

**NOMINATIONS OF: MR. NICKOLAS H. GUERTIN
TO BE DIRECTOR OF OPERATIONAL TEST
AND EVALUATION DEPARTMENT OF DEFENSE;
MS. ALEXANDRA N. BAKER TO BE DEPUTY
UNDER SECRETARY OF DEFENSE FOR POLICY;
MR. JOHN P. COFFEY TO BE GENERAL COUN-
SEL OF THE DEPARTMENT OF THE NAVY;
AND MR. DOUGLAS R. BUSH TO BE ASSISTANT
SECRETARY OF THE ARMY FOR ACQUISITION,
LOGISTICS, AND TECHNOLOGY**

HEARING

BEFORE THE

**COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE**

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

OCTOBER 19, 2021

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This hearing is printed to include all available information requested or required to be inserted for the record.

**HEARING TO CONSIDER THE NOMINATIONS
OF: MR. NICKOLAS H. GUERTIN TO BE DI-
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SECRETARY OF DEFENSE FOR POLICY; MR.
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OF THE DEPARTMENT OF THE NAVY; AND
MR. DOUGLAS R. BUSH TO BE ASSISTANT
SECRETARY OF THE ARMY FOR ACQUISITION,
LOGISTICS, AND TECHNOLOGY**

TUESDAY, OCTOBER 19, 2021

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

The committee met, pursuant to notice, at 9:30 a.m. in Room SD-G50, Dirksen Senate Office Building, Senator Jack Reed (Chairman of the Committee) presiding.

Committee Members present: Senators Reed, Shaheen, Gillibrand, Blumenthal, Hirono, Kaine, King, Warren, Peters, Manchin, Rosen, Kelly, Wicker, Fischer, Ernst, Tillis, Scott, Blackburn, Hawley, and Tuberville.

OPENING STATEMENT OF SENATOR JACK REED

Chairman REED. Let me call the hearing to order.

Before I begin my formal remarks, I would like to recognize the passing of two extraordinary soldiers, General Colin Powell and General Raymond Odierno. Their selfless service to the nation, remarkable courage and remarkable commitment to the men and women of our armed services has sustained and inspired us all. They have left a legacy of honor and commitment that will be a beacon for future generations of Americans. To their families, I express our profound sympathy. Thank you very much.

The committee meets this morning to consider the nominations of Mr. Nickolas Guertin to be Director of Operational Test and Evaluation; Ms. Alexandra Baker to be Deputy Under Secretary of Defense for Policy; Mr. John Coffey to be General Counsel of the Department of the Navy; and Mr. Douglas Bush to be Assistant Secretary of the Army for Acquisition, Logistics, and Technology. I

thank the nominees for their long careers of service to the United States and their willingness to assume these important roles.

I would also like to welcome the family members who are with us today. Mr. Guertin, I welcome your wife, Maria, son, Enrico, and daughter, Isabella; Ms. Baker, I welcome your husband, Sam; Mr. Coffey, I welcome your wife, Anne, and son, Connor; and Mr. Bush, I welcome your wife, Patricia.

Mr. Guertin, you are nominated to be the Director of Operational Test and Evaluation, or DOT&E. This position is responsible for all operational and live fire review, testing, and evaluation activities. Your long career of technology and weapons development in military, industry, and academic roles should serve you well.

There are a number of challenges that will require your attention within the Department. Of note, it is important for DOT&E to be independent and resist pressure from the services and industry to deploy systems that are not yet operationally effective. You will be responsible for oversight of a number of programs, including the F-35, the Army Integrated Visual Augmentation System, the Navy Ford-class carrier, space satellite systems, and missile defense programs. While there is always a demand to move more rapidly in acquisition, it is critical that you ensure we do so prudently. Indeed, we must move both rapidly and prudently in acquisition.

Another challenge will be developing ways to test new information technology programs, including commercial cloud computing services, as well as ensuring robust cybersecurity testing on all systems. In addition, concerns have been raised about potential reductions in the workforce that supports live fire testing. I would ask that you share your plan on addressing these challenges.

Ms. Baker, you are nominated to serve as Deputy Under Secretary of Defense for Policy. Your current role as Senior Director for Strategic Planning on the National Security Council and previous experiences in Congress, the DOD, and OMB will be valuable in this new position.

If confirmed, you will have a broad scope of responsibility in advising and assisting the Under Secretary of Defense for Policy and the Secretary of Defense on a range of issues, including strategic competition with a rising China, the COVID-19 pandemic, cyber threats, and climate change.

In the immediate term, the Policy office is revising the 2022 National Defense Strategy. The NDS will play a critical role in defining the United States' national security priorities, but coordinating it across the Department and the Federal Government will be a challenge. I hope you will share how you plan to integrate the NDS with the Administration's whole-of-government approach.

In the coming months, the Department will also publish its Nuclear Posture Review. I am interested in your testimony on a number of issues relating to the Nuclear Posture Review, including modernization of all three legs of the triad, updating our nuclear facilities, the role of arms control, and ongoing strategic stability talks.

Mr. Coffey, you are nominated to be General Counsel of the Department of the Navy. This position is responsible for providing legal services throughout the Department in a vast array of fields, including acquisition-related law, arms control, business and com-

mercial law, and national security-related law, among many others. The General Counsel also assists in ethics, intelligence, criminal investigation, and law enforcement activities. I would note your extensive legal career in the Navy, and you should be well prepared for this very responsible job.

One of Secretary Austin's priorities is to eradicate extremism within the ranks. While we continue to believe that the number of extremists in the ranks remains very small, even one is too many, and I hope you will share your views on how you will approach this issue, especially as the line between action, thought, and speech becomes much more difficult to define.

Mr. Bush, you are nominated to be Assistant Secretary of the Army for Acquisition, Logistics, and Technology. If confirmed, you will oversee Army research, development, acquisition, program sustainment, and logistics activities as the Army is undertaking its most expansive modernization effort in decades. You will be well served by your experience which includes nearly two decades of congressional legislative work, including with the House Armed Services Committee. You will be responsible for balancing the need for rigorous cost management with the need to move quickly and use tailored acquisition approaches. To achieve this, it will be necessary to strengthen the Army's workforce and capacity while improving data available to the Army and DOD to more effectively acquire and sustain Army weapon systems.

Importantly, you will also be responsible for overcoming the so-called "Valley of Death," ensuring that the Army is able to turn research innovations into real operational capabilities. This will require strengthening connections between research and engineering activities and the Army's acquisition programs and defense contractors. It will also include investing in and protecting the people and infrastructure at organizations like the Army's labs and test ranges. I look forward to hearing how you will address these challenges.

Thank you, again, to our nominees.

Senator Inhofe is unable to join us this morning, but I will request unanimous consent to include his opening statement in the record. Without objection, so ordered.

[The opening statement of Senator Inhofe follows:]

PREPARED STATEMENT BY RANKING MEMBER JAMES M. INHOFE

Thank you, Chairman Reed, and thanks to our witnesses for being with us and for their willingness to serve the nation.

The world is more dangerous than at any point in my lifetime. American interests are under immense pressure from our adversaries.

We learned from hearings over the last month that after a disastrous departure from Afghanistan, the threat of global terrorism is growing. Under Taliban rule, Afghanistan is now the safest place in the world for terrorist planners.

While we have been focused on Afghanistan, threats from China, Russia, North Korea, and Iran have all increased:

- China has expanded construction of nuclear siloes and aggression against Taiwan;
- Russia has held its largest military exercise in four decades and continues to test dangerous nuclear weapons;
- Iran has continued to move closer to a nuclear bomb; and
- North Korea has sustained its track record of violating UN resolutions.

It's more important than ever that we accelerate our work to deter each of these threats, which were identified and prioritized in the 2018 National Defense Strat-

egy. We've got to take each of these threats seriously—we've got interests around the globe.

That starts with adhering to the core of the existing strategy. We can't get distracted, and we can't simply study the problems we have forever.

Next, we've got to adequately resource that strategy, even as we innovate in technology and in the way that we fight.

I'm particularly concerned that the Army will bear the brunt of any proposed budget cuts at DOD, which will significantly impact the Army's hard-fought modernization plan.

Implementing our strategy also includes honest assessments of where the U.S. military has gaps, and moving rapidly to fix those gaps and create problems for our adversaries.

One of our big gaps with the Chinese and the Russians is in our outdated and inadequate test capabilities, and I think we'll hear a bit about that today.

We need strong, capable civilian leadership in the department, so thank you all again for your willingness to serve.

Chairman Reed.

Chairman REED. Now, Mr. Guertin, could you please give your statement.

STATEMENT OF NICKOLAS GUERTIN, NOMINEE TO BE DIRECTOR OF OPERATIONAL TEST AND EVALUATION, DEPARTMENT OF DEFENSE

Mr. GUERTIN. Chairman Reed, Ranking Member Inhofe, and distinguished members of the committee, it is a privilege to be with you here today. I am humbled to be considered to serve as the Director of Operational Test and Evaluation. I would like to thank President Biden, Secretary Austin, and Deputy Secretary Hicks for entrusting me with this nomination. I would also like to thank my family, who you see behind me, for their support: Maria, my wife of almost 20 years and our twin children, Enrico and Isabella, of whom we are both immensely proud.

The greatest asset of the Department of Defense is undoubtedly its people. Our men and women in uniform and our civilian and contractor workforce make the American military the best in the world. However, our ability to defend the Nation also depends on the capabilities of our technologies, which must be tested as they would be used in combat. Injecting operationally realistic testing early into a program's development allows the Department to implement affordable, comprehensive changes, making the best and most efficient use of taxpayer resources, and ultimately, achieving the greatest possible performance. Transparency on the results of those tests are critical to ensuring the most effective, suitable, survivable, and where necessary, lethal performance. If confirmed, I am committed to ensuring that the office of the Director for Operational Test and Evaluation will deliver an independent, objective, and authoritative evaluation of system performance to you and to Secretary Austin.

Testing the way we fight in the future will require evolutionary and revolutionary changes, ones that cannot be successfully planned or implemented without teamwork. It will require increased reliance on state-of-the-art test infrastructure and tools, and a well-trained test and evaluation workforce in order to support faster and more efficient evaluation of complex, interconnected systems in a joint, multi-domain operational environment. It will require reliance on innovative methods like credible virtual environments and modeling and simulation tools to complement on-

range and laboratory testing. If confirmed, I am committed to working closely with our research and engineering community, acquisition programs, and the Services so that together we can most effectively deliver capability to the Joint Force.

I take this commitment to national security seriously, having spent the past four decades working on, developing, testing, fielding, and researching the acquisition of military systems. I started my career as an enlisted nuclear power plant operator on submarines. I later transitioned to the Reserves and after graduating college, landed a job as a Navy civilian engineer. Shortly afterwards I was also commissioned as a Navy Reserve engineering duty officer. This citizen-sailor pairing would serve me well for the following decade by keeping me grounded in what it took to do maintenance, operations, and testing in the fleet, while also developing new systems. Testing had long been a central tenet to this experience, from developing automated test equipment for weapon components, to testing and deploying new sensors and combat management systems that were built to change and improve over time.

Improving acquisition practices for national security systems has long been a passion of mine. It started when I was fortunate enough to be on the team that pioneered the use of open architectures for sonar systems in the mid- 1990s. I have been on the forefront of developing and applying a wide array of improved acquisition practices, and helping others do the same ever since. More recently, while at Carnegie Mellon University's Software Engineering Institute, I learned a great deal more about the evolving practices of software-reliant system architectures, test automation, artificial intelligence and machine learning, to name a few. While at the SEI, I have also extended the research I performed while in government on advanced systems development methods for improving DOD acquisition.

As Secretary Austin has testified, "We have the greatest equipment in the world." If confirmed, it is my objective to ensure that assessment continues to hold true, providing for the best-trained, best-equipped, and most capable fighting force in the world. It would be an honor to contribute to that mission, and to serve as the Director of Operational Test and Evaluation. Thank you.

[The prepared statement of Mr. Guertin follows:]

PREPARED STATEMENT BY MR. NICKOLAS GUERTIN

Chairman Reed, Ranking Member Inhofe, and Distinguished Members of the Committee, it is a privilege to be with you here today. I am humbled to be considered to serve as the Director of Operational Test and Evaluation. I would like to thank President Biden, Secretary Austin, and Deputy Secretary Hicks for entrusting me with this nomination. I would also like to thank my family whom you see behind me for their support; Maria, my wife of almost 20 years and our twin children Enrico and Isabella of whom we are both immensely proud.

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As Secretary Austin has testified: "We have the greatest equipment in the world." If confirmed, it is my objective to ensure that assessment continues to hold true, providing for the best trained, best equipped, and most capable warfighting force in the world. It would be an honor to contribute to that mission, and to serve as the Director of Operational Test and Evaluation. Thank you.

Chairman REED. Thank you very much, Mr. Guertin. Ms. Baker, please.

STATEMENT OF ALEXANDRA BAKER, NOMINEE TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY

Ms. BAKER. Thank you, Mr. Chairman. Thank you also to the Ranking Member and members of this committee. It is an honor to be before you today as President Biden's nominee for the position of Deputy Undersecretary of Defense for Policy. I am grateful to the President, Secretary Austin, and Undersecretary Kahl for their trust and confidence in me.

I want to thank my husband, Sam, who is here with me today and who shares my deep commitment to the values this nation was founded upon. I also want to acknowledge my mother, who is watching at home, and who came to this country as a refugee and taught me the importance of giving back, and my father, who enlisted in the Army in 1969, and who always considered his military service to be the formative experience of his life. He passed away earlier this year, but it is my honor to continue the family tradition of service.

The job of the Department of Defense is to deter adversaries and to fight and win the nation's wars should deterrence fail—in short, to keep Americans safe. There is no more sacred mission. Today we have entered a new era of strategic competition, and we must update our policies, our operations, our capabilities, and our workforce to meet the moment. I believe that there is no time to waste.

China is the pacing challenge for the Department. As the President's Interim National Security Guidance states, it is the only competitor that is capable of combining its economic, diplomatic, military, and technological power to mount a sustained challenge to a stable and open international system. To meet this challenge, we will need to invest in capabilities that are relevant not to the last fight but to future ones. We will need creative and agile operational concepts and plans that rapidly assimilate and take advantage of technological advances. We will need a high-end, combat-capable, and ready force that is forward positioned, distributed, and resilient. We will need to operate seamlessly across all domains, and we will need increased interoperability with strong and capable partners and allies who are proficient in their warfighting roles. If I am confirmed, I will work tirelessly to support those priorities.

As the NSC's Senior Director for Strategic Planning, I have been tasked with drafting the President's national security strategy and coordinating it with our departments and agencies, and as well with our closest allies and partners. At the same time, the Department has been updating the National Defense Strategy, building on the strong foundation provided in the 2018 NDS to reflect new developments in the strategic environment and new insights about the intentions and the capabilities of our adversaries. If confirmed, my first priority will be to help implement the NDS, with a focus on better integrating Policy's work with other DOD components, with our interagency partners, and with our allies.

Beyond implementing the NDS, if confirmed, I will also seek to support the Under Secretary in executing his priorities. These include rising to the challenge China poses. It includes defeating the COVID-19 pandemic, which remains the most immediate threat to U.S. national security and to the health, safety, and readiness of our men and women in uniform.

We also continue to face a growing cyber threat from both state and non-state actors, including to our critical infrastructure. The Department will need to continue to defend forward to protect its networks, while building the resilience necessary to deny our adversaries' ability to threaten our nation in this domain.

Climate change represents another Department-wide focus, given its potential to drastically change the operational environment, and its current impact on our bases and facilities around the world. If confirmed, I am committed to ensuring that Policy is best positioned to advance these priorities.

We have the greatest military in the world, but at the end of the day it is about people, both our servicemembers and civilian workforce. I believe that Policy is the beating heart of the Office of the Secretary of Defense. It is the place where deep expertise and long-standing regional relationships meet next-generation approaches that integrate new concepts, new ideas, and new warfighting capabilities.

The Policy organization has been challenged in recent years, and if confirmed in this role I will seek to assist the Under Secretary in leading and renewing the organization, breaking down silos, facilitating communication and cooperative approaches, and improving effectiveness. My commitment to the workforce will be to focus relentlessly on organizational health and morale, so that Policy is postured to provide a strong and constructive civilian voice in the Department for years to come.

As a former Senate staffer, I have a deep appreciation for the critical role that this committee and this body plays. I want to express my gratitude to the committee for its many decades of bipartisan, cooperative focus on the defense of our nation and for your thoughtful oversight of our military. If confirmed, I look forward to working with you in a spirit of partnership to continue that tradition.

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

[The prepared statement of Ms. Baker follows:]

PREPARED STATEMENT BY SASHA BAKER

Thank you Mr. Chairman, Ranking Member Inhofe, Members of this Committee. It is an honor to be before you today as President Biden's nominee for the position of Deputy Undersecretary of Defense for Policy. I'm grateful to the President, Secretary Austin, and Undersecretary Kahl for their trust and confidence in me.

I want to thank my husband Sam, who is here with me today and who shares my deep commitment to the values this nation was founded upon. I also want to acknowledge my mother, who came to this country as a refugee and who taught me the importance of giving back; and my father, who enlisted in the Army in 1969 and who always considered his military service to be the formative experience of his life. He passed away earlier this year, but it is my honor to continue our family tradition of service.

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

Chairman REED. Thank you, Ms. Baker. Mr. Coffey, please.

**STATEMENT OF JOHN COFFEY, NOMINEE TO BE GENERAL
COUNSEL OF THE DEPARTMENT OF THE NAVY**

Mr. COFFEY. Thank you, Chairman Reed and other distinguished members of this committee. I want to begin by thanking my wife of over 32 years, Anne, and our children Kate, Cameron, and Conor. I cannot say enough about what their support, and patience, has meant as I pursued parallel careers in the law and in the Navy. I am so pleased that Anne and Conor could be here today.

I am very grateful to President Biden for his trust and confidence in nominating me to serve as General Counsel of the Department of the Navy. I thank the committee and its staff for making time over the past few weeks to discuss my nomination. I am eager to return to public service, and hope to earn your support.

I would like to address briefly, why I believe that, if confirmed, I would bring a number of pertinent strengths to the role of Navy General Counsel. First, I have for over 30 years led a varied career in the law, including several years as a Federal prosecutor in the Southern District of New York and as a civil litigator handling some of the Nation's most challenging and impactful cases. I have experience solving difficult problems, building effective teams, providing candid, timely counsel, and advocating for my clients' interests.

Second, I served in the United States Navy for over 30 years, as a midshipman at the Naval Academy, on active duty for 8 years, and, after graduating from Georgetown Law's night program while I was stationed here in Washington, as a reservist for 18 years. I served in several operational roles, including as a P-3 Orion mission commander tracking Soviet submarines, and I was privileged to be selected twice for command. In Washington, I had the opportunity to serve as personal aide to Vice President George H. W. Bush and to serve in various Pentagon policy and planning roles.

Third, I bring the perspective of a child of immigrants. I am humbled by the opportunity that, if confirmed, I could once again serve the country that drew my parents here from Ireland seven decades ago. I grew up in a home where my six younger siblings and I were told, on a near-daily basis, that if we did our homework, applied ourselves, and went to Mass, there was no limit to what we could accomplish in America.

Our family went through some tough times—my Dad was a construction worker who was out of work when the economy went sour—but our parents always reminded us that we were lucky because we were American, and that because we had been given this great gift, much was expected of us.

These principles have animated much of my life, leading me to take the oath of office to protect and defend our Constitution as a 17-year-old midshipman at Annapolis and, after completing my obligated service, to continue to serve in the Reserve for almost two decades while juggling a family and career in New York. And, Senators, it is why I sit here today, ready, if confirmed, to bring all of my experience, energy, and love of country to the role of Navy General Counsel.

If confirmed, my top priority would be to ensure that the Office of the General Counsel robustly supports the mission of the Navy and Marine Corps by providing the timely, candid, and accurate legal advice they need to carry out their missions successfully. If confirmed, I would also focus on taking care of our sailors, marines, Department civilians, and their families, which I know firsthand as my tour as commanding officer enables mission success. And, if confirmed, I would seek to promote a culture where ethical decision-making is paramount throughout the Department of the Navy.

Relatedly, I would work hard to leverage the office to ensure that every taxpayer dollar that the Navy is given is spent wisely, fully accounted for, and subject to effective oversight and full transparency to this committee and to the American public.

If confirmed, I look forward to working with Navy Secretary Del Toro, the senior leadership of the Pentagon, and this committee, doing so in the bipartisan tradition that is a prized hallmark of this committee.

Thank you for your consideration of my nomination. I look forward to answering your questions.

[The prepared statement of Mr. Coffey follows:]

PREPARED STATEMENT BY MR. JOHN COFFEY

Thank you, Chairman Reed, Ranking Member Inhofe, and other distinguished members of this Committee.

I want to begin by thanking my wife of over thirty-two years, Anne, and our children Kate, Cameron, and Conor. I cannot say enough about what their support, and patience, has meant as I pursued parallel careers in the law and in the Navy. I am so pleased that Anne and Conor could be here today.

I am very grateful to President Biden for his trust and confidence in nominating me to serve as General Counsel of the Department of the Navy. I thank the Committee and its staff for making time over the past few weeks to discuss my nomination. I am eager to return to public service, and hope I can earn your support.

I would like to address briefly why I believe that, if confirmed, I would bring a number of pertinent strengths to the role of Navy General Counsel.

First, I have for over thirty years led a varied career in the law, including several years as a federal prosecutor in the Southern District of New York and as a civil litigator handling some of the country's most challenging and impactful cases. I

have experience solving difficult problems; building effective teams; providing candid, timely counsel; and advocating for my clients' interests.

Second, I served in the United States Navy for over thirty years, as a midshipman at the Naval Academy, on active duty for eight years, and, after graduating from Georgetown Law's night program while stationed here in Washington, as a reservist for eighteen years. I took on several operational roles—including as a P-3 Orion mission commander tracking Soviet submarines—and I was privileged to be selected twice for command. In Washington, I had the opportunity to serve as personal aide to Vice President George H.W. Bush and in Pentagon policy and planning roles.

