2008
 - Juris Doctor, June 2008
- Harvard Kennedy School
 - July 2017-May 2018
 - Master of Public Administration, May 2018

Employment Record:

List all jobs held since college including title or description of job, name of employer, location of work, and dates of employment.

- Hammock Publishing, Nashville, TN
 - Web Content Producer
 - May 2004-July 2005
- 17th Judicial Circuit Civil Court, Florida, Fort Lauderdale, FL
 - Law Clerk Judge Victor Tobin
 - May 2006-August 2006
- Immigration Unit, Legal Aid of Broward County, Fort Lauderdale, FL
 - Law Clerk
 - May 2007-August 2007
- Falcone Group, Boca Raton, FL
 - Law Clerk
 - August 2007-December 2007
- Obama-Biden Campaign, West Palm Beach, FL
 - Vote Director (Volunteer)
 - August 2008-November 2008
- State of Florida, Office of the Chief Financial Officer, Tallahassee, FL
 - Policy Advisor, then Policy Director
 - January 2009-January 2011
- Office of Senator Sheldon Whitehouse, Washington, DC
 - Fellow, Judiciary Committee Staff

- March 2011-April 2011
- Environmental Protection Agency, Washington, DC
 - Policy Advisor
 - April 2011-July 2012
- Department of Defense, Washington, DC
 - Defense Fellow
 - July 2012-July 2014
- Department of the Navy, Washington, DC
 - Deputy Chief of Staff
 - August 2014-January 2017
- Defending Digital Democracy Project, Belfer Center for Science and International Affairs, Cambridge, MA
 - Team Lead
 - July 2017-June 2018
- Mabus Group, Washington, DC
 - Senior Advisor
 - June 2018-January 2020
- Microsoft Corporation, Redmond, WA
 - Senior Manger
 - February 2020-present

Honors and Awards:

- Federal Civilian Awards
 - Secretary of the Navy Distinguished Civilian Service Medal (2017)
 - Secretary of Defense Medal for Exceptional Public Service (2014)
 - EPA Gold Medal for Exceptional Service (2012)
 - EPA Merit Award (2011)

[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. Meredith A. Berger in connection with her nomination follows:]

117th CONGRESS, 2020 -- 2021
UNITED STATES SENATE
COMMITTEE ON ARMED SERVICES
ROOM SR-228
WASHINGTON, D.C. 20510-6050
(202) 224-3871

COMMITTEE ON ARMED SERVICES QUESTIONNAIRE
INFORMATION REQUESTED OF CIVILIAN NOMINEES

INSTRUCTIONS TO THE NOMINEE: Answer all questions and provide all requested information. If more space is needed, attach an additional sheet of paper to the Questionnaire and cite the part of the Questionnaire and the question number (e.g., A-9, B-4) to which the continuation of your answer applies. Unless otherwise required, an answer of "yes", "no", or "not applicable" is appropriate.

QUESTIONNAIRE, PART A

NOTE: Information furnished in this part of the Questionnaire will be made available in Committee offices for public inspection prior to the hearing, if any, and will be entered in the hearing record, also available to the public.

BIOGRAPHICAL INFORMATION TO BE MADE PUBLIC

1. **Name (Include any former names you have used):**

Meredith Berger

2. **Position to which nominated:**

Assistant Secretary of the Navy (Energy, Installations, Environment)

3. **Date of nomination:** 28 April 2021

4. **Education (List names of secondary and higher education institution attended, type of school [vocational, technical, trade school, college, university, military college, correspondence, distance, extension, and on-line], dates attended, degree received, and date degree granted):**

Saint Andrews School, August 1996-June 2000, High School Diploma, June 2000
 Vanderbilt University, August 2000-May 2004, Bachelor's Degree, American and
 Southern Studies, and Spanish, May 2004
 Nova Southeastern University Shepard Broad College of Law, August 2005-June
 2008, Juris Doctor, June 2008
 Harvard Kennedy School, July 2017-May 2018, Master of Public Administration, May
 2018

5. Employment record (List all jobs held since college, or in the last 10 years, whichever is less, including the title or description of the job, name of employer, location of work, and dates of employment. If the employment activity was military duty, show each change of military duty station as a separate period of employment):

- Office of Senator Sheldon Whitehouse, Washington, DC
 - Fellow, Judiciary Committee Staff
 - March 2011-April 2011
- Environmental Protection Agency, Washington, DC
 - Policy Advisor
 - April 2011-July 2012
- Department of Defense, Washington, DC
 - Defense Fellow
 - July 2012-July 2014
- Department of the Navy, Washington, DC
 - Deputy Chief of Staff
 - August 2014-January 2017
- Defending Digital Democracy Project, Belfer Center for Science and International Affairs, Harvard Kennedy School, Cambridge, MA
 - Team Lead
 - July 2017-June 2018
- Mabus Group, Washington, DC
 - Senior Advisor
 - June 2018-January 2020
- Microsoft Corporation, Redmond, WA
 - Senior Manger

- o February 2020-present

6. **Government experience (List any advisory, consultative, honorary, and other part-time service or positions with Federal, State, or local governments, other than those listed in response to question 5, above):**

No additional roles.