Third, I bring the perspective of a child of immigrants. I am humbled by the possibility that, if confirmed, I could once again serve the country that drew my parents here from Ireland seven decades ago. I grew up in a home where my six younger siblings and I were told on a near-daily basis that, if we did our homework, applied ourselves, and went to Mass, there was no limit to what we could accomplish in America. Our family went through some tough times—my Dad was a construction worker who was often out of work when the economy soured—but our parents always reminded us that how lucky we were to be American. And that because we had been given this great gift, much was expected of us.

These principles have animated much of my life, leading me to take the oath to protect and defend our Constitution as a 17-year old midshipman at Annapolis and, after completing my obligated active duty service, to continue to serve in the Navy Reserve for almost two decades while juggling a career and a family. And it's why I sit here today, ready—if confirmed—to bring all of my experience, energy, and love of country to the role of Navy General Counsel.

If confirmed, my top priority would be to ensure that the Office of the General Counsel robustly supports the mission of the Navy and Marine Corps by providing the timely, candid, and accurate legal advice they need to carry out their missions successfully.

I would if confirmed also focus on taking care of our sailors, marines, Department civilians, and their families, which I know firsthand enables mission success.

And if confirmed, I would seek to promote a culture where ethical decision-making is paramount throughout the Department. Relatedly, I would work hard to leverage the Office of the General Counsel to ensure that every taxpayer dollar given to the Department of the Navy is spent wisely, fully accounted for, and subject to effective oversight and full transparency to this Committee and to the American public.

If confirmed, I look forward to working with Navy Secretary Del Toro, the senior leadership of the Pentagon, and this Committee, doing so in the bipartisan tradition that is a prized hallmark of this Committee.

Thank you for your consideration. I am happy to answer your questions.

Chairman REED. Thank you, Mr. Coffey. Mr. Bush, please.

STATEMENT OF DOUGLAS BUSH, NOMINEE TO BE ASSISTANT SECRETARY OF THE ARMY FOR ACQUISITION, LOGISTICS, AND TECHNOLOGY

Mr. BUSH. Chairman Reed, Ranking Member Inhofe, and members of the committee, I am honored to appear before you today as President Biden's nominee to be Assistant Secretary of the Army for Acquisition, Logistics, and Technology. I am humbled by the faith President Biden, Secretary Austin, and Secretary Wormuth have placed in me by nominating me to fill this critical role in the United States Army. I am also humbled to sit before you, leaders of an institution,

the United States Congress, where it was my honor and privilege to serve as a staff member for almost 19 years.

I would like to start by thanking the many people who have supported me during my 28 years of public service, starting with my wife, Trisha, who has been at my side for 24 of those years, my father and mother, Donald and Sandra Bush, who sacrificed greatly to give me every opportunity in life to succeed, and the many superb Army officers and noncommissioned officers who taught me

what it means to serve my country and to lead soldiers, both at West Point and during my time as a young officer.

Here in Congress, I was fortunate to work for many members on both sides, but I owe my chance to serve in Congress especially to Senator Bill Nelson, Congressman Jim Cooper, Congressman Neil Abercrombie, Congressman Ike Skelton, and House Armed Services Committee Chairman Adam Smith.

Finally, I want to thank the outstanding Army officers and civilians I was honored to work with during my 6 months as an Acting Assistant Secretary of the Army earlier this year. If confirmed, I am eager to take on the challenge of leading the Army's acquisition enterprise during a period of dramatic change. The Army is in the early years of what promises to be its most significant equipment modernization in nearly 40 years.

If confirmed, I would be responsible for bringing to fruition many efforts that a talented and dedicated group of Army military and civilian leaders who came before me set in motion. Having supported congressional oversight of Army programs for many years, and serving in the role I have been nominated for in an Acting capacity for 6 months, I am confident I know how to achieve this goal.

If confirmed, I would work diligently to meet the objectives of Secretary Wormuth, other Department senior leaders, and Congress. My priorities would include the following. First, I would place a laser-like focus on program execution and performance to ensure rapid delivery of improved equipment to our soldiers. For many years, Congress has directed acquisition reforms on accelerating the pace of delivery. I will orient my decisions toward taking action to advance programs and deliver effective equipment, while ensuring appropriate oversight of program cost and performance.

Second, I believe the Army must get better at acquiring software, using all the available tools that Congress has provided. Many efforts are underway to shift software acquisition from an industrial age to an information age approach. If confirmed, I intend to further accelerate those efforts.

Third, the Army must return to a focus on security in its acquisition efforts, including cybersecurity and supply chain security. Both are necessary to deliver capabilities uncompromised by the aggressive efforts of China, Russia, and other countries.

Fourth, I believe that realistic operational testing is an aid, rather than a hindrance, to delivering effective equipment for the Army. Taking a little extra time and effort to fully test systems up front ensures that contractors are held accountable and problems are identified on test ranges rather than in combat.

Finally, and most critically, I will work to ensure Army modernization is closely coordinated with Congress. The Army cannot achieve any of its modernization goals without the support of, and partnership with, Congress.

In closing, I want to assure members that while the position I have been nominated for deals principally with the acquisition of equipment, I am also aware of the larger context our Army faces. The potential threats to our military are many. We are tested by our adversaries on a seemingly daily basis.

While Army acquisition is only a small part of confronting these challenges, I believe it is also a vital one. Our soldiers are the best in the world. They represent the very best of America. They deserve the very best equipment the country can provide. Our soldiers stand on the front line of freedom around the world. Providing them with what they need to deter our enemies and, if necessary, fight and defeat them, is an enormous responsibility. It is one that, if confirmed, I will take very seriously every moment of every day.

I look forward to your questions today and, if confirmed, to working with this committee to support the United States Army.

[The prepared statement of Mr. Bush follows:]

PREPARED STATEMENT BY MR. DOUGLAS ROSS BUSH

Chairman Reed, Ranking Member Inhofe, and members of the Committee, I am honored to appear before you today as President Biden's nominee to be Assistant Secretary of the Army for Acquisition, Logistics, and Technology. I am humbled by the faith President Biden, Secretary Austin, and Secretary Wormuth have placed in me by nominating me to fill this critical role in the United States Army. I am also humbled to sit before you – leaders of an institution, the United States Congress, where it was my honor and privilege to serve as a staff member for almost 19 years.

I would like to start by thanking the many people who have supported me during my 28 years of public service. Starting with my wife Trisha, who has been at my side for 24 of those years, my father and mother, Donald and Sandra Bush, who sacrificed to give me every opportunity in life to succeed, and the many superb Army officers who taught me what it means to serve my country and lead soldiers, both at West Point and during my time as a young officer. Here in Congress, I was fortunate to work for many members on both sides, but I owe my chance to serve in Congress to Senator Bill Nelson, Congressman Jim Cooper, Congressman Neil Abercrombie, Congressman Ike Skelton, and House Armed Services Committee Chairman Adam Smith. Finally, I want to thank the outstanding Army officers and civilians I was honored to work with during my six months as an Acting Assistant Secretary of the Army earlier this year.

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Having supported Congressional oversight of Army programs for fourteen years, and serving in the role I have been nominated for in an Acting capacity for six months, I am confident I know how to achieve this goal. If confirmed, I would work diligently to meet the objectives of Secretary Wormuth, other Department senior leaders, and Congress. My priorities would include the following:

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I look forward to your questions today and, if confirmed, to working with this committee to support the United States Army.

Chairman REED. Thank you, Mr. Bush. Now I have a series of questions which are directed to all civilian nominees. You may answer together.

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

Mr. GUERTIN. Yes.

Ms. BAKER. Yes.

Mr. COFFEY. Yes.

Mr. BUSH. Yes.

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

Mr. GUERTIN. No.

Ms. BAKER. No.

Mr. COFFEY. No.

Mr. BUSH. 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?

Mr. GUERTIN. Yes.

Ms. BAKER. Yes.

Mr. COFFEY. Yes.

Mr. BUSH. 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 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?

Mr. GUERTIN. Yes.

Ms. BAKER. Yes.

Mr. COFFEY. Yes.

Mr. BUSH. 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?

Mr. GUERTIN. Yes.

Ms. BAKER. Yes.

Mr. COFFEY. Yes.

Mr. BUSH. Yes.

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

Mr. GUERTIN. Yes.

Ms. BAKER. Yes.

Mr. COFFEY. Yes.

Mr. BUSH. Yes.

Chairman REED. Will those witnesses and briefers be protected from reprisal for their testimony before this committee or any briefings they may give?

Mr. GUERTIN. Yes.

Ms. BAKER. Yes.

Mr. COFFEY. Yes.

Mr. BUSH. Yes.

Chairman REED. Thank you. And now let me begin my round of questions.

Mr. Guertin, as I alluded to in my opening statement, one of the tensions we have is we have been trying to accelerate the acquisition process, trying to keep it within cost outlines, and frankly, there have been some real examples of delay and cost overruns that are difficult to accept. And your job is to be sort of, in a way, the cop on the street, to not let anything through that is not of great quality and capable of doing its job. So how do you intend to balance that need of people yelling for speed and you saying, "Stop. This is not ready for prime time"?

Mr. GUERTIN. One of the hallmarks of my career has been to be involved early in the development of products and thinking about how they are architected before it is too late. Setting the conditions for success early in the development program is especially important in making sure that you get to the place you want to in the end.

So, one of the things I would like to bring to the operational test community is a shift-left mindset, getting more involved in some of the early decision-makings and set up those architectures and understanding how those systems are going to interact with the other things around it before the program gets so far down the road that they are going to be in trouble later. I have been involved in enough acquisitions and seen enough of these examples to fully appreciate where you are coming from, and if confirmed, I will do my utmost to make sure we minimize those kinds of outcomes.

Chairman REED. Thank you.

Ms. Baker, you indicated in your testimony that part of your tasks will be to integrate a whole-of-government strategy, including elements at the Department of Defense as well as State as well as other nations. Can you just give a brief sort or snapshot of how you intend to do this?

Ms. BAKER. Sure, Senator. As I said in my opening statement, I believe that China is the only adversary that is capable of combining economic, diplomatic, militarily, and technological might to pose a challenge to the United States. I believe that they are proceeding in a whole-of-government approach, and our response needs to be whole-of-government as well. So, if I am confirmed, I would seek to work closely and support the Under Secretary in working closely with our interagency partners at the State Depart-

ment and elsewhere to ensure that our approach is integrated, not only across military domains but across the interagency.

Chairman REED. Thank you very much.

Mr. Coffey, the NDS Commission, in their 2018 report, which has been very valuable to all of us, indicated that there is a concern about the balance between civilian officials and the military within the DOD, that civilian control, which is the essence of our government, is not as robust as it should be. Are there any actions you believe that need to be taken at the Department of Navy to ensure that civilian control is foremost?

Mr. COFFEY. Well, Senator, I agree. Mr. Chairman, I agree that the principle of civilian control in the military is paramount. I believe that with Secretary Austin at the helm of the Pentagon and with Secretary Del Toro at the helm of the Navy Department that they are asserting the primacy of civilian control.

I am unaware of any specific action that needs to be taken to emphasize that. If confirmed, I will certainly work with Secretary Del Toro to see if he views that, and if need be, take whatever actions he directs to try and reinforce the principle that you just spoke to.

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

And finally, Mr. Bush, cybersecurity is a ubiquitous problem, so my question is, do you think the Army, at this juncture, with your experience, is correctly postured to address the full spectrum of cyber?

Mr. BUSH. Mr. Chairman, I think the tools are in place, and we have all the talent we need. I think now it is a question of coordination and activity.

Within the acquisition world we have many efforts underway, the Army does, to design cyber up front, to do more cyber testing earlier, to work more closely with Army cyber and Army intelligence to maintain awareness of the threat as it evolves.

I believe over time, though, it will need to become something that is just part of everything we do, rather than being viewed as an additional duty. There is much work to be made, to be done over time, to ensure that full integration takes place.

Chairman REED. Thank you very much, and I want to thank the witnesses for their statements and for their response. And let me now recognize Senator Wicker.

Senator WICKER. Thank you very much, Mr. Chairman, and I too want to thank the witnesses for their statements. It seems that I have been gone.

Chairman REED. Well —

Senator WICKER. Ms. Baker, can you hear me?

Chairman REED. Continue, sir.

Ms. BAKER. Yes, Senator, I can hear you.

Senator WICKER. Okay. I want those 15 seconds back, Mr. Chairman.

Chairman REED. Now the lights came on.

Senator WICKER. Here we go.

Chairman REED. You have got them.

Senator WICKER. Ms. Baker, thank you for your willingness to serve. You said, in your opening statement, that China is the pacing challenge, that the job of the Department of Defense is to deter adversaries, that there is no time to waste. I agree with you on all

of that. And then in answer to a question by the Chair, you referred to China as an adversary, and I agree with that.

Let me ask about shipbuilding. I know it is going to come as a shock to my colleagues on the committee but in 2010, China commissioned 4 warships and the United States commissioned 3. That was 2010. Five years later, China commissioned 12 warships; the United States commissioned 2. And in 2020, China commissioned 26 new warships, and the United States only 3. China now has the largest Navy in the world.

Are you concerned about the priority China has placed on naval shipbuilding, and will you commit to supporting the statutory congressional mandate for a 355-ship Navy?

Ms. BAKER. Senator, yes, I am concerned about the emphasis that China has put on building its fleet. I think that China has pursued a strategy of seeking to thwart United States advantages across the board, and certainly naval sea power is one area.

If I am confirmed, I will support the plan of record. I would just say, in addition to everything else, that we need to be focused not only on the number of ships, which I agree is critically important, but also the capabilities that those ships bring to bear.

Senator WICKER. True, but there is a congressional mandate, signed into law, passed by the Congress, House, and Senate, and signed by the President, for 355 ships. Is that the plan of record that you support?

Ms. BAKER. Yes, Senator, it is.

Senator WICKER. Okay. Let me switch to Taiwan. The Republic of China owned the island of Formosa, the Taiwanese government. It consists of 23 million citizens. They are the 21st largest economy in the world. They operate under a constitution that next year will be three-quarters of a century old. Do you believe that the people of the Republic of China on Taiwan have the right to self-determination?

Ms. BAKER. Yes, Senator, I do.

Senator WICKER. And do you believe that preventing an invasion of Taiwan is in the national security interest of the United States of America?

Ms. BAKER. Yes, Senator, I do.

Senator WICKER. And do you believe it is in the national security interest of our friends and allies in the Pacific Rim?

Ms. BAKER. Yes, Senator.

Senator WICKER. Do you believe that they are currently capable of preventing an invasion by the People's Republic of China?

Ms. BAKER. Senator, I would just say that our commitment to supporting Taiwan's self-defense is longstanding, it is bipartisan, and it is something that I am prepared to support, moving forward.

Senator WICKER. And in my judgment, the best way to prevent military conflict between the People's Republic and the Republic of China is for us to have an adequate Navy in the Pacific Rim and for the United States to assist Taiwan in building up its defense. Do you agree with that?

Ms. BAKER. Yes, Senator, I do.

Senator WICKER. Okay. Well, thank you very much. I am concerned that, as a matter of policy, that the money that this current Administration is requesting for military strength, particularly

naval strength in the Pacific, is inadequate, and I do believe we are going to find support for that position on both sides of the dais here on this committee. So, I look forward to working with you. But I will tell you, we need to change the trend and reverse the curve that we are currently facing.

Thank you, ma'am. Thank you, Mr. Chairman.

Chairman REED. Thank you, Senator Wicker. Let me recognize Senator Shaheen, please.

Senator SHAHEEN. Thank you, Mr. Chairman, and congratulations to all of our nominees this morning, and we very much appreciate your willingness to continue to serve this country.

Ms. Baker, I want to start with you, following up on some of Senator Wicker's questions about China and the importance of responding to the great power competition that we are now in. We heard, over the weekend, the reports that China had fired a hypersonic weapon. They walked that back, but it's very clear that they're working on that. And then we've also heard in the last day that North Korea has just fired two ballistic missiles.

How high up on our priority list for both our national defense strategy and for the Department should a response to both the hypersonic weapons and to what North Korea is currently doing be, and how should we be approaching that?

Ms. BAKER. Thank you, Senator. As the Secretary has said, China is the pacing threat for the Department of Defense, and that means that we, I believe, if confirmed, will need to have a sense of urgency about developing not only the capabilities but the concepts of operation that will allow us to counter some of the developments that we're seeing, the PRC put forward. I think that they have pursued a strategy of seeking to blunt U.S. advantages over a number of years, so not only in terms of hypersonics but space and counter-space, cyber. All of these are areas that, if confirmed, I would seek to prioritize.

As it relates to North Korea, certainly their continued unwillingness to abide by their international obligations, the rapid pace of missile testing that we have seen in recent weeks, all of those things are concerning. I believe that the Department has a responsibility to maintain a robust deterrent to ensure that we have forces positioned, ready to fight tonight on the peninsula, in order to provide that credible deterrent to Kim Jung-un.

Senator SHAHEEN. Thank you. You mentioned, in your opening statement, the importance of personnel and that needs to be our first priority. I was pleased to see Secretary Austin issue some guidance around our personnel who might be affected by Havana syndrome or the anomalous health incidents. But obviously there is a lot more that we need to be doing to respond to that. We need to get to the bottom of who is responsible and how they are orchestrating these attacks.

So if confirmed, do I have your commitment to work closely with this committee and provide timely updates on matters pertaining to these attacks?

Ms. BAKER. Yes, Senator, absolutely. I have friends and colleagues who have been affected by anomalous health incidents. I take that very personally and I will commit to work with you on this.

Senator SHAHEEN. Good. Thank you.

Mr. Guertin, I had the opportunity to go up on a KC-46 air refueling mission with a crew from the 157th Refueling Wing at Pease in New Hampshire. We were the first Guard base to get those KC-46 tankers. But as you know, they are still not operating the way they are supposed to operate. So if confirmed, do I have your commitment to ensure that testing and evaluation for the Remote Vision System 2.0 remains on schedule?

Mr. GUERTIN. Yes, Senator. It is especially important that the systems are tested the way they will be operated, operationally, and to have those things come out as a part of fielding them is not the time we want to discover those problems.

Senator SHAHEEN. And will you ensure that the committee, this committee, is notified of any further delays or problems with that Remote Vision System?

Mr. GUERTIN. Yes, Senator.

Senator SHAHEEN. Thank you.

Mr. Coffey, one of the big challenges that we have seen across our military, and the Navy, unfortunately, has not been exempt over the last decade, that has gotten a lot of attention has been sexual assault, and obviously there have been concerns about how to respond to that and the culture of the military and how it seems to, if not promote at least condone sexual assault and sexual harassment. So can you talk about what role you can have, as legal counsel, to addressing this issue?

Mr. COFFEY. Thank you, Senator. There is no place in the Department of the Navy or anywhere in the military for sexual harassment, sexual assault, or any of those destructive behaviors, no room whatsoever. I was very distressed when I read the IRC report to see that something that I saw in my own active-duty days and reserve duty days, when we were first integrating women into combat units was not only not solved, it was worse. And it is very distressing to me.

I am very pleased to see that the IRC gave specific recommendations and that Secretary Austin has directed that the Department will carry out every one of those recommendations, albeit some with some modifications. If I am confirmed, I would vigorously support implementing those changes on the roadmap that the Secretary of Defense has laid out. This is personal to me. I was in a squadron that suffered a lot of tension and disruption due to allegations of sexual assault. It was a priority for me when I was a commander, and it is distressing for me that many years later it is still a problem in the Department.

But if I am confirmed, I am absolutely committed to helping eradicate that scourge within the Department of the Navy.

Senator SHAHEEN. Well, thank you very much. I hope you will make it a priority. Thank you, Mr. Chairman.

Mr. COFFEY. I will, Senator.

Chairman REED. Thank you, Senator Shaheen. Senator Tuberville, which I think this sets the record for earliest recognition. So Senator Tuberville.

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

Mr. Bush, you being a former tanker, you know Anniston Army Depot in Alabama is the only depot in the U.S. that performance maintenance on our tanks. Give me your thoughts about the future of our tank use in the United States military.

Mr. BUSH. Senator, Anniston is part of the broader organic industrial base that supports the whole Army, and a vital part. We have to have it, and it has to be effective and efficient with a good workforce. I believe as long as the Army has heavy armored vehicles there will be a major role for Anniston in supporting those efforts.

Senator TUBERVILLE. Thank you. Mr. Coffey, we recently had a young man arrested, court-martialed, because of saying something on social media about the war in Afghanistan. What are your thoughts on that?

Mr. COFFEY. Well, Senator, I am vaguely aware of the circumstances of which you speak and I understand it was handled within the Uniform Code of Military Justice system, which, of course, falls within the purview of the uniformed lawyers within the Department. I understand that that process may be ongoing, in at least one shape or form, so I would be reluctant to offer any opinion on the specific facts of that case.

But I will say this. I firmly believe in the First Amendment. I believe in the right of every servicemember to have the beliefs that they believe. But also if you pull on a uniform, as I did for 30 years, you understand that there is a time and a place to voice those and that you are, first and foremost, a member of the military with a chain of command and respect for your superiors. And again, not tying it to this specific instance, but if you disobey direct orders, if your conduct threatens good order and discipline, then under the UCMJ you can, in my view, should be held accountable, again without opining on the specific facts of that matter, sir.

Senator TUBERVILLE. Sure. Thank you. Ms. Baker, your thoughts?

Ms. BAKER. Senator, I am not a lawyer. I am not an expert on UCMJ. But as Mr. Coffey said, I am —

Senator TUBERVILLE. But you are into team-building, right?

Ms. BAKER. I do believe in prioritizing team-building. I think, as Mr. Coffey said, everyone is entitled to their First Amendment rights, but at the end of the day there is a chain of command and that is something that we will expect our servicemembers to adhere to.

Senator TUBERVILLE. Yeah. We are in a business here of team-building, as you said, and we need a strong and vibrant military. I want to know what your opinion is and your definition is of “extremism.” Could you tell me that?

Ms. BAKER. Senator, I do not know that I can give you a textbook definition of the term.

Senator TUBERVILLE. Well, your thoughts.

Ms. BAKER. What I can tell you is that I believe that the vast majority of our servicemembers serve with honor and distinction. As the Chairman said earlier, thought, to the extent that there are individuals in the Services who are seeking to disrupt that unity and that team-building that you spoke of, that is something, I think, the Secretary has indicated he intends to prioritize.

Senator TUBERVILLE. Thank you. Thank you.

Mr. Guertin, Alabama is a fast-growing hub for commercial engineering and software companies. What do you believe the DOD should be doing to monitor the development of these operational, new commercial systems that we have?

Mr. GUERTIN. So, Senator, the challenges we face in using new systems that are based on commercial technologies, one aspect to it is the supply chain—where are those things coming from and are they secure and suitable for military use. Our use case is not exactly the same as, you know, a university or your home. So, we want to make sure that those products are suitable to the task. But also, we want to take advantage of commercial technologies that allow us to move faster and effectively into the future.

Senator TUBERVILLE. Thank you. Thank you, Mr. Chairman, for your generosity.

Chairman REED. Thank you, Senator Tuberville. And now let me recognize Senator Hirono, please.

Senator HIRONO. Thank you, Mr. Chairman.

I ask the following two initial questions of all the nominees who come before any of the committees on which I sit, so I will ask the entire panel, in unison.

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

Mr. GUERTIN. No.

Ms. BAKER. No.

Mr. COFFEY. No.

Mr. BUSH. No.

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

Mr. GUERTIN. No, Senator.

Ms. BAKER. No.

Mr. COFFEY. No.

Ms. BAKER. No.

Senator HIRONO. Ms. Baker, you were asked by Senator Shaheen about China's hypersonic missiles and you said that there would be a robust deterrent. And so I just wanted to also mention and take note of what China is doing, and, of course, as it impacts Hawaii, not to mention what North Korea's missile testing is doing in the Indo-Pacific arena.

So, I just would like to ask you, since you acknowledged that we need to have a robust deterrent, that the DOD budgets will reflect this kind of robust deterrence in either this budget or in the following budgets.

Ms. BAKER. Yes, Senator. I believe that the first responsibility of the Department of Defense is to defend the homeland. Of course, Hawaii is part of that. And so I would expect that we would have robust and credible defense of Hawaii and that we would put forward in the Indo-Pacific a credible deterrent.

Senator HIRONO. Thank you.

Mr. Coffey, earlier this month, The Washington Post reported that Federal agents are investigating a new corruption scandal involving alleged bribery and fraud related to service contracts when our ships and submarines pull into ports in Europe and the Middle

East. I am concerned that these facts are eerily reminiscent of the Glenn Defense Marine Asia, GDMA, contracting scandal in the Indo-Pacific.

In a congressional hearing over 3 years ago, the Vice Chief of Naval Operations at that time assured my counterparts in the House that the Navy had installed new layers of oversight in its contracting process for overseas ports to thwart a report of the GDMA type of scandal, but that does not seem to have worked. If confirmed, what steps do you plan to take to ensure adequate controls are in place to prevent fraud in these overseas shipping service contracts?

Mr. COFFEY. Senator, there is no room in the Navy for any type of corruption along the lines of what you have described, and I too was distressed to read about the MLS case a few weeks ago. I thought there were encouraging signs in the wake of the Glenn Defense Marine scandal, specifically the comprehensive review relating to the uniformed lawyers in the Department and some of the recommendations they had made, which are being carried out and which I look forward to reviewing more closely, if confirmed.

But it is clear that there are still problems, and if I am confirmed, I would look to see how we can address those. From my time as a Federal prosecutor and as a plaintiff's lawyer, I believe in personal accountability, so I think this is a problem that is going to need continuing focus of leadership, focus on personal accountability, and reviewing what continues to go wrong. I hope it is isolated, but if I am confirmed I am going to try and get to the bottom of it.

Senator HIRONO. Really, I think we need your commitment that you will review whatever oversight procedures are already in place, because the Navy hardly needs these kinds of scandals.

Mr. Guertin, the Navy's Pacific Missile Range Facility, Banking Sands, PMRF, on Kauai, is the world's largest instrumented, multi-dimensional testing and training range. Continuing to integrate and upgrade PMRF, along with other ranges in the Pacific, is critical to our national security, and why that task is included as a line of effort within the Pacific Deterrence Initiative. Have you ever visited PMRF?

Mr. GUERTIN. Not yet, Senator.

Senator HIRONO. I hope you will. You know, I would like to ask you, what is the importance of this kind of facility and the importance of this type of initiative that I just mentioned?

Mr. GUERTIN. Test ranges of the kinds that we have, especially the one in Hawaii, is critical to our ability to test weapons systems as they would be used in combat. All of our facilities need to be examined for how they might be modernized in the future. There is a great report turned out recently by the National Academies that highlighted some of the changes we need to make. If confirmed, I am looking forward to getting into the details of that and working with the rest of the DOT&E team to figure out to not just modernize but also position these ranges so that they can keep pace with the evolving needs for the long haul.

Senator HIRONO. Thank you. Mr. Chairman, I just want to note for Ms. Baker that I do appreciate your mentioning that climate change considerations are an important part of what you will be fo-

cusing on. And so climate change considerations in the operations, planning, and resource allocation decisions are very important, so I wanted to note that.

Ms. BAKER. Yes, Senator, and I would look forward, if confirmed, to working with you on that.

Senator HIRONO. Thank you. Thank you, Mr. Chairman.

Chairman REED. Thank you, Senator Hirono. Senator Kaine, please.

Senator KAINE. Thank you, Mr. Chair, and Mr. Guertin, I want to ask you some questions. You are nominated for a very important position. One of your predecessors earlier this year, Dr. Ray O'Toole, I think was the Acting in your position, came before our Readiness Subcommittee and gave the following testimony, which troubled Senator Sullivan and I, the Chair and Ranking of the Readiness Subcommittee, and I quote, "DOD's acquisition and T&E communities need to address cybersecurity more comprehensively. 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."

That testimony was offered in an open hearing. Senator Sullivan and I both looked at each other and said, "Is this an open hearing?" and the witness, Dr. O'Toole, said, "I got this cleared for delivery of testimony in an open hearing." But it troubled us greatly that in the programs that were tested by your office, should you be confirmed, in fiscal year 2020, virtually none of the programs were survivable against relevant cyber threats.

Do you think the survivability failures are due to poor acquisition policy or is there a larger cultural problem within the DOD that we need to address to solve this, you know, shocking weakness?

Mr. GUERTIN. Well, Senator, getting our cybersecurity right on our weapons systems is critically important to them actually being useful in the field. It is very affordable to attack our systems before they actually make it to the field, to get to the kinetic stage of the fight, so we have got to get this right. And again, as I mentioned earlier, shifting left the view of the operational test community to get into those early-stage decisions before people start on the path to developing their products, that they get those cybersecurity principles right up front so that when they get out toward the end, when we are doing the actual operational test side of it, that they have positioned themselves well to be able to respond to the continuous evolving threat. It would not be a big deal if we were not being attacked all the time, and we are, and we need to position ourselves well for that.

Senator KAINE. You have experience both in software development and Navy weapons development, so I think you are in a unique posture to make sure when we are doing acquisition and early-stage work on these programs that we build in cyber protections.

A second issue that has come up recently, a family in Annapolis was caught by the FBI offering to sell classified information on

submarine reactor and propulsion design to another country, and that demonstrates just how damaging insider threats can be. The news report indicated that this particular individual was storing classified information on an SD card, hopefully to then transfer that information to another country. From your time with Naval Surface Warfare Center, do you think we do enough monitoring, or have enough monitoring systems in place, to flag potentially harmful activity like folks storing classified information on private SD cards?

Mr. GUERTIN. Senator, I am not familiar currently with the protection of systems that is going on in, say specifically, Naval Surface or Undersea Warfare Center. Having been an employee at those kinds of facilities in the past, that they actually do have very good protections. We did find this problem before it got out of hand, so chalked it up as a little bit of a win, but it is also dangerously close to getting it too far out of hand before it would be a real problem. So, if confirmed, I will make sure that the operational test community and the systems that we use are well positioned to be able to capture those things before they get out of hand.

Senator KAINE. And just, you know, to a non-expert—I am not an expert—are there software systems or AI programs that you think are sufficient to identify potentially harmful activity of the kind that, you are right, we did catch it and stopped the family from transferring the information. But do you think that there is software, AI programs, that can help us ensure that this kind of data and activity is protected?

Mr. GUERTIN. Senator, I could not make a definitive statement about the specific use of machine learning or artificial intelligence to capture that sort of activity. I do know that there is some research going on in that area, from my time at the Software Engineering Institute. So if confirmed, it would be a pleasure to look into that and find out how we can be more effective in that area.

Senator KAINE. Great. Thank you. I appreciate it, Mr. Chair.

Chairman REED. Thank you, Senator Kaine. Senator Hawley, if you are ready you may begin.

Senator HAWLEY. Thank you, Mr. Chairman. Thanks to the witnesses for being here.

Mr. Bush, if I could just start with you. I want to talk first about something that is very important to my state, and that is the Lake City Ammunition Plant, also important for the Next Generation Squad Weapon. As you know, the Lake City Army Ammunition Plant does vital work ensuring that our warfighters are prepared and armed for any future conflict, and in particular, that plant provides ammunition, produces ammunition, for the Next Generation Squad Weapon.

Here is my question. Do I have your commitment to ensure that Lake City will receive the facility upgrades that it needs in order to continue to produce ammunition at the rate that we need it to?

Mr. BUSH. Senator, first let me say I was recently able to visit the facility, so I saw firsthand the great work done there and the great people that work there. Assuming the Army stays on its current plan for that program it will need to build that ammunition at Lake City. Preliminary work is underway, and should the pro-

gram stay on schedule I would expect the Army to fund production efforts as well.

Senator HAWLEY. Very good. Thank you for that.

Ms. Baker, let me come to you, and let us talk a little bit about China, if we could. Secretary Austin, Deputy Secretary Hicks, and Under Secretary Kahl have all testified that the U.S. has to maintain its ability to defeat a Chinese fait accompli, vis-à-vis Taiwan. I have made it my habit in this committee to ask every witness, practically, from DOD, certainly those in a policymaking role, about this scenario, which I think China not only being the pacing threat but the Taiwan challenge the pacing scenario.

So if I could just ask for a yes or no from you, do you agree with their testimony that it is vital that the U.S. maintain the ability to defeat a potential fait accompli against Taiwan?

Ms. BAKER. Yes, Senator, I do.

Senator HAWLEY. Very good. And do you agree that the Department should be prioritizing this scenario as it develops plans, concepts, and capabilities for the future?

Ms. BAKER. Yes, Senator, I do. I think a Taiwan contingency is certainly among the most stressing scenarios that we can be planning for, and for that reason it is critical that we prioritize it.

Senator HAWLEY. Great. I am glad to hear that. Let me ask you about another aspect of this. Admiral Davidson and Admiral Aquilino have both testified to this committee that China may attempt a fait accompli in Taiwan before the end of this decade. Now it is widely thought that this is possible in the 2030s, but what caught my attention from both of them was their testimony that this is something we should be planning for and looking at in the 2020s. The Commandant of the Marine Corps and the Chief of Naval Operations have both said that they agree with that assessment, and the TRANSCOM Commander and other officials have said the same.

Do you agree that the threat of a Chinese fait accompli against Taiwan is something we need to be concerned about and planning for in this decade and not just in the 2030s?

Ms. BAKER. Yes, Senator, I do.

Senator HAWLEY. Very good. Let me ask you something adjacent to this. Secretary Austin wrote earlier this year, in response to a question from me, and I am going to quote him now, that “a combat-credible, forward deterrent posture is instrumental to the U.S. military’s ability to deter and, if necessary, to deny a fait accompli scenario.” The Deputy Secretary, the Under Secretary, and multiple commanders of INDOPACOM have reaffirmed the Secretary’s emphasis on denial.

Do you agree that a strategy of denial is essential for deterring Chinese aggression?

Ms. BAKER. Yes, Senator, I do.

Senator HAWLEY. Very good. Let me shift gears just a little bit and ask you about some of the recent disturbing testimony that this committee has heard with regard to the situation in Afghanistan. Do you think it was appropriate for the United States to draw down nearly all of its forces in Afghanistan before we finished the evacuation of American citizens? And I am thinking particularly

given General Miller's warning that the Afghan Security Forces and government could collapse quickly.

Ms. BAKER. Senator, not being at the Department right now, I am familiar with the testimony that you are referencing. I understand that the Department planned for a range of contingencies, including different levels of troops on the ground. I am not in a position, I think, to assess the details of that planning.

Senator HAWLEY. Secretary Austin testified both to this committee, and then more pointedly, actually, to the House Armed Services Committee, that the non-combatant evacuation he believes should have begun earlier. It is reported that General Milley, reported in the press that General Milley said the same thing, again even more pointedly, that DOD warned the White House and State that the non-combatant evacuation had to begin earlier. It did not, of course, and as a consequence hundreds of civilians were killed, hundreds of Americans left behind, 13 servicemembers killed.

Do you agree with them, that the non-combatant evacuation should have begun earlier in Afghanistan?

Ms. BAKER. Senator, my understanding is that there was a robust interagency discussion about the timing of the NEO operations. I am simply not currently in a position where I have the details that I would need to be able to really assess that.

Senator HAWLEY. I have got another question, too, for you about the forced planning construct in the 2018 NDS and a couple of other things related also to Russia. I will submit those for the record because my time has expired.

Thanks so much to all the witnesses, and thank you, Mr. Chairman.

Chairman REED. Thank you, Senator Hawley. Now let me recognize Senator Blumenthal, please.

Senator BLUMENTHAL. Thank you, Mr. Chairman. I want to follow Senator Hawley's questions about the impact of our withdrawal from Afghanistan on both Americans who were left there and our Afghan partners and allies, many of whom are still there.

You mentioned that there was a robust interagency discussion, and a number of actually visited the White House in the spring, in April and May, to urge that there be evacuations, and much more massive efforts at evacuations beginning then and not waiting. Now you have been working on the National Security Council. Are you saying that the National Security Council was uninvolved in those discussions?

Ms. BAKER. No, Senator. My role in the National Security Council is primarily related to drafting the National Security strategy. I was not involved in the operational planning for the evacuation of Afghanistan.

Senator BLUMENTHAL. So there was no preparation in terms of strategy for that evacuation?

Ms. BAKER. Senator, I believe that there was. It simply was not in my job jar.

Senator BLUMENTHAL. Let me ask you, looking forward in terms of what we should do now, there have been nine planes that have continued the evacuation effort. They are private planes, not United States military planes. We have no presence there, either diplomatically or militarily. Those nine planes have evacuated ap-

proximately 300 people each, most of them interpreters, translators, guards, security, personnel who sided with us and literally put their lives on the line, risked their families. But they are just a fraction of the total number of Afghan allies and partners who remain there in very severe danger. And the reason I am asking about it is because they were of direct service to our men and women in uniform, often going into harm's way with them, and the President has committed to get them out.

Do you agree with me that we ought to make, as a precondition of any serious talks or conversations or discussions with the Taliban that they permit all of those Afghan allies, who sided with us, to leave if they want to do so?

Ms. BAKER. Yes, Senator. I think we have a commitment that we make as a military to our partners on the ground and that we need to abide by that. I think that the safe passage of not only American citizens and legal permanent residents but also the Afghan partners that you describe should be a priority for moving forward.

Senator BLUMENTHAL. My office has been directly involved in enabling a number of those planes to leave. It has been a torturous day-and-night process, and my feeling often has been that our own government is not as robustly supportive as it could be. Do you commit that you will be actively engaged, personally, with the Department of State in urging that we fulfill our commitment to those Afghan partners and allies, as well as the Americans who may still be there?

Ms. BAKER. Yes, Senator, and let me thank you for the work that I know you have done on this issue and the leadership that you have displayed. As you mentioned, the Department of State does have the lead on this for the interagency, but if am confirmed I will see to ensure that the Department of Defense is providing all of the necessary support to the State Department.

Senator BLUMENTHAL. Would you be willing to support the use of our United States military aircraft in that effort, if the Taliban permitted it?

Ms. BAKER. Senator that is not an issue I have looked at directly, so I do not know that I can give you a direct answer. But if confirmed, I certainly would seek to get the details of what something like that could look like and have a follow-on discussion.

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

Chairman REED. Thank you very much, Senator Blumenthal. Senator King, please.

Senator KING. Thank you, Mr. Chairman. Mr. Guertin, I want to follow up on Senator Kaine's questions. There is no question in my mind that if there is some level of conflict it will begin with cyber. And we can have all the ships in the world in the Pacific but if they are silenced, if they lose their communications capability, their navigation capability, then they are not going to be very effective in protecting the interests of this country.

Will you pursue, actively and aggressively, testing for cybersecurity of every system that comes under your purview in this new position?

Mr. GUERTIN. Senator, the operational testing of software-intensive, or software-reliant systems has to include cybersecurity test-

ing as a part of its suitability for operational use. I believe that policy is already in place, but I commit to you that we will make sure that it —

Senator KING. To your knowledge, does this Department, this division office have the capability to provide that kind of cybersecurity testing? This is a specialized field. Do you have hackers for hire in that office?

Mr. GUERTIN. So we have Red Team people that can go in and have a high degree of expertise for doing penetration testing and finding out where the vulnerabilities lie, and inform the programs what they need to do to go in and fix it.

Senator KING. I hope —

Mr. GUERTIN. I am not certain, though, that we have like all of the people in place for testing every system. I would have to look into that and get back to you, if confirmed.

Senator KING. Well, I view this as an absolutely essential and urgent part of your responsibility, in terms of supply chain, in terms of acquisition of equipment. Nothing is going to work if it is subject to a cyberattack.

Ms. Baker, one of your responsibilities will be to lead and develop the Nuclear Posture Review. Without going into a great deal of discussion, do you believe that no-first-use policy should be part of the new nuclear policy?

Ms. BAKER. Senator, as the Deputy Secretary testified when she was last here, that is unlikely to be part of the Nuclear Posture Review. That is ultimately a decision that is made by the President of the United States. If I was confirmed, though, I would seek to ensure—and I know that NPR is already well underway—but to ensure that the product is analytically rigorous, that it takes into account changes in the strategic environment, which includes the fact that we are facing now two nuclear-capable peer, near-peer adversaries, and that it reflects the input and advice of all components of the Department of Defense, to include our combatant commanders, EUCOM, INDOPACOM, and STRATCOM, in particular. Ultimately, I think our obligation is to provide the best analytic product to the President in order to inform his choices.

Senator KING. Thank you. We just heard about the launch of a Chinese hypersonic missile into orbit and then out of orbit. We are still talking about missile defense, hitting a bullet with a bullet. I am concerned that for years we have been talking about directed energy as a possible solution, and yet it just does not seem to be getting the attention, the research money that I believe it deserves in terms of its future capability. We are not going to be able to do missile defense against a hypersonic missile. I think it is very unlikely.

Will you commit to, in terms of policy, looking hard at directed energy as a potential asset in the new world of missile defense?

Ms. BAKER. Yes, Senator. I think there are a number of emerging and advanced technologies that we need to do a better job of incorporating into our concepts and our war planning, and certainly I would put directed energy in that category.

Senator KING. Thank you.

Mr. Coffey, I have to begin by asking you, you were a P-3 commander. Were you ever at Brunswick?

Mr. COFFEY. Only three different squadrons, Senator.

Senator KING. Only three different squadrons.

Mr. COFFEY. I was there for about 10 years of my 30 years, including command of Patrol Squadron 92.

Senator KING. At Brunswick Naval Air Station?

Mr. COFFEY. Yes, sir.

Senator KING. Congratulations.

Mr. COFFEY. Thank you.

Senator KING. In your advanced testimony, you mentioned accession to the Convention of the Law of the Sea would strengthen our global security posture. As a lawyer, do you see any legal objections to the accession of this country to the Law of the Sea Convention?

Mr. COFFEY. Senator, the Navy has been abiding by the tenets of that —

Senator KING. We are abiding by it, but the problem is we are not at the table.

Mr. COFFEY. We are not. We are not. And I do not see any legal obstacle to us signing on formally to that.

Senator KING. Do you think it is a strategic disadvantage to us to not be at the table under the Law of the Sea Convention?

Mr. COFFEY. I think our voice would carry more weight if we were at the table. I mean, we carry a lot of weight regardless, and I know our allies are abiding by it as well. But that is actually something in the purview of the General Counsel of the Department of Defense, and I certainly, if confirmed, would confer with her to see what we could do to advance the ball on that.

Senator KING. Thank you. Thank you, Mr. Chairman.

Chairman REED. Thank you, Senator King. Senator Scott, please.

Senator SCOTT. Thank you, Chairman Reed. I thank each of you for being here. Congratulations on your nominations and your willingness to serve.

Just two weeks ago, the Chinese military sent nearly 150 war planes over Taiwanese airspace, and we have heard the Communist Party General Secretary Xi express his intentions for taking over Taiwan. We have a long military relationship with the Taiwanese people, and it is one of our most strategic partners in the region, and I think we would all agree they deserve our complete support.

Ms. Baker, if confirmed, would you support providing Taiwan with robust military training and expertise to ensure its armed forces present a combat-credible deterrent?

Ms. BAKER. Senator, I think that our commitments under the Taiwan Relations Act to support Taiwan's self-defense are longstanding, they are partisan, and I intend to support them, if confirmed.

Senator SCOTT. So you would support robust military training and expertise to ensure that they are a credible threat.

Ms. BAKER. Yes, Senator. I would support meeting our commitments under the TRA.