7. **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, and of any educational or other institution):**

None

8. **Memberships (List all memberships and offices that you currently hold, as well as any memberships and offices you have previously held in professional, fraternal, scholarly, civic, business, charitable and other organizations):**

I am a current member in good standing of the Florida Bar.

9. **Political affiliations and activities:**

a. **If you have ever been a candidate for, or have been elected or appointed to a political office, list the name of the office(s); whether you were a candidate/elected/appointed; the year(s) during which you were a candidate, or in which the election was held or the appointment was made; and the term of office (if applicable):**

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 individual political contributions of \$100 or more to any individual, campaign organization, political party, political action committee, or similar entity during the past 5 years. List each individual contribution (not the total amount contributed to the person or entity) over this period:**

None.

10. **Honors and awards (List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognition received**

for outstanding service or achievements):

- Non-Resident Fellow at the Belfer Center for Science and International Affairs, Harvard Kennedy School (2019-2020)
 - Secretary of the Navy Distinguished Civilian Service Medal (2017)
 - Sponsor of the USS FORT LAUDERDALE (2016; christening expected in 2021)
 - Secretary of Defense Medal for Exceptional Public Service (2014)
 - EPA Gold Medal for Exceptional Service (2012)
 - EPA Merit Award (2011)
 - Pro Bono Honors, Highest Performer in Nova Southeastern University Shepard Broad College of Law Graduating JD Class (2008)
11. **Published writings (List the titles, publishers, and dates of books, articles, reports, or other published materials that you have written or for which you served as co-author or editor, including articles and blogs published on the internet):**
- *What to Expect When You're Electing: Keep Calm and Let Democracy Carry On*, MSW blog (Microsoft internal) (October 2020)
 - Co-author of *The Elections Battle Staff Playbook*, Defending Digital Democracy Project, Belfer Center for Science and International Affairs, Harvard Kennedy School, (December 2019)
 - Co-author of *The State and Local Election Cyber Security Playbook*, Defending Digital Democracy Project, Belfer Center for Science and International Affairs, Harvard Kennedy School, (February 2018)
 - "People v. Utility Pigs" *Nashville Scene*, 04 February 2004
 - "A Face in the Crowd" *Nashville Scene*, 22 January 2004
 - I worked on my college newspaper, the *Vanderbilt Hustler*, from August 2000-December 2003 and wrote articles regularly over this time period.
12. **Speeches (Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years—of which you have copies—in which you addressed matters relevant to the position to which you have been nominated).**

None.

COMMITMENTS IN FURTHERANCE OF CONGRESSIONAL OVERSIGHT

NOTE: In order to exercise their legislative and oversight responsibilities, it is

important that this Committee, its subcommittees, and other appropriate committees of Congress timely receive testimony, briefings, reports, records—including documents and electronic communications, and other information from the executive branch. A simple “yes” or “no” response is appropriate.

13. Do you agree, if confirmed, and on request, to appear and testify before this Committee, its subcommittees, and other appropriate Committees of Congress?

Yes.

14. Do you agree, if confirmed, to provide this Committee, its subcommittees, other appropriate Committees of Congress, and their respective staffs such witnesses and briefers, briefings, reports, records—including documents and electronic communications, and other information, as may be requested of you, and to do so timely?

Yes.

15. Do you agree, if confirmed, to consult with this Committee, its subcommittees, other appropriate Committees of Congress, and their respective staffs, regarding your basis for any delay or denial in providing testimony, briefings, reports, records—including documents and electronic communications, and other information requested of you?

Yes.

16. Do you agree, if confirmed, to keep this Committee, its subcommittees, other appropriate Committees of Congress, and their respective staffs apprised of new information that materially impacts the accuracy of testimony, briefings, reports, records—including documents and electronic communications, and other information you or your organization previously provided?

Yes.

17. Do you agree, if confirmed, and on request, to provide this Committee and its subcommittees with records and other information within their oversight jurisdiction, even absent a formal Committee request?

Yes.

18. Do you agree, if confirmed, to respond timely to letters to, and/or inquiries

and other requests of you or your organization from individual Senators who are members of this Committee?

Yes.

- 19. Do you agree, if confirmed, to ensure that you and other members of your organization protect from retaliation any military member, federal employee, or contractor employee who testifies before, or communicates with this Committee, its subcommittees, and any other appropriate committee of Congress?**

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 Parts A and B of the foregoing Senate Armed Services Committee Questionnaire, and that the information provided therein and in any document appended thereto, is, to the best of my knowledge and belief, current, accurate, and complete.

A handwritten signature in blue ink, appearing to read "Ms. Berger", written over a horizontal line.

This 4th day of June, 2021

[The nomination of Ms. Meredith A. Berger was reported to the Senate by Chairman Reed on June 22, 2021, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 22, 2021.]

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