Senator SCOTT. Would you consider such military support to include individual and unit-level training as well as training for operations that would make cooperation with U.S. and our other militaries more effective if Taiwan required it to defend itself?

Ms. BAKER. Senator, I have not looked at that question specifically so I think I need to dig into some of the details and maybe get back to you with a more definitive answer. But certainly I think that it is incredibly important that we improve the interoperability of our military to work with our partners and allies in the region, particularly as it might relate to a Taiwan scenario.

Senator SCOTT. I realize the primary goal for the United States is to enhance Taiwan's ability to engage in asymmetric warfare with a much stronger China, and I think we all would agree with that. But shouldn't we also consider ways to help Taiwan defend itself and hopefully be a great deterrent for whatever Communist China might throw at it, such as an enhanced Iron Dome system or greater anti-missile defense system, to make it clear to General Secretary Xi that he will not be permitted to take Taiwan by force?

Ms. BAKER. Senator, I again have not looked specifically at the concept of an Iron Dome-like system. I understand that Taiwan is pursuing a strategy of building robust, lethal, mobile asymmetric capabilities that I think makes a great deal of sense. But certainly these are all things that I think we can look at, and should look at carefully.

Senator SCOTT. It has clearly worked for Israel, and this would be totally different. I mean, the capabilities of Communist China are totally different. But this concept of making the Taiwanese people comfortable, and telling Xi that he will not be able to take them by force I think would be helpful. Don't you agree?

Ms. BAKER. Senator, certainly everything I know about the operation of the Iron Dome system in Israel indicates that it has been remarkably successful. I simply have not considered how that might translate into the Indo-Pacific.

Senator SCOTT. Thank you.

Mr. Bush, we are hearing of reports that Communist China has successfully tested a hypersonic weapon that is capable of carrying a nuclear warhead. We are also hearing that these reports surprised our intelligence community and Pentagon leadership. Do you believe that is true, and do you believe that the United States is comfortably ahead of China on nuclear warheads, or is this launch evidence that we have a lot of work to do to modernize our nuclear capability?

Ms. BAKER. Senator, I have not received the specific classified briefing on that event yet. I am sure there are classified details I would need to know before giving you a good answer, sir. More broadly speaking, the entire DOD, including the Army, does need to continue to work rapidly to improve our deterrence capability, including in the area of hypersonic missiles.

Senator SCOTT. All right. Ms. Baker and Mr. Guertin, what do you think about these reports about the hypersonic, and were we surprised, and do you believe that we need to modernize our nuclear arsenal to be able to defend ourselves against an aggressive communist leadership in China?

Ms. BAKER. Senator, as Mr. Bush said, I think it is difficult to discuss the details in this open session, but certainly I agree a modern and credible nuclear deterrent is essential to homeland defense, moving forward.

Mr. GUERTIN. I concur with Ms. Baker on that point.

Senator SCOTT. Thank you, Mr. Chairman.

Chairman REED. Thank you, Senator Scott. Senator Warren, please.

Senator WARREN. Thank you, Mr. Chairman. Congratulations to each of our nominees. Welcome. And I want to say a special thank you to Ms. Baker for her commitment to serve. Her intellect and her integrity is matched only by her deep and abiding commitment to public service, and I was fortunate to benefit from her advice and counsel. She is precisely the kind of person that we should all hope agrees to serve in our government.

Mr. Guertin, I would like to start with you today. There is something I would like to be able to ask about, and that is the annual report published by the Director of Operational Test and Evaluation. This is one of the most important report cards for determining whether or not our weapons are working. The Section 809 panel, created by Congress, to streamline and improve defense acquisition found that the annual report, and I am going to quote here, "assists with both the office's internal success and the ability of Congress to exercise proper oversight."

Now, this is where it is important to me to get some commitments from you. There is always pressure to keep elements of this report away from the public. So, Mr. Guertin, do you agree that this report must remain available to the public, to the maximum extent possible?

Mr. GUERTIN. So Senator, transparency on how our weapons systems are doing is especially important so that the public knows that we are doing a good job with the money we have or where we are not quite living up to our expectations. I commit to you that we will have an unclassified report. I will also assert that some of the stuff might be a little sensitive that perhaps might be better suited for like a classified appendix, that sort of thing. I would be happy to work with you on what are the balance points of those.

Senator WARREN. Good. So, I take that as a yes, to the maximum extent possible.

Mr. GUERTIN. To the maximum extent possible.

Senator WARREN. Good. And do you commit to this committee that you will make this report and other reports from your office publicly available, to the maximum extent possible?

Mr. GUERTIN. To the maximum extent possible, yes, ma'am.

Senator WARREN. Thank you. That is very important to me. Now one way to keep information from the public is to use pseudo-classification, like "For Official Use Only," which means that the information is not deemed to be classified but it is still restricted from public view. So let me ask you another question on this. Do you commit to avoiding the use of designations such as "For Official Use Only" for the unclassified portions of the Operational Test and Evaluation reports?

Mr. GUERTIN. Senator, to the maximum extent possible, yes, but I think there might be some policy issues we might have to work out with Congress to make sure that the information is provided as unclassified and public released but also not sensitive in some way.

Senator WARREN. All right. Well, we might have to talk through what "sensitive" means, because if it is not classified then I think

the public generally, the presumption should be that the public has a right to know, and that is the commitment I want from you, to the maximum extent possible.

Mr. GUERTIN. Yes, Senator.

Senator WARREN. Okay. And then my final question on this, do you commit to notifying this committee if you believe that your work is being wrongfully restricted or pseudo-classified or over-classified?

Mr. GUERTIN. Senator, if there are any restrictions that do not make sense or are not in the interest of the country I will make sure that we communicate that with this committee.

Senator WARREN. Good. I every much appreciate that. I plan to hold you to these commitments, and I look forward to working with you to ensure maximum transparency from your office. I think that is how both of us will better serve the American people. Thank you. Thank you, Mr. Chairman.

Chairman REED. Thank you, Senator Warren. Senator Blackburn, please.

Senator BLACKBURN. Thank you, Mr. Chairman, and thank you to each of you for being here today.

Mr. Coffey, I want to come to you. We saw the release of NAVADMIN last week and the guidance on how sailors who are not fully vaccinated and do not have a pending or approved exemption will be punished administratively. So, I have got some questions for you. Is it correct to say that sailors who are separated only for refusing the vaccine will, in the least favorable outcome, receive a discharge no lower than "general under honorable conditions"?

Mr. COFFEY. Well, Senator, I support the vaccination program. I think it is critically important that the force be vaccinated. I was vaccinated quite frequently when I was on active duty and as a reservist. I have not reviewed the NAVADMIN you are talking about specifically, so I —

Senator BLACKBURN. Will you review it and then answer me specifically?

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

Senator BLACKBURN. Thank you. Enlisted servicemembers separated under this subparagraph will apparently not be eligible for involuntary separation pay and will be subject to recoupment of any unearned special or incentive pays. Can you articulate what the recoupment of any unearned special or incentive pays means, providing me a tangible example of this?

Mr. COFFEY. Well, I can speak to my own background, Senator. As a naval aviator, a naval flight officer, if I —

Senator BLACKBURN. No. I am talking about the specific guidance. So why don't you do that one in writing, since you have not seen that. I cannot believe you did not look at that guidance before coming in here for this hearing. So look at it and then give me a written response with a tangible example.

A general discharge allows the servicemember to use the majority of veterans programs and benefits such as hiring preferences for Federal jobs, VA medical coverage, and home loan benefits. Please confirm the following for the record. Will sailors who are separated

only for refusing the vaccine be deemed ineligible from future military service? Yes or no.

Mr. COFFEY. Senator, I would have to submit that in writing after the hearing.

Senator BLACKBURN. Okay. You will submit that also. Is the GI Bill education benefit the only absolute benefit not awarded to servicemembers with a general discharge? Yes or no.

Mr. COFFEY. Same answer, Senator.

Senator BLACKBURN. Okay.

Mr. COFFEY. I will put that in my written response.

Senator BLACKBURN. Is it fair to say that any sailor discharged for a vaccination refusal will not be entitled to their post-9/11 GI Bill benefit?

Mr. COFFEY. Same answer, Senator.

Senator BLACKBURN. Okay. What happens to personnel from the other military services who are assigned to naval commands and refuse the vaccine? We would want to know that, so again, a written answer.

Mr. COFFEY. Same answer.

Senator BLACKBURN. And then also, what happens to foreign military personnel, such as those studying U.S. professional military education courses, if they refuse the vaccine for religious reasons?

Mr. COFFEY. I will submit that as well.

Senator BLACKBURN. I want you to know, my office has been inundated with calls trying to get clarity on these issues. So I think it is so important that you all get these to us.

One more. Is it also correct that separation determinations made by the Navy will be centralized under the CCDA to ensure a fair and consistent process is applied across the board?

Mr. COFFEY. I will be sure to provide the clarity you seek in my written response.

Senator BLACKBURN. Okay. And then also a statement as to whether or not you think a centralized process is the best practice.

Mr. COFFEY. I will do that as well, Senator.

Senator BLACKBURN. Okay. Thank you.

Ms. Baker, if I may come to you. As Senator Warren alluded, you have advised her on shaping her national security agenda which, and I am quoting, "took aim at rising defense budgets and the revolving door between the Pentagon and the defense industry." If confirmed, would these be your priorities in the Deputy Under Secretary of Defense for Policy role? Would it be these rising DOD budgets in the defense industry?

Ms. BAKER. Senator, The Secretary has been clear that China is the pacing threat for the Department and should be our priority, so if I am confirmed, I would seek to prioritize those issues.

Senator BLACKBURN. Okay. Well, we know that flat defense budgets are actually shrinking defense budgets. How do you reconcile this reality with your inherent bias toward, and I am quoting you, "taking aim at risking defense budgets" because China is a priority? And we want to make certain that we are addressing that great power competition. So how do you reconcile that?

Ms. BAKER. Senator, I agree that we need to be prioritizing issues surrounding great power competition, particularly with

China. Where I start on questions of defense budget is to start with the strategy first, and as you know, I think the Department is well underway in drafting an update to the National Defense Strategy that will build, I believe, on the 2018 strategy. I think from there we can look at the capabilities and investments that the strategy requires and from there build back into a budget number.

Senator BLACKBURN. And you think you can do that with less resources?

Ms. BAKER. Senator, I would be guided by the strategy. So, I do not have an arbitrary number in mind. I think we should resource to the strategy.

Senator BLACKBURN. So you are saying you are going to leave your opinions at the door.

Ms. BAKER. Yes, Senator.

Senator BLACKBURN. Thank you.

Chairman REED. Thank you, Senator Blackburn. Let me recognize, via Webex, Senator Peters.

Senator PETERS. Thank you, Mr. Chairman, and to each of the nominees congratulations on your nomination and thank you for your willingness to serve our country.

Mr. Coffey, my first question is for you. In August of 2019, Corporal Anne Vassas of Michigan unfortunately took her own life at a Marine Corps air station in Japan. The Vassas family was told that command investigation was concluded but the release of the final report requires additional approvals, and they have been now waiting for 2 years.

As General Counsel, will you maintain a close relationship with the staff judge advocate and have a role in oversight of the Naval Criminal Investigative Service, if confirmed?

Mr. COFFEY. Senator, let me begin by expressing my condolences to the family, and it is something I will look into, if confirmed. Yes, Senator, I commit to working closely with the uniformed lawyers of the Department. I understand there is a very good relationship now, a one-team, one-mission approach that I heartily endorse. And I will likewise work closely with the Under Secretary or the Secretary, whoever is at the present time overseeing NCIS. I do think that my background as a Federal prosecutor working with law enforcement will be beneficial, if I am confirmed.

Senator PETERS. Well, I certainly hope that the Vassas family has achieved some degree of closure by the time that you have been confirmed. But I am still going to ask for your help in resolving this matter for them. And more broadly, I just want to get a clearer confirmation from you that you are going to strive to ensure that the legal and investigative mechanisms in the Department are working to ensure timely, open, and regular contact with the next of kin in the event of a tragedy such as this.

Mr. COFFEY. Senator, you have my commitment that if I am confirmed I will act accordingly. I will do that.

Senator PETERS. Well, I appreciate that.

Mr. Bush, as vehicles get smarter, automotive cybersecurity is clearly becoming an increasing concern. The economic loss and military risk that is posed by cyberattacks on the U.S. vehicle ecosystem is certainly significant, as no single firm has the expertise,

the resources, or, quite frankly, the technical depth to independently address all of these cybersecurity threats.

So my question for you, Mr. Bush, is what is your vision for how the Army can secure our increasingly networked vehicle fleet from cyberattacks?

Mr. BUSH. Senator, I think for new programs we can start up front, by building in the right architecture and the right cybersecurity early so that we have systems in place that we can test and be reliant upon, that ensure that our vehicles are cybersecure.

I believe there is a greater challenge working on older vehicles, where they were designed in times when cyber did not even exist, and they have had systems added to them over the years in a less systematic way. I believe that in those cases we will need to come up with a better way of testing those federated type systems in older vehicles to make sure they are cybersecure as well.

And lastly, I would add that Army vehicles historically have been designed to be able to continue to fight with degraded conditions. So, I believe it would be incumbent for the Army to ensure that new systems, even if under cyberattacks, still retain some combat capability so our soldiers can continue fighting.

Chairman REED. We are having technical difficulties. Let us wait a moment to see if we can move forward.

Let me, at this point, recognize, if we can—Senator Peters, are you back with us?

Senator PETERS. Am I back here now?

Chairman REED. You are back. You have reappeared.

Senator PETERS. Well, good.

Chairman REED. Thirty-five seconds.

Senator PETERS. Well, thank you. Well, Mr. Chairman, I will leave that as my last question. Thank you so much.

Chairman REED. Thank you, Senator Peters. Now let me recognize, once again, via Webex, if it is functioning properly, Senator Manchin.

Senator MANCHIN. Thank you, Mr. Chairman, and this will be to Ms. Baker. The Iran nuclear agreement, formally known as the JCPOA, was a great goal that fell extremely short. I voted against the agreement in 2015, because it rewarded Iran before they demonstrated any desire to return to good order in the global community, and it failed to address their terrorism financing or conventional weapons development.

So, my question would be, with an on-and-off-again negotiation taking place, what concessions would you hope to see in a new version of the Iran deal? And my follow-up to that, Ms. Baker, would be, France, Germany, and the United Kingdom launched a barter system known as INSTC, to facilitate transactions between them and Iran. Can you comment on that?

Ms. BAKER. Senator, thank you for the question. To your first point about what concessions would we seek, certainly my understanding is that the intent of returning to negotiations around the JCPOA was to use that as a foundation to build toward a longer and stronger deal. Certainly there are any number of Iranian destabilizing activities in the region that are not covered by the JCPOA, to include their support for terrorist groups, militias, the proliferation of ballistic missile technology, UAV technology,

threats to freedom of navigation, all of which I think we should seek to address. I will say that —

Senator MANCHIN. [Inaudible.]

Ms. BAKER. I am sorry, Senator. I could not hear you.

Senator MANCHIN. Do you have any information? Do you have any thoughts on INSTC, which is what United Kingdom, Germany, and France have launched?

Ms. BAKER. Senator, I do not have any details on that. Certainly it is something I would be prepared, if confirmed, to look into with my interagency colleagues and get back to you for a longer discussion.

Senator MANCHIN. Okay. No problem. I understand. And here, this is for you again, ma'am, and I do not mean this to be personal at all. I am stating the facts here. You have a total of 10 years and 7 months of experience working as a Federal employee, with 1 year and 7 months inside the Department of Defense. What is concerning to me is the entirety of your career is based on partisanship. You have never worked for a Republican administration or a moderate member, that we can see, and this toxic atmosphere we are in right now it takes working across the aisle, understanding both sides.

So my question would be, tell me about any tangible experience that you believe demonstrates how you could approach this position from a nonpartisan stance.

Ms. BAKER. Senator, respectfully, I believe that I have demonstrated, in my career, an ability to work across the aisle in a bipartisan fashion, something I was very proud of as a Senate staffer here, working with this committee. I was also a nonpartisan career civil servant for a number of years. In addition to serving here in the Senate I have worked for national security principals that held a variety of views, to include former HASC Chairman Ike Skelton, former Secretary of Defense Ash Carter.

So, I do understand, Senator. I understand the concern, and I think it is a valid one. I believe that I have a track record that will enable me, if confirmed, to approach this role in a nonpartisan fashion, and that is certainly how I would intend to conduct myself.

Senator MANCHIN. Thank you very much.

Mr. Guertin, if you could—I share your vision for a renewed approach to evaluation and system performance within the program and development process. One of the areas I believe that we need to focus on is direct input and effects to the warfighter, especially as it relates to effectiveness on the battlefield.

The past week, my office spent a considerable amount of time with the staff from the WVU, West Virginia University, Rockefeller Neuroscience Institute, who lead the world in advanced neurological care.

So can you commit to scheduling a tour to the state-of-the-art facility with my staff and West Virginia University personnel who already are working with Marine Corps to potentially standardize the capability of the future test and development efforts? We just need you there.

Mr. GUERTIN. Senator, it sounds like a great opportunity. I am looking forward to meeting you there and learning about those things.

Senator MANCHIN. We would love to. It is unbelievable.

Final question to Mr. Bush. We share a significant amount of similarities when it comes to our future need to transition from an industrial age to an information age, approach to acquisitions, cybersecurity, and supply chain security. My fear, though, is that we will leave our small businesses further behind, than where they are currently, if we do not make a prioritized effort to bring them along.

So my question is, how will you shape future efforts to support small business against growing cybersecurity requirements? How are they going to be able to compete and maintain any type of viability?

Ms. BAKER. Senator, first of all, I would like to say I am proud of the Army's past track record, leading the Department in overall small business contracting. The specific issue you mentioned is a challenging one. The Department and the Army want more small businesses and more diverse businesses involved. However, we also have cybersecurity concerns.

Senator, I believe, like in other aspects of the small program, it is going to require partnership and the Department and the Services working with companies in developing ways to collaborate so that they can achieve the level of cybersecurity necessary to participate in bigger and bigger programs.

Senator MANCHIN. Thank you, and I thank all three of you. I appreciate your answer.

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

Senator ROSEN. Well, thank you, Chairman Reed, and, of course, Ranking Member Inhofe, and I want to thank all the nominees for being here today for your service and willingness to serve going forward.

And like Senator Manchin said, cybersecurity is so important. I have a number of bills to that effect, and we are going to talk about one of them today, because as our adversaries actively try to undermine our interests via cyberattacks, we have to continue to invest in cyber talent. That is going to increase our capabilities, allow us to defend forward.

So, this year's Senate NDAA, as reported out of this committee, includes my Civilian Cybersecurity Reserve Act, and it is bipartisan legislation I introduced with Senator Blackburn to create a civilian cyber reserve that ensures additional cyber capacity at greatest times of need.

So Ms. Banker, if confirmed, what are the steps that you would take to improve the cybersecurity posture of our most critical systems through workforce investments, because we have a lot out there? This need to be in line with both our National Defense Strategy and the President's budget request proposing significant growth of the cyber mission force. And more specifically, how would you use existing authorities, and potentially my act, to protect our critical assets?

Ms. BAKER. Senator, first let me say thank you for your leadership on this critical issue. As we have discussed here today, the cybersecurity of the Department systems is what will allow us to fight and prevail in a high-end contingency.

As I am sure you know, the Department has a cyber strategy that has three components. It requires the Department to be able to fight and win the nation's war in the cyber domain, to protect the Department of Defense information network, the DODIN, and then, of course, to protect the nation, and we do that, as you said, by defending forward.

If I am confirmed, I can commit to you that I will make a priority of developing new and agile concepts of operations and the cyber domain. I would work closely with my colleagues in the Services and elsewhere in the Department to ensure that we are appropriately resourced and that we have a workforce that is capable of operating in the cyber domain.

I have not, unfortunately, yet had an opportunity, Senator, to look at your legislation specifically, but certainly I think new and innovative ways of approaching the cyber challenge is exactly what is needed. And so, if confirmed, I will commit to looking into that and would welcome a chance for further conversation.

Senator ROSEN. Great. I will have you up to the office and we can talk about the Civilian Cyber Reserve Act. But I am glad you are talking about all the different postures you have, because I want to talk about the zero trust security model, because, you know, cyber threats exist both inside and outside traditional network boundaries. So earlier this year, the National Security Agency issued a cybersecurity bulletin entitled "Embracing A Zero Trust Security Model" and strongly recommends zero trust security be considered for critical networks, including national security systems, Department of Defense networks, and our defense-based, industrial-based systems.

And so the timeline for implementation and completion not yet known, but if confirmed, how would you use your position to encourage the DOD-wide adoption of the zero trust security model?

Ms. BAKER. Senator, if confirmed in this position I would certainly seek to ensure that our policies were in alignment. Certainly I take your point that there are cyber vulnerabilities that arise, both from without and from within, and we need to be prepared to manage both of those cases. I seek to work closely with the DOD-CIO, with the principal cyber advisor and others to ensure that we have the appropriate plans in place.

Senator ROSEN. Thank you. I appreciate that. And speaking of issues from without, we want to combat Iranian aggression, because Iran continues to be the world's leading state sponsor of terrorism and a threat to the United States and allied interests via its ballistic missile program and support for terrorist proxies like Hezbollah, including through conventional weapons sales. The combination of Iran acquiring advanced Russian and Chinese platforms and its transfer of arms to terrorist groups like Hezbollah poses significant conventional threats to United States personnel in the region and undermines Israel's voluntary military edge, or QME.

So Ms. Baker, again, I guess you could put this off the record—I am just about out of time—if confirmed, how would you work to combat Iranian aggression to our United States interests against rogue state actors like Iran and maintain our ally, Israel's, QME? And since I am out of time I am not sure there is someone after me, you can submit that in writing, please.

Ms. BAKER. Senator. Yes, absolutely, I agree with everything you said and I am happy to submit a longer answer for the record.

Senator ROSEN. Thank you. Thank you, Mr. Chairman.

Chairman REED. Thank you, Senator Rosen. Let me recognize Senator Kelly and thank him for his patience. Thank you. Senator Kelly.

Senator KELLY. Thank you, Mr. Chairman, and congratulations to each of the nominees and thanks for your willingness to continue to serve our nation.

My first question is for Mr. Guertin. I want to talk a little bit about the F-35. I have had a chance myself to fly the simulator, and as a former test pilot it is an impressive platform and I think it will serve the Navy, the Air Force, and the Marine Corps very well. And I am very honored that Arizona is going to continue to host F-35 squadrons at Luke and at Yuma Marine Corps Air Station.

But I am concerned that delays related to testing in the joint simulated environment have gotten off track in completing tests and evaluation and starting to get us towards closer to full rate production. Leveraging digital assets like these in testing and design is the way of the future. I am convinced of that. So, it is important that we get it right and apply the lessons we are learning now to future upgrades for the F-35 and the next generation fighter aircraft, NGAD and anything beyond that.

So could you give me an assessment of what you think the lessons are so far in what we have experienced with the testing in the joint simulated environment?

Mr. GUERTIN. So Senator, one of the things we need to be thinking about as we move forward into the future is a tighter alignment between modeling complex systems like the F-35. It has got a lot going on under the hood. Some things you are not going to be able to test operationally, all at the same time, in a threat-representative environment, so we need to be thinking about how we combine modeling and simulation of those environments with live physical testing.

The F-35 has been a great object lesson, use case, that we need to be taking full advantage of the lessons, both good and bad, and how we position ourselves in the future for taking advantage of those kinds of technologies as we build out these more and more complex systems as we move further forward into the future.

Senator KELLY. Part of the value of simulated testing is that we can examine, you know, both aircraft and weapons system performance in these complex scenarios that better approximate what we will face in combat. With that in mind, how important is it to incorporate cyber and space domains in these simulated tests?

Mr. GUERTIN. So Senator, it is critically important that the operational tests encompass all of the things that the weapons system will see when it is being used, which includes cyber. It is a big part of the problem, because you cannot use it if you are turned off before you get a chance to take advantage of it.

The other thing you did mention, though, that I wanted to park on is the opportunity to iterate on designs and take advantage of those digital twins and modeling environments so that you can explore how that system might be built better into the future.

Senator KELLY. And do you think this needs to also account for emergent capabilities like AI as well?

Mr. GUERTIN. Indeed it does, yes.

Senator KELLY. I just want to switch, in the remaining time I have here, Mr. Guertin, with you as well. You know, in modern warfare, as we all know, software can be important to our success, and as important as the hardware, the equipment. And software often advances much more quickly. You touched on this theme, I think, in your opening remarks. We are going to need to improve our ability to more effectively integrate rapidly changing software, and it is also one of the most challenging things we deal with, whether it is military hardware or space, you know, software, you know, reliability and testing and verification.

What have we learned from our efforts to incorporate more agile development practices with Block 4 upgrades to the F-35?

Mr. GUERTIN. Senator, I would not be able to talk about Block 4 specifically, because I have not been briefed on the details of it. But I do want to say that some of the systems I have worked on in the past, even going back to mid 1990s, to build these things so that they can evolve gracefully over time. In those early stages when we are using open architectures and submarine sonar systems, we thought we were totally knocking it out of the park by having annual updates. Today that might not be fast enough, depending on the product, and it certainly is not fast enough for a lot of the things we hold and use in an everyday life.

So, we need to be thinking about how do we, you know, shift left in terms of our understanding of how things are built, but also be responsive and fast on our feet when it comes to being responsive to the users' needs as they would use them in an operational context in the joint force.

Senator KELLY. Well, thank you, and I look forward to working with you and your office as we get these new weapons systems fully evaluated and tested, through OT&E and out to the fleet. Thank you.

Mr. GUERTIN. Thank you, Senator.

Senator KELLY. Thank you, Mr. Chairman.

Chairman REED. Thank you, Senator Kelly, and I want to thank the witnesses for their thoughtful testimony and their statements and their commitment to public service. And with that I will adjourn the hearing. Thank you very much.

[Whereupon, at 11:22 a.m., the Committee adjourned.]

[Prepared questions submitted to Mr. Nickolas H. Guertin by Chairman Reed prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES AND QUALIFICATIONS

Question. Section 139 of title 10, U.S. Code establishes the position of the Director of Operational Test and Evaluation in the Department of Defense. The law provides that [t]he Director shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of the office of Director.

What is your understanding of the duties, functions, and authorities of the Director of Operational Test and Evaluation (DOT&E)?

Answer. The duties for the DOT&E functions stem from Title 10, Section 139 and 236, and are refined through DOD Directives and Instructions. I understand that if confirmed, I would serve as the principal staff advisor to the Secretary of Defense for operational test and evaluation within the Department. I would also be required to provide Congress with an annual report summarizing the activities associated with operational test and evaluation. This report would include recommendations on associated resources to include facilities and funding. Matters concerning budget recommendations related to operational and live fire test and evaluation will be provided to the Secretary of Defense as well. Reporting would also include Beyond Low-Rate Initial Production reports, Early Fielding reports for systems that fall into the category of urgent need and would be deployed before completion of initial operational testing, Live Fire reports and also to respond to any request from Congress. If confirmed, I also would be responsible for crafting and implementing policy for operational test and evaluation and to provide oversight of operational testing of defense programs that meet specific thresholds (e.g. Major Defense Acquisition, Major Automated Information Systems) and programs that I would designate. Policy and procedures that I would be responsible for would include the conduct of live fire test and evaluation for monitoring, reviewing, and reporting on all operational and live-fire test and evaluation within the Department. I would also be responsible for coordinating joint operational testing.

Question. What experience and expertise do you have that qualify you for appointment to this position?

Answer. I have a combination of technical and organizational change experiences that I feel give me the range of expertise to, if confirmed, bring the Departments OT&E efforts further forward into the future. I have four decades of operation, development, testing and organizational transformation experiences across a wide array of technologies and warfighting domains to leverage into this position. On the technical side, I have performed systems engineering for sensors, weapons, combat management and information technologies. I have also led prototyping initiatives for air, ground, and sea-based systems. Across all of these experiences, testing and coordination across technical disciplines and stakeholders had long been a central tenet. My experience in program management and change transformation related to the improvement of Defense acquisition may prove to be my most valuable asset especially in the areas fielding software-intensive systems that were built to change and improve over time. More recently, while at Carnegie Mellon University's Software Engineering Institute, I learned a great deal about how to architect and develop systems, including the automation of testing and integration of artificial intelligence and machine learning to create robust, reliable, testable, and sustainable products that will evolve over the life of a program.

Question. What recommendations, if any, do you have for changes in the duties, functions, and authorities of the DOT&E?

Answer. If confirmed, I will work with the DOT&E team to examine how we are addressing the evolving aspects of system development, both in the tools used to build the products and the capabilities being delivered to the warfighter. The nature of engineering, modeling, simulating, validating, and testing these systems is changing rapidly, and the operational test and evaluation community must both change to where we are today and ensure we have an organizational framework to continuously evolve. Testing the way we fight in the future will require evolutionary and revolutionary changes from where we are now. This will require teamwork throughout DOD, and with the Services and Agencies. It will require increased reliance on state-of-the-art test infrastructure and tools, and a well-trained test and evaluation workforce that embraces constant change as a core equity in order to support faster and more effective evaluation of complex, interconnected systems in a joint, multi-domain operational environment. It will require reliance on innovative methods like credible virtual environments and modeling and simulation tools to complement on-range and laboratory testing. If confirmed, I am committed to working closely with Congress, the Secretary of Defense, our research and engineering community, acquisition programs, and the Services so that together, we can most effectively deliver capability to the Joint Force.

MAJOR CHALLENGES

Question. In your view, what are the major challenges that you would confront, if confirmed, as the DOT&E?

Answer. The next DOT&E will be challenged to help the Department ensure that the way we test our systems accurately reflects the way we will use them to fight. The adversary often tests, learns, and iterates faster than we do. To win in conflict and to deter adversaries from initiating conflict, we must outpace them in every as-

pect of our developmental and operational investments and processes in every warfighting domain. We will be challenged to test, especially against cyber threats, and use next-generation technologies, such as autonomy and artificial intelligence-enabled equipment, in our warfighting systems. The Department must build a workforce that is ready to leverage the incredible amount of innovation that exists across this Nation, and to work collaboratively with the commercial and defense industries, universities, FFRDCs and UARCs, and allied partners.

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

Answer. I believe it is important to determine what efforts are already under way in the Department and to assess existing manpower, including the staff of DOT&E and the test and evaluation (T&E) partners within the office of the Under Secretary of Defense for Research and Engineering (USD(R&E)) (including the Defense Advanced Research Projects Agency), the office of the Under Secretary of Defense for Acquisition and Sustainment (USD(A&S)), and the Services. If confirmed, I will renew the strong working relationships among these organizations so that we can break down more barriers, identify and reduce redundancy, increase integration, and forge a workforce for the future.

Question. If confirmed, what broad priorities would you establish and how would you measure progress in achieving these priorities?

Answer. In addition to building a T&E coalition in the Department and with our allies, I would seek to address the continuous competing priorities between program resources and test adequacy. As stakeholders place more value on test, the more they will incorporate mission-based, operationally relevant T&E activities earlier in the acquisition process. I would seek to bolster the adequacy of test programs by ensuring software and cyber T&E occur iteratively and incrementally throughout the life cycle, and not just during OT&E events. I believe that digital technology, including strategic use of modeling and simulation, should be used much more frequently to transform the testing of software-intensive and cyber-physical systems from linear, serial processes to iterative, incremental processes that build a body of evidence over time usable for operational assessments and evaluations.

RELATIONS WITH CONGRESS

Question. If confirmed, what actions would you take to sustain a productive and mutually beneficial relationship between Congress and the DOT&E?

Answer. If confirmed, I commit to working collaboratively with Congress and Department of Defense oversight Committees and responding to congressional requests in a timely manner. This includes informing Members and their staffs of critical updates and results of operational test and evaluation (OT&E) efforts in a timely and transparent manner. I commit to providing my independent and objective assessments, and will strive to maintain a strong relationship with Congress as DOT&E.

Question. If confirmed, specifically how would you leverage your unique and independent access to Congress better to provide technical and program information in support of this Committee's legislative and oversight processes?

Answer. Serving as the Director, Operational Test and Evaluation rightfully demands close coordination and consultation with Congress. Independence and impartiality are paramount to executing that mission, and if confirmed, I assure the Committee that I will serve as a partner with Congress, providing clear assessments of technical demands and programmatic efforts both in response to oversight requirements, and in support of legislative processes.

INDEPENDENCE AND OBJECTIVITY

Question. Congress established the position of DOT&E as an independent and objective lead for test and evaluation across DOD, including test and evaluation relating to major defense acquisition programs. Section 139 of title 10, U.S. Code, provides that "[t]he Director [of Operational Test and Evaluation] shall consult closely with, but the Director and the Director's staff are independent of, the Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Research and Engineering, and all other officers and entities of the Department of Defense responsible for acquisition."

If confirmed, what specific steps would you take to ensure that your evaluations are wholly independent and objective?

Answer. Independence and impartiality are paramount to executing the mission of Director, Operational Test and Evaluation. I assure the Committee that, if confirmed, I will rely on my technical and operational background to determine the adequacy of proposed test plans, relying on the scientifically validated and appropriate tools and methods to ensure their efficiency and operational credibility. I will

look for evidence that modeling and simulation tools used to support an evaluation were adequately validated and accredited for their intended use.

I will follow the data and employ proven data analysis tools to draw conclusions, but will consider alternate findings and interpretations to ensure the quality of my own assessments. Every conclusion I make will be defensible and will accurately reflect observed performance. I will seek out the most technically savvy workforce, and will continue to coordinate with USD(R&E), USD(A&S) and other DOD entities responsible for acquisition to ensure that we collectively deliver the best weapon systems to the warfighter.

Question. If confirmed, what specific steps would you take to ensure that the assessments of major defense acquisition programs you provide to Congress are candid and complete?

Answer. If confirmed, my assessments will be based solely on the data collected during operational and other appropriate testing. I will ensure that the information collected has been adequately analyzed, and that all assumptions and test limitations were considered and are reflected in the final assessment. I intend to let the facts speak for themselves. I will not let demonstrated good performance overwhelm revealed limitations, and vice versa. I will be balanced, neutral, and non-judgmental in my assessments; and without exception, my assessments will cover all of the facts revealed by adequate operational testing. So that my assessments are complete and defensible and accurately portray system performance, I will ensure that test plans will provide the data necessary for authoritative and operationally meaningful evaluations.

Question. Section 2399 of title 10, U.S. Code, establishes certain requirements regarding the impartiality of contractor testing personnel and contracted-for advisory and assistance services used with regard to the test and evaluation of a system.

If confirmed, how would you ensure the independence and impartiality of contractor testing personnel and contracted advisory and assistance services, including when employing personnel from federally Funded Research and Development Centers (FFRDCs)?

Answer. DOT&E relies on heavily on FFRDC partners, in particular the Institute for Defense Analyses (IDA). I have confidence in IDA's impartiality and integrity but, if confirmed, would be sure to emphasize to its director and division leads my expectations for completely unbiased, professional comportment and products. I would take the same approach with any FFRDC. In addition, I would continue the practice of having a DOT&E civilian review and approve all FFRDC activities and material.

Title 10 already sets the standard for use of contractor personnel in OT&E. If I were to avail DOT&E of the waiver authority granted in Section 2399 paragraph (e)(2), I would ask the DODIG and OGC to recommend what steps to take to ensure the impartiality and ethical participation of those personnel.

OPERATIONAL TESTING ISSUES

Question. If confirmed, how would you manage disagreements with other elements of the Office of the Secretary of Defense and/or the Military Departments and Services, that seek to progress or approve programs, notwithstanding the results of operational testing that suggests further development, testing, or technical and engineering work is required?

Answer. I believe in open and honest communication, transparency, and data-driven conclusions. If confirmed, I will forthrightly provide assessments of all systems under oversight that have undergone some level of operational testing. These assessments will be independent and reflect my evaluation of the data revealed by testing. I will ensure that other elements of OSD and/or the Military Departments and Services fully understand the underlying data and analyses that led me to my conclusions. If disagreements arise, I will listen to all counterpoints to ensure the quality and strength of my conclusions. As the warfighter's unbiased, objective representative, I will always share my findings and data analysis with the Congress, and the Secretary and Deputy Secretary of Defense.

Question. In your view, to what extent should the DOT&E evaluate system capabilities and testing results against formal requirements established in the program? Please explain your answer.

Answer. Formal program requirements are necessary as they focus system development, influence program decisions, and provide contractual specifications. It is important to understand how delivered capabilities measure against these requirements, but operational effectiveness ultimately depends upon how well a unit equipped with the system accomplishes its mission. Ideally, these two would coin-

cide, but that is not always the case. Such divergence occurs most frequently when formal requirements do not reflect real-world operational metrics.

As an example, the Joint Light Tactical Vehicle met its key performance parameter (KPP) for payload. However, that KPP focused on weight, and did not take into account physical space inside the vehicle, or the quantity of mission-essential equipment and supplies necessary for long-duration tactical missions. Operators were thus forced to store items in locations that were unsuitable for mission accomplishment. As a result, DOT&E concluded that, while JLTV satisfied the payload KPP as written, the vehicle could not accommodate operational reality; overall vehicle performance and reliability would be degraded.

If confirmed, I would objectively evaluate systems against both their formal requirements, and seek to ascertain whether a unit equipped with the system under test can accomplish the intended mission. Both factors must be considered to determine operational effectiveness, suitability, survivability, and lethality.

Question. In your view, when evaluating system capabilities and testing results for new system, to what extent should the DOT&E consider the capabilities of deployed, legacy systems that the system undergoing testing is designed to replace? Please explain your answer.

Answer. DOD Directive 5000.01 provides clear guidance on this matter: “The acquisition system will be designed to acquire products and services that satisfy user needs with measureable and timely improvements to mission capability, materiel readiness, and operational support, at a fair and reasonable price.”

Inherent in delivering measureable improvements in comparison to legacy systems. Such comparisons are essential to determining whether: 1) the new system provides greater mission capability; 2) the new system’s performance equals that of the legacy system, but it improves other elements of the effective-suitable-survivable-lethal metric by, for example, reducing operator workload or easing the sustainment burden (reliability, availability, maintainability); or 3) the new system performs equally well, but its design enables capability expansion and augmentation.

If confirmed, I intend to continue the practice of comparing new capabilities to the legacy capabilities they are supposed to replace.

Question. In your view, to what extent should the DOT&E evaluate system capabilities and testing results against known or expected threats the system will face across its lifetime while in operational use?

Answer. Combat credibility is the benchmark for DOT&E’s assessment of new and evolving systems and platforms. Our capabilities must allow our warfighters to bring game-changing technologies to the fight, and to succeed and survive against the actual kinetic and non-kinetic threats that they will face, including cyber. The only way to determine whether our capabilities can do that is to test them against the threats that the systems are designed to address. This applies to how systems are modified to credibly address evolving threats.

This means that the Department must address how operational T&E and live-fire T&E will provide adequate oversight for evolving capability delivery. This includes addressing revolutionary and evolutionary changes to methods and processes associated with an evolving T&E infrastructure, including threat emulation and simulation, tools, and processes. DOT&E should ensure that operational testing represents the real-world conditions and scenarios warfighters will face. It will be difficult to determine the effectiveness, suitability, survivability, and lethality of our weapon systems—and create the opportunity to remedy deficiencies prior to actual combat—without a realistic and evolving T&E enterprise.

Question. In your view, how should the DOD design testing environments to mirror perceived denied and degraded environments? What benefit would such testing design yield the testing and evaluation (T&E) process?

Answer. Our military cannot successfully deter or win wars without the ability to operate in all domains and environments, including denied and degraded. Our testing must realistically represent those environments and include accurate threats so that we can understand the capabilities and limitations of our weapons systems. For testing that accurately replicates denied and degraded environments, DOD needs facilities that permit live, “open-air” events, as well as robust, validated, and accredited modeling and simulation venues in which real operators are the testers. Both data sets are critical for our operational forces to develop the right tactics, techniques, and procedures, and for our acquisition system to correctly prioritize fixes and improvements to our weapons systems.

Question. In your view, to what information must DOT&E have access to support testing, and who is (and should be) responsible for obtaining and maintaining access to that information?

Answer. DOT&E should have full access to all data and information needed to support adequate test and evaluation of programs under oversight, or to determine if a program should be placed under oversight. This information includes system design data, requirements data and their rationale, concepts of operations and concepts of employment data, acquisition strategy data, and decision timelines (in order to adequately plan the tests needed to support those decisions).

DOT&E also needs access to data that may affect the test and evaluation program, such as test and evaluation resource shortfalls, test asset or test range limitations, and known system design deficiencies. To ensure T&E program efficiency, DOT&E should have access to all test data and information that would help scope the next testing phase. DOT&E also must have access to the assessed accuracy, limitations, and assumptions associated with any modeling and simulation tools that are used to evaluate weapon system performance, particularly during OT&E phases (initial and follow-on). DOT&E should receive all raw artifacts and processed data as soon as they are collected in order to start independent data analysis, and to inform all decisions in a timely fashion.

Question. If confirmed, what specific steps would you take to promote encourage information sharing among testing communities, program offices, and contractors?

Answer. If confirmed, I will be very transparent about my expectations and the data I need to execute my Title 10 responsibilities. I will review my expectations and their rationale with the test community, program offices, and contractors, and will offer to work with them to develop the most robust T&E program for the warfighter. I will offer analytical support and advocacy to resolve test and evaluation challenges presented to the test community, program offices, and contractors. I also will encourage and enhance the concept of agile, integrated testing and evaluation, as well as the use of digital technology tools, to make T&E part of the overall digital ecosystem, which will inherently promote information sharing. I will work on building trust with all T&E stakeholders to further promote collaboration and teamwork, and facilitate progress at faster rates.

Question. Communications interoperability has been a challenge for the DOD for several decades.

If confirmed, how would you plan to construct test environments to ensure interoperability of command and control systems for the Joint force?

Answer. It is my understanding that the available test infrastructure is not currently robust enough to meet the demands of realistic testing in a joint command and control (C2) environment. Security and safety restrictions that limit electronic warfare against communications and data links, along with commercial spectrum limitations, also constrain testing. The Department needs to invest more heavily in range infrastructure that enables linking open-air results with operationally representative virtual and constructive test venues designed to assess the interoperability of joint C2 systems, including the Joint All-Domain Command and Control concept and supporting Service efforts.

Question. In your view, does DOT&E need to modernize or reform its approach to planning for, executing, and assessing weapons system operational effectiveness, suitability, and survivability? If so, in what areas are reforms most needed?

Answer. I believe that DOT&E needs to modernize, and in some cases reform, its approach to T&E planning, execution, and data analysis. This is will be necessary given the development of increasingly complex weapon systems that are highly interconnected and adaptive, and the rising complexities of the multi-domain operational environment that changes rapidly in both space and time. For example, software and cybersecurity T&E need innovative tools to improve efficiency and operational realism, and to meet the exponentially growing demand for such testing. DOD must pursue the development of credible digital environments, digital models, and data architectures to store, share, and best utilize test and evaluation data across all stakeholders. The use of the latest advances in science and technology should be leveraged to improve the way OT&E captures and analyzes the volumes of data. The Department needs new tools and methods that promote integrated testing and evaluation, and optimize the benefits of all data captured across the acquisition cycle. These points all lead to a need to examine the way we train and prepare our T&E workforce for the future, to infuse new techniques and training for using the related tools and technologies that will be required going forward.

Question. In your view, what additional T&E initiatives would best position DOT&E to support digital transformation and modernization of warfighting capabilities and concepts in multi-domain environments? What resources would be required to effectuate these initiatives?

Answer. Digital transformation and modernization of warfighting capabilities and concepts in multi-domain environments require enterprise-level solutions and coordination across USD(R&E), USD(A&S), the Intelligence Community, the Services,

the Joint Staff, and Combatant Commanders. If confirmed, I will seek to coordinate an effort to identify the requirements and resources needed to develop an adequate representation of the multi-domain operational environment, which will depend on the adequacy of the virtual environment and digital twins of our systems, their interoperability, and expected threats. I will evaluate the development and credibility of digital twins and the feasibility of requiring digital twins early in an acquisition program to inform T&E plans and reduce overall risk. I will work with USD(R&E) to build upon their digital engineering initiatives, to include the development of a digital ecosystem and the data architectures needed to adequately store, access, and then analyze T&E data, the management of which is critical to the transformation of T&E efforts.

TEST AND EVALUATION FUNDING

Question. Concern over long-term support for and viability of the Department of Defense's test ranges and facilities led to the creation of the Defense Test Resource Management Center in 2002, as well as a requirement for direct funding of T&E facilities. Yet, almost 20 years later, concerns about test ranges and facilities remain.

Do you believe that the Department's T&E capabilities, including infrastructure and workforce, are adequately funded? Please explain your answer.

Answer. Though I am not currently fully privy to the condition of DOD's T&E enterprise, it appears that the department's T&E capacity, agility, and expertise are insufficient given the scale, frequency, and depth of testing necessary for the types of systems and threats expected (e.g., software-intensive, autonomous/artificial intelligence-enabled, offensive and defensive cyber, space, and electromagnetic spectrum) in the current and predicted multi-domain operational environment. Adaptive acquisition framework initiatives, which focus on quick delivery to the field of incremental capability, further exacerbate T&E shortfalls.

Moreover, our potential adversaries are improving and adding capabilities faster than DOD's test infrastructure and workforce can adapt and realistically replicate them. Those adversaries appear not to have the same level of concern or can take short-cuts about the safety of those systems and the appropriate operational use in a kinetic environment. Together, we hold our programs to higher standards. The complexity of integrated air defenses, space and cyber threats, cognitive threats, hypersonic threats, directed energy weapons, and various combinations thereof requires modernization of T&E infrastructure. If confirmed, I will continue DOT&E's working relationship with the Test Resource Management Center, and support them as necessary, as they carry out their responsibility of assessing the adequacy of the Department's T&E capabilities, including infrastructure and workforce.

Question. Do you believe that the Department's current T&E capabilities in the aggregate including infrastructure and workforce, are adequate to perform the full range of test and evaluation responsibilities of Department weapons systems and equipment?

Answer. I am not currently briefed on or have full knowledge of the conditions of the T&E enterprise, but it would appear that the Department's T&E capabilities may be out of date and if so, should be modernized to represent and capture the complexities of the operational environments of today and the future. Of particular importance is the sufficiency of T&E capabilities for emerging areas to support the testing of hypersonic systems, as well as the testing of all systems in contested electromagnetic spectrum, cyber, and space domains. The ability to adequately replicate adversarial threats and targets in both fidelity and realistic quantities is also a challenge.

To keep pace with emerging technologies and adequately test and train U.S. and coalition partner forces in projected multi-domain operational environments, the Department must make significant, and steady, investments in T&E infrastructure and the workforce. If confirmed, I will work with the Test Resource Management Center and the Service T&E executives concerning the prioritization and funding of modernization efforts.

Question. In your view, how effective has DOD been in accurately projecting future test facility resource requirements and budgeting for these needs? How would you improve these processes, if confirmed?

Answer. In my opinion, accurately projecting future test facility resource requirements and budgeting for these needs is essential to conducting adequate operational and live fire testing, and determining operational effectiveness, suitability, and survivability. If confirmed, I will collaborate with USD(R&E), the office of Cost Assessment and Program Evaluation (CAPE), and the Service T&E executives to review the State of our facilities and adequately prioritize investments. This process will

include identifying opportunities to leverage existing capabilities, and developing an investment strategy that keeps pace with our adversaries who have steadily invested in their T&E infrastructure over the last two decades.

Question. If confirmed, how would the sufficiency of investments in test resources and workforces factor into your review and approval of proposed test plans and schedules for acquisition programs?

Answer. Human and financial resources are key factors in determining the adequacy of Test and Evaluation Master Plans (TEMPs) and test plans. These resources must be clearly defined and maintained throughout the development and acquisition cycle to ensure that operational and live fire OT&E are adequate. If confirmed, I will closely review individual programs' planned test budgets and personnel for sufficiency. Additionally, in coordination with CAPE, I will annually assess the adequacy of available T&E resources to execute test plans as agreed. I will leverage

the Department's data management strategy to ensure adequate data are collected to support such analyses. I will inform senior DOD leadership and Congress of test resource and workforce shortfalls so that they can be addressed in an operationally relevant and timely fashion.

Question. In your view, should adjustments be made in the regulations and policies that govern the allocation of testing costs to test customers?

Answer. Existing regulations and policies have been in place for many years. I believe a review is needed to accurately establish how test costs are allocated to customers, and whether the policies and funding processes the Services are required to use are still the most effective and efficient ways to support T&E.

I also understand that DOT&E recently commissioned the National Academies of Sciences, Engineering, and Medicine (NASEM) to independently review the adequacy of DOD test ranges and capabilities. If confirmed, I would seek to understand the recommendations made by NASEM in this report, as well as the recommendations of any similar reports, and make all appropriate recommendations to the Secretary and this Congress on any potential revisions to existing regulations and policies that would promote more efficient and thorough OT&E.

DATA

Question. If confirmed, what initiatives would you undertake to ensure that the Department of Defense collects, maintains, and provides appropriate access to appropriate personnel for all relevant data derived from the development, testing, and operational use of systems and platforms to support acquisition, testing, and operations?

Answer. As the Department transforms digitally, we must make data visible (so we can easily locate it), accessible (so we can retrieve it when needed), traceable (so we can link conclusions to data sources), secure (so we can rely on it) and integrated (so we can track our performance and collaborate).

While DOT&E does not produce test data directly, the OT&E community does own a vast amount of information related to historical weapons systems performance. If these data were accessible and in a consumable format, they could be more effectively utilized to inform new programs of record; to improve our ability to identify, quantify, prioritize, and estimate DOD system vulnerabilities; and to help set future requirements. Advanced analytics capabilities for large data sets, in particular, have the potential to reduce T&E cost, time, and operational risk by identifying the highest risks in lethality and survivability during the test design phase, and by accelerating the evaluation phase.

If confirmed, I will work in partnership with A&S, CDO, and CFO, to ensure that DOT&E is both able to consume and provide data associated with T&E to support my role in informing other senior decisionmaking activities.

OFFICE OF THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION

Question. In April 2021, the then-Acting DOT&E testified that the office faces numerous workforce challenges, including a limited number of civilian staff responsible for program oversight, and limited expertise in important emerging technology areas and in the use of advanced digital tools.

If confirmed, how would you improve the operational testing workforce, particularly in light of the growing numbers of new technologies embedded in weapon systems and the desire to speed the acquisition and deployment of systems to the battlefield?

Answer. People are our greatest asset, and the Department must continue promoting a culture of innovation and learning. It would be worthwhile to conduct a T&E workforce analysis to identify current and future military and civilian skillsets

and gaps, and unique expertise requirements. If confirmed, I will seek to develop hiring and training objectives to fill any identified needs. As part of that process, I will work with USD(R&E) and USD(A&S) to refine, adapt, and develop new education and training curricula in specific technical areas, including cybersecurity, artificial intelligence, machine learning, data analytics, modeling and simulation development, and advanced scientific test design and analysis methods; and to create and execute a plan to deliver continuous and structured training to the workforce. I will advocate for detailee and rotational assignment opportunities within the T&E community, and identify avenues for recruitment of the future workforce, such as internships and memoranda of agreement or understanding with government laboratories, other agencies, academia, and industry.

Question. If confirmed, how would you determining the correct mix of government, military, and contractor personnel necessary to meet the missions of the Office of the DOT&E?

Answer. If confirmed, I would review the DOT&E portfolio, scope, and workload to ensure that we are adequately positioned to meet the Secretary's priorities and fulfill the Department's strategic initiatives. I would identify the competencies and skills needed to meet current responsibilities and future requirements given the rise of emerging technologies, the complexity of the operational environment, and the demands of adaptive acquisition framework initiatives. I believe DOT&E will need a balanced mix of government, civilian, and contractor personnel to achieve these objectives. The number of personnel and types of skills should be based on the complexity and scope of DOT&E's oversight portfolio, ensuring we can keep pace with the acquisition community, our adversaries, and the operational environment.

Question. In your view, could the Office of DOT&E benefit from any unique personnel authorities, such as those available to DARPA, medical personnel, service academies, or defense laboratories, to attract, recruit, and retain the workforce needed to perform designated missions? Please explain your answer.

Answer. It is my understanding that DOT&E regularly utilizes direct hire authority (DHA) to minimize mission disruption, and to ensure that civilian billets are filled quickly by personnel with the right expertise. These DHA provisions include Sections 1101, 1125(b), 1599(h), 1643, and 1109 in 63 percent of all GS hiring actions. DOT&E was leveraging the authorities in Sections 1125(b) and 1109; however, the temporary Section 1125(b) authority expired on September 30, 2021, leaving only Section 1109 authorities. If Section 1109 were terminated or allowed to expire on September 30, 2025, it is my understanding that DOT&E would no longer have access to any DHAs. If confirmed, I would welcome unique personnel authorities to attract, recruit, and retain the very technical workforce who must also have a detailed understanding of the DOD mission, a combination that is hard to find.

Question. In your view, could the Office of DOT&E benefit from any special acquisition or management authorities to more effectively and efficiently perform its designated missions?

Answer. Based on my current knowledge of DOT&E, I do not yet see a need for special acquisition or management authorities at this time. If confirmed, I will reassess with my staff and the USD(A&S) and USD(R&E). If we determine changes are needed, I will provide my best recommendations to the Secretary and the Congress.

OPERATIONAL TEST AGENCIES

Question. Operational Test Agencies of the Military Services are tasked with conducting independent operational testing and evaluation of acquisition programs. Recent demands on these organizations have increased to meet rapid acquisition initiatives, to demonstrate joint and advanced concept technology programs and commercial technologies, and to evaluate information assurance, information operations, and joint T&E requirements.

How would you propose to arbitrate shortfalls between program managers' limited funding and operational test agencies' independent test requirements?

Answer. Test and evaluation must be funded adequately from a program's inception. The Test and Evaluation Master Plan (TEMP) documents the T&E funding profile and timeline, and all relevant parties—DOT&E, the program manager, and the operational test agency—agree to that TEMP early in the program's life cycle. When the time to test arrives, Operational Test Agency requirements should never be a surprise, and all Service and agency resource and program managers should have allocated an appropriate amount of funding.

Question. Do you have any concerns about the "actual" independence of the operational test agencies? Please explain your answer.

Answer. I have no concerns regarding OTA independence. The Director, Operational Test and Evaluation approves all test plans, and DOT&E and the OTAs

independently evaluate the data collected during OT&E events. I am confident that the OTAs understand their role as the warfighter's representative and are committed, with DOT&E, to providing unvarnished assessments of system performance.

Question. Should policies and procedures governing the activities of the operational test agencies be standardized across the Department of Defense, in your view?

Answer. Where commonality exists, I believe that OTAs and DOD would benefit from standardized policies and procedures. Data formatting, collection, storage, analysis, and dissemination is one category of T&E activity that should be standardized. Doing so would allow DOD organizations access to others' data, and glean relevant information and lessons—which, today, often are inaccessible—to strengthen T&E efficacy and potentially reduce the time needed to conduct an adequate test. However, each Service has unique systems to test. A fair amount of flexibility and Service-or program-specific customization is therefore necessary. I will strive to seek a balance between maximizing standardization at the enterprise level, without introducing inefficiency into our programs.

OPERATIONAL AND DEVELOPMENTAL TESTING IN THE ADAPTIVE ACQUISITION FRAMEWORK

Question. The Department of Defense recently implemented its Adaptive Acquisition Framework, which uses a series of six pathways, each designed for the unique characteristics of the capability being acquired. With the new framework, DOD encourages the use of Integrated T&E.

In your view, what value is provided to the department by the operational T&E community providing input into developmental testing?

Answer. When conducted in a program's early stages, and when adequately resourced across the acquisition cycle, operationally realistic T&E offers a unique opportunity to identify and correct deficiencies before the system matures. Typically, the later issues and solutions are identified, the more complex, expensive, and time-consuming the fixes are to implement. Early problem discovery may allow the program to better manage cost and schedule. Most importantly, addressing problems early in the T&E process mitigates the risk of discovery during operational test, after the system is in the field, or, worse, in combat.

By sharing OT&E feedback, the Program has an opportunity to development the system in a manner that allows OT&E to effectively and efficiently conduct its testing. This creates an OT&E event that ensures the system's capabilities with minimal resources in the most condensed timeline practical.

Question. How, in your view, should the Department determine the appropriate point in concept development of a new acquisition program for incorporation of T&E planning and the integration of testing requirements?

Answer. In November 2020, DOT&E and USD(R&E) co-wrote DOD Instruction 5000.89, Test and Evaluation. It codified what I believe to be true: if done correctly, integrated testing provides greater opportunity for early identification of concerns, allowing system design to be improved sooner, and potentially, allowing the engineering and manufacturing development phase to proceed more efficiently.

At the inception of a program, this policy instructs the program manager to charter an integrated test planning group early, allowing empowered representatives of test data producers and consumers (including all applicable stakeholders) to ensure collaborative development of a robust, efficient testing strategy that supports systems engineering, evaluations, and certifications throughout the acquisition life cycle. Conducting critical test activities earlier will enable the program manager to discover and remediate problems while the system is still in development, and likely avoid costly redesigns late in the acquisition life cycle.

This DODI is a step in the right direction but may require additional improvements to optimize the benefits of this concept. For example, I believe that planning the aggregate test and evaluation program from the beginning (with developmental and operational objectives in mind) in a digital ecosystem would enable use of all available data and test events, avoiding redundancies while promoting early discovery.

Question. What steps, if any, do you believe the Department should take to ensure that testing takes place early enough in the program cycle to identify and fix problems before it becomes prohibitively time-consuming and expensive to do so?

Answer. I firmly believe in the value of developmental testing and wide application of automation in testing. It is essential, however, that the rigor of developmental testing match the rigor of operational testing in order to ensure that operational testing is as efficient and effective as possible. Augmenting the authorities for developmental test oversight and placing more programs under developmental

testing oversight would improve developmental T&E execution and, ultimately, acquisition program outcomes.

Question. In your view, are there periods throughout the operations and sustainment portions of a program's life cycle where operational testing needs to be used to ascertain system effectiveness and suitability, given changing technologies and threats? Please explain your answer.

Answer. Yes. Today, the threat landscape changes very rapidly. When it comes to cyberattacks against both networks and individual, software-dependent platforms, our adversaries' skills and tools improve as frequently as every few weeks. At the same time, DOD more often adds capability not by fielding an entirely new system, but by upgrading an existing platform's software or a few of its individual components. These two factors mean that we must periodically update our assessments of effectiveness and suitability so that decisionmakers and warfighters understand the performance and limitations of the systems in actual use against the threats we expect them to face today and tomorrow, not last year or last decade. Just as the product is updated incrementally, the OT&E assessments should be performed in an incremental fashion where possible, so as to keep pace with the speed of relevance in getting capabilities in the hands of the warfighters. We must move to enable continuous monitoring of capabilities wherever we can to be on par with commercial systems and facilitate a rapid flow of knowledge and an associated dynamic assessments of systems.

Question. If confirmed, how would you balance the tradeoffs between rapid deployment of new capabilities and the need to ensure that deployed capabilities are operationally effective and suitable?

Answer. If confirmed, I will defer to the Services and the Combatant Commanders to ascertain the operational need of a specific capability. By implementing the strategies contained within the DOT&E Science and Technology Strategic Plan, the Department will be postured to ensure that these fielding decisions are made with an understanding of the operational effectiveness, suitability, and survivability that the capability brings to the operational force. It would be my responsibility to ensure that DOT&E regularly engages with the Joint Requirements Oversight Council, Service Secretaries, and acquisition executives to better understand the desired capabilities and fielding timelines, and to conduct independent assessments.

Question. If confirmed, what changes in DOT&E policies, processes, and practice to help DOD achieve its goal of timely delivery of weapon systems, while still ensuring that weapons are safe, effective, and lethal?

Answer. If confirmed, I will review existing policies, processes, and practices and identify opportunities to help meet operational demand without compromising our understanding of the capability headed to the field. I will advocate for modernization of T&E methods that will allow us to mitigate risks in test and the field, and adequately evaluate the performance in operationally relevant and realistic conditions.

ADAPTATION OF T&E TO EVOLVING ACQUISITION STRATEGIES

Question. The current Acting DOT&E has praised some Middle Tier Acquisition programs for incorporating integrated testing approaches, while acknowledging the stress that these rapid test-fix-test cycles have put on operational test agencies and developmental test organizations—in major part because of the resource constraints these agencies and organizations regularly experience.

If confirmed, how would you propose to achieve an appropriate balance among the desire to reduce acquisition cycle times, T&E resource demands and constraints, and the need to perform adequate testing and evaluation?

Answer. I believe a shorter overall acquisition process is necessary to deliver capability to the warfighter at the speed of relevance, but it cannot come at a cost of unexpected and unaccounted for weapons systems performance in combat. Neither DOT&E nor Congress should relinquish its oversight role, regardless of acquisition model. If confirmed, I would not shy from placing Middle Tier Acquisition (MTA) programs under DOT&E oversight, if necessary.

To ensure that capabilities obtained under MTA authorities are assessed appropriately, DOD should direct the Services and Agencies to execute integrated T&E programs that fully leverage mission- and model-based approaches, transformative digital technologies, and other innovative T&E tools and processes. The Department also must fund the formation of a more robust T&E workforce, with both more full-time in-house personnel and access, on demand, to experts in cutting-edge fields from academia, FFRDCs and the commercial sector.

If confirmed, I will engage with Service leadership, system developers, and developmental and operational testers to develop a test and evaluation strategy appro-

appropriate to the program, system, or capability that will: 1) effect the discovery of problems early in system development; 2) verify desired system functionality; and 3) facilitate planning and execution of adequate operational demonstrations of required capabilities, which must validate achievement of the intended capability and inform the decision whether to transition from a Rapid Prototyping effort to a follow-on program or, in a Rapid Fielding program, to start initial production.

Question. What requirements and criteria would you propose to ensure an effective test and evaluation program is established for rapid and/or agile acquisition programs?

Answer. Adequate resourcing of the DOT&E workforce and supporting FFRDC funding and manpower is critical to ensuring these programs have early DOT&E involvement, independent oversight, and access to expertise and experience. The development and implementation of innovative test and evaluation methods to support more advanced T&E early and often would also be beneficial for such programs.

Question. What are your views on the important and timing of the testing and evaluation of systems under spiral, iterative, or agile development? When, in your view, should follow-on testing and evaluation be required?

Answer. Regardless of the systems development approaches now available through the Adaptive Acquisition Framework—to include spiral, iterative, and agile development—adequate test and evaluation of systems is critical to fielding weapons that work. As is the case with all systems, T&E must be completed in a timely manner in order to provide the right information to those who need it to support funding and schedule decisions, system development and fielding decisions, and development of operator concepts of operations and employment and tactics, techniques and procedures.

Typically, follow-on T&E is conducted using fielded production systems with appropriate modifications, upgrades, or increments. I believe this should remain the case in programs that adopting a spiral, iterative, or agile development paradigm. The differences in follow-on T&E, due to the iterative nature of these methods, are twofold: 1) DODI 5000.87 requires software to be instrumented such that it supports data collection during operations; and 2) the iterative process enables testers to collect data from tests over time, building a cumulative body of evidence over time.

In this model and with these enablers, follow-on T&E no longer needs to be considered a “big bang” testing event. Instead, it could be a data-collection activity that happens over time, and seen as an evaluation process that occurs when deemed necessary.

CYBERSECURITY

Question. The current Acting DOT&E testified that of the programs DOT&E assessed in fiscal year 2020, virtually none were survivable against relevant cyber threats. All can agree that a lack of program resilience in this regard is unacceptable.

If confirmed, how would you propose to improve cybersecurity testing of systems and technologies, including the security of commercial cloud services?

Answer. The only way to test whether a system can withstand an actual cyberattack is to actually conduct such an attack on the system in a test environment. It is my understanding that the Department uses NSA-certified red teams to do that during operational testing. Unfortunately, those teams are stretched very thin by high demand, and have limited resources. Additional resources for those teams, as well as automation capabilities to ease their workload, would improve cybersecurity testing. We also need to take advantage of the evolving body of research that is coming out of our FFRDC’s that can inform the methods and tools for how we would do this work in the future.

Regarding commercial cloud services, upon which DOD relies more and more to store highly sensitive, classified data, the biggest limitation is that DOD’s current contracts with cloud vendors generally don’t allow DOD to independently assess the security of cloud infrastructure owned by the commercial vendor. Unless this burden is lessened, it is difficult to assess the security of those clouds.

Question. If confirmed, how would you propose to ensure the Office of DOT&E, program offices, and the Military Departments’ and Services’ Test Agencies have the appropriate infrastructure for cybersecurity testing?

Answer. If confirmed, I would first seek to better understand any additional obstacles facing the Military Departments’ and Services’ Test Agencies when it comes to infrastructure for cybersecurity testing. I also believe that each entity should make use of the NSA-certified red teams during operational testing.

Question. If confirmed, how would you propose to improve use of National Security Agency-certified red teams and other mechanisms for stress testing?

Answer. I believe that these red teams should be used early and often to conduct attacks on blue systems, and they need to be incorporated in all levels of testing from developmental through operational. Unfortunately, those teams are stretched very thin by high demand, and they don't have the resources or personnel needed to routinely mimic sophisticated nation-State attacks, such as those China or Russia have executed and will continue to do. Additional improvement in cybersecurity testing should include integration of research, automation capabilities, evolving tools and resources for those teams to either ease or reshape their workload.

Question. In your view, what is the appropriate time in the program lifecycle to conduct cybersecurity operational testing, particularly given almost constant updates in software?

Answer. Operationally realistic cyber testing should occur throughout the program's lifetime. Persistent Cyber Operations provide such testing periodically in a very operationally realistic way, for critical operational networks and systems. It is my understanding that DOT&E sponsors Persistent Cyber Operations in a number of Combatant Commands through its congressionally mandated Cyber Assessment Program. Additionally, the Department may consider expanding such operations to support critical missions, such as nuclear command and control and missile defense.

INFORMATION SYSTEMS AND SOFTWARE TEST ISSUES

Question. The Department of Defense's weapon systems, enterprise IT systems, and business systems are increasingly software intensive and software defined, requiring a fundamental shift away from a traditional "waterfall" acquisition process toward smaller increments fielded more frequently. This poses challenges for developmental and operational testing.

In your view, what are the most significant challenges unique to the testing of incrementally developed information systems and software?

Answer. The challenges of testing software-intensive systems or cyber-physical systems are robust, and will not be mitigated by the Software Acquisition Pathway (SWP) alone. The Department may require additional technologies, both for development and test, to meet these challenges. For example, I believe the Department must move to a more robust digital modeling capability, such as digital twinning, which will allow DOD to test the software in a simulated or emulated hardware environment.

I am also aware that DOT&E has partnered with USD(R&E) in the execution of NDAA 2020 Section 231, the use of Digital Engineering to Automate T&E. This effort is focused on demonstrating the utility of the digital engineering approach to deliver operationally effective, suitable and survivable software-reliant and/or cyber-physical systems. If confirmed, I would wholeheartedly support continuing this partnership to advance these capabilities.

HISTORICALLY, DOT&E EVALUATES PROGRAMS AGAINST REQUIREMENTS ESTABLISHED AT THE BEGINNING OF SYSTEM DEVELOPMENT.

Question. What role do you believe the DOT&E should play in testing of software intensive weapons systems, business systems, and enterprise information systems?

Answer. DOT&E's role in any program on oversight, by statute, is to independently assess the effectiveness, suitability, survivability and, where appropriate, lethality of U.S. warfighting and business capabilities in operationally representative scenarios. Traditionally, the operational test and evaluation community is able to test systems only after the software has been delivered in a formal baseline that will meet program requirements, embedded in the hardware, and in a form where it could be executed in the context of the system and mission it supports. This is a validation-type activity, which is appropriate for the operational T&E community. While verifying software is inherently a developmental T&E function, modern software methodologies potentially provide operational T&E an opportunity to "shift left" and examine smaller pieces of completed software code as it becomes available, in the context of a mission. This could lead to earlier discovery of defects, and provide OT&E a more active voice in the "find, fix, verify" cycle early on, when software changes are less difficult to implement. State-of-the-practices software development embraces the involvement of the intended users early and often throughout development, testing, certification and operations. In this way, their feedback is implemented more efficiently and effectively, but also is likely to have an impact on some requirements initially set by the program. Modern tools and methods provide a controlled mechanism by which detailed requirements evolve over time. The OT&E community will need to understand how those requirements are evolving so that we can to adjusted testing of high-level requirements that evolve in concert with user priorities.

Question. Does the test and evaluation community of the Department possess adequate tools, test environments, expertise, staffing, and funding to carry out its testing responsibilities as they relate to software intensive systems?

Answer. Based on my current understanding of DOD's T&E ecosystem, I believe the Department must substantially improve its tools and test environments in order to handle the volume of software-reliant systems in the acquisition pipeline. Potential capabilities include automation-based testing that can keep pace with rapid incremental software releases, and embedded diagnostics that warn when software isn't behaving as it should. From a personnel standpoint, I believe DOD needs a much larger, robust pool of software and cyber expertise. Given the extremely competitive nature of the software and cyber fields, I believe a two-pronged approach will be required: human resources that reside in house, and an on-demand consortium of other government organizations, academics, and commercial sector practitioners.

Question. What access to commercial information services, software, and systems does the operational test and developmental test community need to identify potential performance and security issues, and confirm operational effectiveness and suitability prior to a system's use by the Department of Defense?

Answer. It is imperative that DOD have the opportunity to evaluate the performance and security of all warfighting capabilities, including commercial information services, software, and systems. It is my understanding that currently, DOD cannot adequately test and evaluate the cybersecurity of any DOD capability hosted in the commercial cloud, to include software factories. I believe that going forward, every contract for cloud services should permit such testing. Moreover, the DOD should be informed immediately of any breaches of commercial networks where commercial products utilized by the department were developed.

Question. What role, if any, should commercial sector testing play in the Department's testing and evaluation of commercial information systems that are being modified to support defense needs?

Answer. Out-of-the-box commercial components are not tested at the same level as military standard components, which could potentially create failures when operating at extreme conditions. I believe there is a T&E role for the commercial sector in this scenario, but successful execution requires more rigorous standards, sufficient contract specifications, and modular open system architectures. Commercial sector testing resources should be focused on verification efforts, with DOD's operational T&E community leading the assessment of operational effectiveness, suitability, survivability, and lethality in order to maintain acquisition independence.

MODULAR OPEN SYSTEMS APPROACHES AND INTERFACES

Question. Congress has enacted legislation mandating the use of Modular Open Systems Approaches (MOSA) in systems acquisition and the delivery to the government of interface characterizations to enable interoperability.

What are the unique challenges and imperatives, if any, in testing MOSA-based systems and verifying compliance with interface requirements?

Answer. Many net-centric programs across the Department, including MOSA-based programs, have to develop dozens or even hundreds of interfaces internally, or to other products and legacy systems, in order to be operationally effective. To ensure that these interfaces work correctly, it is imperative that the program fund an adequate developmental test environment so that modules of the system can change and improve over time. This would include with operationally realistic interfaces and data flows so that the program can mitigate performance and interface problems early. Programs that do so are much more likely to succeed during operational testing and are deployed soon after. Programs without an adequate developmental test environment usually experience severe delays and cost overruns.

BUSINESS AND CLOUD COMPUTING SYSTEMS

Question. If confirmed, how would you improve DOT&E capabilities to test and evaluate the operational suitability of business systems and the business processes they are intended to support?

Answer. I understand that recent DOT&E reporting shows that business programs that fund operationally realistic test environments early on, and use such environments to support both developmental and operational testing, typically have fewer cost and schedule problems than programs that choose not to fund such environments. I believe the best thing the Department can do to improve the testing and programmatic outcomes of business systems is to robustly fund operationally realistic test environments as soon as possible during program development.

Question. How would you improve the capabilities to test and evaluate the operational suitability of cloud computing systems and services?

Answer. Determining the operational suitability of cloud computing systems and services has generally not been a problem to date. However, it is my understanding that DOT&E, and DOD in general, is currently unable to determine the cybersecurity of commercial cloud systems and services because DOD's contracts fail to permit independent DOD cybersecurity assessments of the cloud's commercially owned infrastructure. This is a severe limitation, which should be addressed in order to ensure that sensitive and classified data stored in such clouds are secure.

Question. In your view, what are the challenges currently affecting DOD's ability to determine the operational effectiveness and suitability of commercial information services prior to their deployment and use?

Answer. It is my understanding that determining the operational effectiveness and suitability of commercial information services has not been a problem for the Department to date. The major challenge is DOD's inability to independently assess the cybersecurity of commercial clouds because DOD's contracts do not permit such assessments on commercially owned cloud infrastructure.

TESTING OF COMMERCIAL HARDWARE BASED SYSTEMS AND TECHNOLOGIES

Question. The Department of Defense is making significant efforts to use more commercial hardware platforms, technologies, and systems.

What policies and practices should the Department establish to govern the developmental and operational testing of these kinds of commercial systems?

Answer. To enable adequate cybersecurity testing of commercial hardware systems, such as commercial clouds, the Department should establish policies that require DOD contracts with commercial vendors to permit independent, DOD cybersecurity assessments of commercially owned platforms, technologies and systems.

COMBINATION OF TESTING WITH TRAINING EXERCISES

Question. Some hold the view that the most representative operational testing would be to allow operational forces to conduct training exercises with the system under evaluation.

In your view, should testing be combined with scheduled training exercises for efficiency and effectiveness?

Answer. Training exercises offer a unique opportunity to test in more realistic operational scenarios that better replicate the density and complexity of modern warfare. They can and should be leveraged to provide critical operational test data on joint force interoperability and tactical employment. However, data-driven operational test objectives are not always compatible with training objectives because training exercises are not often intended to address, and do not include, the instrumentation necessary to generate the high-quality data needed to characterize system performance, and to determine mission outcomes and root causes of system deficiencies. It understand that DOT&E frequently observes training exercises in which developmental systems participate to gain early insights, but the aforementioned factors currently limit the extent to which these activities should be combined.

Question. What are the barriers, if any, to doing so?

Answer. Combined test and training events require trained personnel, a relatively mature system under test, and agreed-to and compatible test and training objectives. These resources and conditions are typically available only near the end of system development, which may limit available opportunities. Differences in test and training objectives also make integration of these events difficult.

Another significant barrier is the lack of affordable, high-quality instrumentation that is common to both test and training systems. Installing modular, open-air battle shaping instrumentation systems on both test and training systems would enable both communities to leverage these events while applying emergent Big Data analytics and knowledge management capabilities to improve post-mission analyses. Standing up Big Data analytic teams that are capable of engineering and analysis to develop requisite tools and analysis methodologies is also required to be able to accurately assess the results of large-force exercise and/or test events.

Question. How can training and testing ranges be used more jointly and efficiently, in your view?

Answer. Development of common, but tailorable, instrumentation systems, such as the Quick Reaction Instrumentation Package (QRIP) and Open Air Battle Shaping (OABS) systems currently in use for testing of several types of aircraft, is necessary to enable the application of Big Data and Knowledge Management capabilities in both communities. I support efforts to enable high-quality data collection in

training venues, which would significantly improve both testing and training and lead to more opportunities for combined test and training activities.

“SYSTEM OF SYSTEMS” TESTING

Question. What inherent challenges exist for the operational T&E of DOD programs that are part of an overall “system of systems”?

Answer. A good example of such a system of systems is the Missile Defense System, which comprises more than a dozen different missile, sensor, and network systems, all of which must work together during wartime. Operational test challenges for such a system of systems include getting all system owners to agree on the testing plans, schedule, and scope; obtaining an appropriate venue for such a large-scale test; and obtaining adequate funding to support operationally realistic testing. For the Missile Defense System, Congress has helped the DOD achieve more realistic testing by mandating that the Army and the Missile Defense Agency conduct joint testing of their individual missile defense systems.

Question. How should a “system of systems” be tested to assess the effectiveness of the whole system? Please explain your answer.

Answer. The only way to truly understand how a system of systems will perform in combat is to test it as a system of systems, with all of its component systems deployed against operationally realistic threats. However, such tests are difficult to conduct routinely due to a variety of operational test challenges. Hence, the best way to assess the effectiveness of such systems is to use a combination of modeling and simulation and real-world testing, where the real-world testing is designed to validate and accredit the modeling and simulation.

LIVE FIRE TESTING

Question. The live fire testing program is a statutory requirement enacted to ensure DOD assessment of the vulnerability and survivability of platforms, while also assessing the lethality of weapons against required target sets.

What are the major challenges facing the live fire testing program, in your view?

Answer. The live fire testing program must be resourced and staffed to be responsive to evolving designs while also staying ahead of current and expected threats. The survivability of new defense systems, including those in space and the electromagnetic spectrum environment, should be assessed against the operationally relevant spectrum of threats, including evolving kinetic threats and more sophisticated non-kinetic threats.

Question. Is live fire testing to determine whether weapons systems, vehicles, or personal protective equipment meet military and contract specifications for procurement an inherently governmental function, a function that can be outsourced, or a function that can use a mix of government and commercial facilities? Please explain your answer.

Answer. Live fire testing that supports a fielding decision or full-rate production decision is inherently governmental. Warfighters should be provided systems that have undergone government testing at a government facility or, under limited circumstances, testing at non-governmental facilities with government supervision. The government could use private certified labs, as necessary, to meet surge requirements or to conduct research and development testing. When testing is conducted at commercial facilities, it must have government oversight and meet a common standard appropriate for the intended use of the data.

MODELING AND SIMULATION

Question. Advances in modeling and simulation have provided an opportunity to streamline the testing process, saving time and expense.

What do you believe to be the proper balance between modeling and simulation and actual testing of a developed product?

Answer. Testers must use models that are credible or risk providing warfighters incorrect information about their systems. Failure to identify system vulnerabilities during testing prevents correction or mitigation, and can create disastrous results in combat. Modeling and simulation (M&S) credibility is achieved through a process of verification, validation and accreditation. At its base, validation requires live data to confirm that the modeled performance is representative of the real world.

Modeling and simulation is an investment. There can be significant cost to developing and validating M&S. However, returns may include: 1) system evaluation in scenarios that cannot be achieved with live testing due to safety constraints, availability of threat surrogates and test range limitations; 2) less demand on Service assets; 3) shorter timelines due to its availability and speed of execution; and 4) significant repetitions at lower cost yet greater fidelity in performance assessment. The

early costs of M&S may be high but it produces significant dividends in testing of the follow-on iterations of a system or a similar system. I strongly support a healthy investment in M&S for all systems.

The proper balance between modeling and simulation and actual testing changes with system and model maturity. For a new system employing emerging technology or significantly modified technology, there may be little to no representative live data. For initial evaluations, it is possible that the live data required to develop and validate models will exceed the amount of live data necessary to assess initial system performance. For follow-on iterations of the system, much of the previously attained data remains pertinent, which means less new live data is needed. As the system develops with each iteration, tester confidence in the M&S increases and enables greater reliance on M&S to assess the system's performance.

Sufficiently robust and validated models are not yet available that would preclude testing things like combat systems without some form of live events. Actual demonstration is essential to operator confidence. Further, all M&S has limitations. Continued system improvement depends upon some live testing, particularly testing that evaluates the system under its most stressing conditions. However, significantly less live testing is appropriate when supplemented with credible M&S.

Question. Are there areas in modeling and simulation that need to be advanced in order to improve its utility as a tool for operational and developmental testing?

Answer. Advances in M&S are essential to support the evaluation of emergent technologies, such as artificial intelligence, autonomous systems, directed energy, and hypersonics. Confidence in an autonomous system, for example, requires an assessment of system response to a set of circumstances and combinations of those circumstances that would be cost- and time-prohibitive in live events alone. A virtual range is necessary to provide the data-rich environment needed to have confidence in the decisionmaking of an autonomous machine. Further, decisionmaking needs to balance between safe operations and mission accomplishment. For example, a system that over-maneuvers can never get to its objective. Developers need to be able to determine the threshold for response that supports the expected environment, which can be significantly different for each intended mission.

Another area for investment is a comprehensive M&S environment to assess ship self-defense capability against anti-ship cruise missiles (ASCMs). Threat ASCMs vary significantly in capability and employment. The same is true for the radar systems, intercept missiles, and combat systems on naval ships. Adequately evaluating the capability of the growing number of unique ships will be cost-, time-, and resource-prohibitive without an effective M&S environment that can credibly assess any combination of defense systems against any presentation of threat ASCM.

Question. Given recent advancements in modeling and simulation, and increasing interest in the Department's use of so-called "digital twin" technology to improve mission readiness and sustainment, where would you draw the line between the suitability of virtual testing and live testing?

Answer. Modeling and simulation must be credible, with its credibility anchored by comparison to live test data to confirm representation of the real world. As confidence develops in the M&S through validation, it is appropriate to lean more heavily on virtual testing. However, it is not appropriate to exclude all live testing. Smaller live test events, called demonstration events, should remain a part of testing to ensure operator confidence in their combat systems, to enable continued improvement and validation of M&S, and to mitigate the inherent limitations of M&S.

SCIENCE AND TECHNOLOGY

Question. What are your views on the appropriate level of investment in science and technology (S&T) programs to develop next generation testing capabilities?

Answer. The complexity of DOD weapon systems and the multi-domain operational environment that is changing in both space and time warrant heavy reliance on science and technology investment to advance T&E tools and methods. Future T&E demands will require us to improve the way we collect, store and analyze data. If confirmed, I will seek to review the existing DOT&E S&T strategy, ensure that it is implemented in a timely and operationally relevant fashion, and provide my best recommendations to the Secretary and the Congress.

Question. If confirmed, what mechanisms would you employ to ensure the S&T portfolio is responsive to the Department of Defense's future test instrumentation needs?

Answer. In annual reports to Congress, DOT&E has pointed out specific test areas where more S&T is required in order to ensure future OT&E adequacy. DOT&E has also historically prepared issue papers, which highlight particular test resource issues, including those related to S&T, for the Department's annual program and

budget reviews. If confirmed, I will evaluate the Test Resource Management Center T&E and S&T portfolio, discuss any shortfalls with the Secretary, and keep the Congress informed of my findings and intended actions.

Question. In your view, in which areas should the Department's S&T program be investing with a view to improving the quality of current and future testing capabilities?

Answer. S&T areas for potential investment include 1) a continuum of T&E for changing software capabilities, evolving interoperability, and cybersecurity threat response; 2) next-generation T&E capabilities, to include hypersonic weapons and defense, directed energy, contested space, cybersecurity, data analytics, electronic warfare, nuclear survivability, spectrum allocation, artificial intelligence-based system T&E, real-time casualty assessments, and telepresence (remote) T&E; 3) integrated T&E; 4) digital transformation in taking advantage of new model-based engineering tools to redesign how we perform T&E; and 5) workforce expertise and partnership. If confirmed, I will evaluate the progress in these areas, discuss any shortfalls with the Secretary, and keep the Congress informed of my findings and intended actions.

ENCROACHMENT AND ENVIRONMENTAL ISSUES

Question. As is the case with military training, the Department of Defense's test and evaluation efforts must take into account encroachment requirements and environmental regulations, both on land and at sea.

In your view, what is DOT&E's responsibility to the communities and environment near its test ranges?

Answer. I believe it is vitally important to maintain open and proactive communications with our community partners to achieve mutually beneficial solutions. While I understand this authority is assigned to the Test Resource Management Center (TRMC), I will ensure that my views concerning the compatibility of the test ranges with neighboring communities, along with any impacts on the environment, are known to TRMC and leadership within the Department.

If confirmed, will also ensure that Department officials sustain longstanding relationships with Federal, State, and local governments, tribes, and non-governmental organizations, such as the Western Regional Partnership, the Southeast Regional Partnership for Planning and Sustainability, and the Land Trust Alliance. This will enable full awareness of current and projected environmental requirements, and prospective encroachment issues that may affect the Department's test ranges, and in particular, the effective conduct of operational and live-fire T&E.

Question. If confirmed, how would you address encroachment and environmental requirements, while ensuring the quality and quantity of the Department's test and evaluation programs?

Answer. If confirmed, I will remain alert for environmental requirements and range encroachment that could adversely affect the ability to conduct adequate operational and live-fire T&E. I will not hesitate to bring any concerns that I have about the effects of environmental requirements and/or range encroachment on the ability to conduct adequate operational testing to senior leadership of the Department. Further, I will document such concerns in both my Annual Report and program evaluations, as appropriate. Where I am aware of any issues pertaining to encroachment and environment, I will bring such matters to the attention of TRMC as well as the leadership of other Department stakeholders.

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 office of the DOT&E?

Answer. Any sexual harassment or gender discrimination within DOT&E, or the Department as a whole, is deeply disturbing and entirely unacceptable; these actions foster a climate that is inconsistent with the dignity and respect that our workforce deserves. The Department should continue its efforts to eliminate sexual harassment and gender discrimination, ensure consistent incident tracking and responsiveness, and provide training to improve outcomes and workforce stability. If confirmed, I would review previous workforce assessments, including climate surveys, OPM Federal employee viewpoint survey results, and any other documentation that would give me insight into the DOT&E organization, and help me make in-

formed decisions on next steps to eliminate sexual harassment, gender discrimination, and any other harassment within the Office of DOT&E.

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 DOT&E?

Answer. If confirmed, I would immediately reiterate to the workforce the importance of equality and diversity, the Department's zero tolerance for any form of harassment, and the expectations of professional conduct. I would take any complaint brought to my attention very seriously, and would immediately contact the appropriate office to initiate an investigation to gather all facts, conduct the necessary interviews, collect appropriate information, and address the complaint within the specified guidelines of DOD regulations and policies.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise legislative and oversight responsibilities, it is important that this committee, its subcommittees, and other appropriate committees of Congress receive timely 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 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 JACK REED

EMERGING TECHNOLOGIES

1. Senator REED. Mr. Guertin, currently there are no validated requirements or concepts of operation for Joint All Domain Command and Control (JADC2). How should the Department of Defense (DOD) test emerging JADC2 technologies?

Mr. GUERTIN. It is my understanding that DOT&E is working with the Joint Staff and the Services as they develop JADC2 requirements and operational concepts to help ensure the results of the process can be linked to operationally testable outcomes. As requirements become more refined, DOT&E should continue to ensure the Services develop the appropriate scenarios and vignettes, with the inclusion of the necessary test infrastructure and tools, to provide the warfighter a meaningful assessment of JADC2 capabilities. It is my view that the Department may be able to accelerate this process, and to lower overall execution risk, by incrementally accomplishing JADC2 experimentation and limited operational user evaluations to inform continued JADC2 requirements and operational concept development.

2. Senator REED. Mr. Guertin, how and when should the office of the Director of Operational Test and Evaluation's (DOT&E) be involved in testing emerging JADC2 technologies?

Mr. GUERTIN. In my view, DOT&E should be involved earlier than has been done in the past in order to shape how capabilities can be tested. This will ensure the OT&E community and the Services develop the appropriate scenarios and vignettes, and have access to the right data at the right time. This should include the development strategy for test infrastructure and tools that will facilitate giving the warfighter a meaningful assessment of JADC2 capabilities. It is my view that the Department may be able to accelerate this process by incrementally accomplishing JADC2 experimentation and limited operational user evaluations to inform continued development of JADC2 requirements, test approaches, data accessibility, and the overall operational concept.

SOFTWARE TESTING

3. Senator REED. Mr. Guertin, I understand that you supported the Defense Innovation Board's 2019 Software Acquisition and Practices Study while at Carnegie Mellon's Software Engineering Institute. As an outgrowth of that study, Congress directed in the Fiscal Year 2020 National Defense Authorization Act (NDAA), section 231, "Digital engineering capability to automate testing and evaluation", and the Director of Operational Test and Evaluation subsequently led a number of demonstrations of digital engineering in support of automated testing. In your view, what should be the next steps that DOT&E takes to continue to advance these efforts?

Mr. GUERTIN. It is my understanding that the Section 231 demonstrations have been useful to illustrate some pockets of excellence in the Department related to that application of, and benefits from, using digital engineering methods and tools. Based on those demonstrations, it appears that DOD needs to transition more of its enterprise capabilities and associated infrastructure to support digital engineering solutions. These demonstrations of driving down program execution time and risk are widely beneficial to programs adopting evidence-based practices when using digital engineering methods and tools. DOD should also use the case studies developed from the Section 231 demonstrations to discover defects earlier in the acquisition lifecycle, promote a "Shift Left" T&E paradigm, and reduce risk in order to speed delivery and deployment of improved warfighter functionality.

LIVE FIRE TESTING

4. Senator REED. Mr. Guertin, if confirmed as the new DOT&E, how would you ensure that your office is adequately staffed and resourced in the critical area of live fire testing given its importance to missions and statutory requirements?

Mr. GUERTIN. If confirmed, I will review the DOT&E portfolio and the allocated resources for both operational and live fire test and evaluation. I will assess the DOT&E workforce to include any supporting workforce (e.g. FFRDCs) to ensure DOT&E has the appropriate capacity and skill sets needed to provide rigorous oversight of live fire testing and evaluation (LFT&E) programs. I will use these assessments to evaluate the health of the organization and the ability of DOT&E to meet all Title 10 responsibilities, including the LFT&E responsibilities outlined in 10 USC 2366. In addition, I will review the findings of the recent National Academies study on test ranges with the DOT&E team to identify initiative and efficiencies that will inform changes to LFT&E practices. If my assessment identifies any shortfalls that precludes my ability to conduct adequate oversight of LFT&E programs,

I will work with Congress and the stakeholders within the Department to mitigate those shortfalls as quickly as possible. If confirmed, I intend to apply both existing and new methods to advance the effectiveness and efficiency of LFT&E programs to enhance their value.

5. Senator REED. Mr. Guertin, what specific organizational construct do you believe will support the importance of live fire testing?

Mr. GUERTIN. Live fire testing and evaluation is indispensable for ensuring that the taxpayer is getting the capability they are paying for, and that the warfighter has confidence in the weapons and systems they will use in combat. A viable next step would be to ensure survivability and lethality assessments are effectively carried out at the Services level. This would be done by designating an organization responsible within each Service for LFT&E which would work with DOT&E to establish common policies and practices. This would increase the credibility and efficiency of all test and evaluation programs performed by all of DOD, and further highlight the indispensable nature of live fire testing. It is my understanding that the Army has already made great strides in this area through their Army Test and Evaluation Command (ATEC). If confirmed, I would evaluate the effectiveness of this construct and make my best recommendations to the Secretary for application of this practice to other Services operational test organizations.

QUESTIONS SUBMITTED BY SENATOR JEANNE SHAHEEN

CYBERSECURITY

6. Senator SHAHEEN. Mr. Guertin, if confirmed, what are your recommended priorities for cybersecurity improvements for operational testing and evaluation to mitigate cybersecurity testing limitations and enhance system survivability?

Mr. GUERTIN. My current understanding is that the most significant limitation to cybersecurity operational testing and evaluation is the lack of proper tools, and access to highly skilled cyber operators who are capable of emulating cyberattacks by near-peer competitors. If confirmed, one of my first priorities in this area would be to find ways to gain greater access to, and more robustly resource, these highly skilled cyber operators and the associated tools of their craft. In concert with this shift, the military Services would also need to synchronize their efforts and similarly provide additional resources to their “cyber red teams” to enable them to acquire those same automated tools and advanced cyber capabilities commensurate with known and evolving cyber threats. It is my opinion that in order to improve both access and retention of these highly skilled cyber operators, the Services should ensure that they have the resources they need to excel in their craft, and consider treating them like other highly skilled military personnel, such as pilots and doctors, by providing cyber career paths and advancement opportunities for which they may not currently have access.

QUESTIONS SUBMITTED BY SENATOR GARY PETERS

SOFTWARE

7. Senator PETERS. Mr. Guertin, Nicolas Chaillan, the Air Force’s first-ever chief software officer left his post last month and expressed his frustration with DOD’s use of resources and priorities in a letter announcing his decision. He also pointed out the lack of an enterprise approach when it comes to software development and shared repositories. Software testing currently falls under developmental testing, but the software is constantly being updated in operations.

How do you think the DOT&E office can ensure more efficient and thorough reviews of software and continuous monitoring of every software bill of materials as a part of the operational evaluation?

Mr. GUERTIN. DOT&E can and will need to understand the software pipeline (e.g. development, security, and operations, or DevSecOps, methods) and how a product’s software bill of materials (SBOM) and related cyber risks are tracked and managed in order to adequately perform operational testing for programs under DOT&E oversight. Related to this is research I have performed on the value of broader application of open architectures. Based on that research, I believe that the Department should increase its focus on standardization, which would include mechanisms for continuous monitoring. This would support the OT&E equity in understanding the supply chain risks and cyber security considerations in the developmental and operational phases of the software life cycle. However, these are not practices that could

be put in place by DOT&E alone. Many of these activities are established in the early stages of implementation, which is primarily reviewed as a Developmental Test activity. If confirmed, I look forward to working with the other stakeholders in USD(A&S), USD(R&E), and the Services to establish these patterns and the insights they would provide.

In the meantime and in support of the above potential future State, during Operational Test planning, DOT&E could enforce a requirement to monitor the SBOM and associated supply chain (to include the development tooling), both during and after product release. This would ensure the SBOM remains accurate and up-to-date, and is reflective of the cyber vulnerabilities and risks of the product. As part of the Operational Test, DOT&E could also require verification that the process to monitor the SBOM and related supply chain is accurate, and that there are procedures to mitigate any issues discovered after release.

8. Senator PETERS. Mr. Guertin, how can DOT&E more effectively apply its resources?

Mr. GUERTIN. In my view, DOT&E should work with the other OSD stakeholders and the Services to transform the test and evaluation concept of operations to keep pace with the methods of product development and demands of the future capability needs of the warfighter. If confirmed, I will assemble this team of practitioners to examine the tools and methods associated with advance software and cyber test and evaluation needed to take advantage of transformational digital engineering technologies, evolving workforce expertise, and new partnerships to more effectively apply available resources.

QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

OPERATIONAL TESTING AND EVALUATION

9. Senator INHOFE. Mr. Guertin, I believe the Department of Defense needs to speed up acquisition where possible. The Department should tailor its approach to acquisition based on what is being procured. Along these lines, I support the intent of the Department of Defense's relatively new Adaptive Acquisition Framework. At the same time, we must also ensure that any new Department of Defense system is rigorously assessed to ensure it meets our requirements before it's fielded.

In your view, to what extent does the growing threat posed by China, as well as the increasingly high-tech nature of many new weapons systems, change how operational test and evaluation should be performed?

Mr. GUERTIN. In my view, the change in operational testing needs a more holistic and continuous approach, propelled by transformative digital technologies, to enable DOT&E to test the way the Department must fight. This will be especially important to deal with the pacing threat posed by China. From an operational test perspective, we will need to address more comprehensively how we instantiate representative environments that are as dynamic and complex as the projected threat, and be able to test our systems as they would be used as a part of a comprehensive joint force. This would include testing protections against the persistent and advanced cyber threat that all systems must be able to address, individually and jointly.

With all this in mind, it is my intention, if confined, to examine the published DOT&E Science and Technology Strategic Plan and the recently released study on test ranges performed by the National Academies, to develop this more holistic and continuous approach to testing and evaluation that will enable DOT&E to test the way the Department must fight in today's joint and all-domain operational environment well into the future.

[The nomination reference of Mr. Nickolas H. Guertin, follows:]

NOMINATION REFERENCE AND REPORT

PN1151

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 20, 2021.

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

Nickolas Guertin, of Virginia, to be Director of Operational Test and Evaluation,
Department of Defense, vice Robert Behler.

_____, 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 Mr. Nickolas H. Guertin, which was
transmitted to the Committee at the time the nomination was re-
ferred, follows:]

Senate Armed Services Committee Bio
Nickolas H. Guertin, PE, LCDR, USNR (Ret.)

Education:

- Bryant University, Smithfield, RI
 - Aug 1999 – Jun 2002
 - Master of Business Administration
- University of Washington, Seattle, WA,
 - Sep 1988 - Jun 1990,
 - Bachelor of Science, Mechanical Engineering
- Olympic College, Bremerton, WA,
 - Sep 1985 – Jun 1988
 - Associates of Science, Pre-Engineering

Employment Record:

- Carnegie Mellon University, Software Engineering, Arlington, VA
 - Senior Software Systems Engineer
 - 10/2017 – present
- Systems, Planning and Analysis, Inc., Alexandria, VA
 - Senior Systems Engineer:
 - 1/2017 – 10/2017
- Naval Surface Warfare Center, Division Carderock, West Bethesda, MD
 - Director of Rapid Prototyping and Strategic Planning:
 - 7/2016 - 12/2016
- Office of the Deputy Assistant Secretary of the Navy for Research, Development, Test and Evaluation, Pentagon
 - Director for Transformation (Rapid Prototyping and Open Systems Architecture)
 - 2011 – 2016
- Program Executive Officer (PEO) for Integrated Warfare Systems, Washington Navy Yard
 - Principal Assistant Program Manager for Systems Engineering, Cyber Security and Open Architecture
 - 2007 – 2011
- PEO Submarines and Naval Undersea Warfare Center, Washington Navy Yard
 - Chief Engineer for Combat Control and Sonar Systems Engineer
 - 6/1990 – 2006

- Puget Sound Naval Shipyard, Bremerton, WA
 - Shift Test Engineering Technician,
 - 1988 – 1990
- US Navy (Active Duty)
 - Electrician's Mate, Nuclear Propulsion on USS Thomas Jefferson (SSN-618) and USS Silversides (SSN-679)
 - 1979 – 1985

Honors and Awards:

- Military Awards
 - Qualified in Submarines (enlisted), 1983
 - Qualified Engineering Duty Officer, 1993
 - Navy Achievement Medal (three awards), Good Conduct Medal, National Defense Medal, Sea Service Ribbon, Armed Forces Reserve Medal (with bronze hourglass)
- Civilian Awards
 - Navy Meritorious Civilian Service Award. For continuous innovation and expansion of acquisition reform initiatives, business performance changes, technical impact, and enterprise value, Apr 2011
 - The Under Secretary of Defense (Acquisition, Technology and Logistics) Award for Excellence in design and construction of the Better Buying Power 2.0 Initiatives Mar 2014
 - Navy's Acquisition Excellence Award, for improving competition of software-intensive systems throughout the Navy, Sep 2009
 - Vice President's Hammer Award for the Acoustic Rapid COTS Insertion (ARCI) program. Lauded as a successful software-intensive program and exemplar for lowering acquisition costs and the use of new software development methods, middleware standards, and open architectures. Feb 1999
- Licensure/Certification
 - Secure Agile Framework (SAFe) Certified Agilist, 2018 - present
 - Defense Workforce Improvement Act (DAWIA) Certified in Program Management (2008)

- Defense Workforce Improvement Act (DAWIA) Certified in Engineering (2004)
- Professional Engineer's License, Mechanical, Washington State, 1995 – present

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Mr. Nickolas H. Guertin 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:** Nickolas Henri Guertin (a.k.a. Henri Nickolas Guertin)
- 2. Position to which nominated:** Director, Operational Test and Evaluation
- 3. Date of nomination:** 20 September 2021
- 4. Education:**

Bryant University, Smithfield, RI

- Master of Business Administration, Jun 2002

Defense Acquisition University, Ft. Belvoir, VA,

- Defense Acquisition Workforce Improvement Act Certified in Engineering and Program Management, 2000, 2008

Engineering Duty Officer School (Reserve Course)

- Qualified in ship construction, overhaul and repair, 1996

University of Washington, Seattle, WA,

- Bachelor of Science, Mechanical Engineering, Jun 1990

Olympic College, Bremerton, WA,

- Associates of Science, Pre-Engineering, Jun 1988

Navy Nuclear Propulsion, pipeline training (enlisted), 1979-1981

- Qualified in Submarines. Qualified Electrical Operator and Engineering Watch Supervisor on USS Thomas Jefferson (SSN-618) 1981-1984, and USS Silversides (SSN-679), 1985

Joel Barlow High School, Redding, CT.

- High School Diploma, June 1979

5. Employment record:

Carnegie Mellon University, Software Engineering Institute • 10/2017 – present

- Senior Software Systems Engineer: Engineering for digital transformation and programmatic thought leadership. Researching and practicing new and effective software and systems development practices and bringing them to the Department of Defense for implementation at the enterprise level. Arlington, VA

Systems, Planning and Analysis, Inc. • 1/2017 – 10/2017

- Senior Systems Engineer: Engineering and Program Management for innovative undersea capabilities, future surface ship design, and transformative software and hardware acquisition strategies. Alexandria, VA

Naval Surface Warfare Center, Division Carderock • 7/2016 - 12/2016

- Director of Rapid Prototyping and Strategic Planning: Established a rapid prototyping, experimentation and demonstration strategy for use across the Naval Research and Development Establishment. Carderock, MD

Office of the Deputy Assistant Secretary of the Navy for Research, Development, Test & Evaluation • 2011 - 2016

- Rapid Prototyping, Experimentation and Demonstration: Program Manager of a strategically selected set of cyber-physical designs to rapidly mature and transition new military capability, while reducing risk and cost. Pentagon.
- Director for Transformation; Established a business, technical and cultural change strategy affecting \$17.9 billion in research and development spending on

cyber-physical systems. Responsible for transformation efforts that impact all DoD warfare mission areas. Washington Navy Yard and Pentagon

Program Executive Officer (PEO) for Integrated Warfare Systems • 2007 - 2016

- Principal Assistant Program Manager for Systems Engineering; Directed the Navy and Marine Corps Open Architecture initiative, Oversaw modeling and simulation interoperability for the PEO, Supervised the implementation of the Naval Sea Systems Command cyber security policy. Washington Navy Yard

6. Government Experience:

- No additional experience beyond that provided in question 5.

7. Business relationships:

Member of the Technical Advisory Board

- Consultant for the non-profit Concurrent Technologies Corporation.

Standards Body Board Member • 2012 - present

- Voting Member of the Governing Board for The Open Group, (Dec 2013 – July 2015) - a global IT consortium, with more than 500 members.
- Chair of the Future Airborne Capability Environment (FACE) Advisory Board (Jan 2012 – present). Fostered new technical and business opportunities, for both civilian and military use of the real-time software FACE Reference Architecture and product line strategy.
- American Society of Naval Engineering, Global Shipbuilding Executive Summit (2015 to 2019). Exploring innovative ship building concepts from around the world to inform US warship construction concepts.

8. Memberships;

- Scouts BSA, National Capital Area Council. 2012 – Present. Cub Scout Den Leader (2012), Cubmaster for Pack 1867 (2013-2016), Scoutmaster for Girl's Troop 128 (2018-2020), Merit Badge Counselor for Troops 163 and 128 (Girls and Boys) and now Assistant Scoutmaster for Boy's Troop 128 (2017, 2020-present).
- Saint Agnes Catholic Church. 2018 – present. Parishioner
- International Council of Systems Engineers. 2018 – present. Chair for the Software and Systems Interface Working Group
- American Society of Naval Engineers. 1991 – present. Flexible Modular Ships working group and Member
- Naval Submarine League. 2015 – present. Life Member
- Institute of Electrical and Electronic Engineers. 2020 – present. Member

- Surface Navy Association. 2008 – 2017. Member
- Navy League. ~ 2010 – 2016. Member
- The Open Group's, Future Airborne Capability Environment consortium. 2010 – present. Chair of the Advisory Board.
- The Open Group. 2013-2015. Board Member (in accordance with OMB Circular A-119)
- US Technology Leadership Council. 2017 - Present. Member
- US Naval Institute. 1991 – present. Member
- Society of Naval and Marine Architects. 2018 – 2020. Member
- United Serviceman's Organization. 2005 – present. Member
- American Legion Post 130. 2014 – Present
- American Association of Retired Persons. 2019 – Present. Member
- National Association of Retired Federal Employees. 2017 – Present. Member
- Saint Charles Borromeo Catholic Church. 2014-2016. Catechist.
- Goodspeed Opera House. 2018 – Present. Member
- Highlands Swim and Tennis Club. 2013 – Present. Member
- Parent Teacher Association. Chesterbrook Elementary and Longfellow Middle Schools. 2011 – 2021.

9. Political affiliations and activities:

- a. I have never been a candidate for, or have been elected or appointed to a political office.
- b. Memberships: Fairfax County Democratic Committee. 2020 – present. Member
- c. Political contributions: None.

10. Honors and awards:

- The Under Secretary of Defense (Acquisition, Technology and Logistics) Award for Excellence in design and construction of the Better Buying Power 2.0 Initiatives Mar 2014
- Navy Meritorious Civilian Service Award. For continuous innovation and expansion of acquisition reform initiatives, business performance changes, technical impact, and enterprise value, Apr 2011
- Navy's Acquisition Excellence Award, for improving competition of software-

intensive systems throughout the Navy, Sep 2009

- Vice President's Hammer Award for the Acoustic Rapid COTS Insertion (ARCI) program. Lauded as a successful software-intensive program and exemplar for lowering acquisition costs and the use of new software development methods, middleware standards, and open architectures. Feb 1999
- Professional Engineer's License, Mechanical, Washington State, 1995 – present
- Military awards include: Qualified in Submarines, three Navy Achievement Medals, Navy Good Conduct (enlisted), National Defense Medal, Armed Forces Reserve Medal with bronze hourglass, Sea Service Ribbon. 1979 - 2002

11. Published writings:

- **Guertin, N.H.**, Schenker, A.R. Using Value Engineering to Propel Cyber-Physical Systems Acquisition. *DoD Acquisition Research Symposium Proceeding*, Apr 2021
- Nielsen, P.D. et. al. Air Force Software Sustainment and Maintenance of Weapons Systems (2020). The National Academies Press, Jul 2020
- **Guertin, N.H.**, Schmidt, D.C., Scherlis, W. Impacts and Recommendations for Achieving Modular Open Systems Architectures – Fifth in a Series, *Carnegie Mellon University, Software Engineering Institute Insights*, Sep 2019
- **Guertin, N.H.**, Schmidt, D.C., Scherlis, W. The Technical Architecture for Product Line Acquisition in the DoD - Fourth in a Series, *Carnegie Mellon University, Software Engineering Institute Insights*, May 2019
- **Guertin, N.H.**, Schmidt, D.C., Scherlis, W. The Organizational Impact of a Modular Product Line Architecture in DoD Acquisition - Third in a Series, *Carnegie Mellon University, Software Engineering Institute Insights*, Apr 2019
- **Guertin, N.H.**, Schmidt, D.C., Scherlis, W. Towards a New Model of Acquisition: Product-Line Architectures for the DoD - Second in a Series, *Carnegie Mellon University, Software Engineering Institute Insights*, Mar 2019
- **Guertin, N.H.**, Schmidt, D.C., Scherlis, W. Emerging Opportunities in Modularity and Open Systems Architectures - First in a Series, *Carnegie Mellon University, Software Engineering Institute Insights*, Oct 2018

- **Guertin, N.H.**, Schmidt, D.C., Levinson, H.L. Business and Organizational Impacts for Modular Flexible Ships, *American Society of Naval Engineers Flexible Ships Symposium*, Oct 2018
- **Guertin, N.H.**, Schmidt, D.C., Scherlis, W. Capability Composition and Data Interoperability to Achieve More Effective Results than DoD System-of-Systems Strategies, *DoD Acquisition Research Symposium Proceeding*, Apr 2018
- **Guertin, N.H.**, Hunt, G., Captain, US Navy. Transformation of Test and Evaluation: The Natural Consequences of Model Based Systems Engineering, Modularity and Open Architecture, *DoD Acquisition Research Symposium Proceeding*, Apr 2017
- **Guertin, N.H.** VanBenthem, P. Modularity and Open Systems Architecture as Applied to Flexible Modular Warship, *Naval Engineer's Journal*, Dec 2016
- Craft, J.P., **Guertin, N.H.** Open Architecture Opens Opportunities for Acquisition Reform, *Satcom Frontier*, Aug 2016
- Schmidt, D. A Naval Perspective on Open-Systems Architecture, Software Engineering Institute, July 2016
- **Guertin, N.H.**, H. Reichel. Open Architecture License Right, a New Era for the Public-Private Marketplace, *Acquisition Research Symposium Proceedings*, Apr 2016
- Antipas, W., Bruhns, P., **Guertin, N.H.**, Porter, A., (SEI/University of Maryland) Schmidt D. (SEI/Vanderbilt Univ.) and Womble, B. Management Strategies for Software Infrastructure in Large-Scale Cyber-Physical Systems for the US Navy, *Cutter IT Journal*, May 2015
- **Guertin, N.H.**, Sweeney, R. Schmidt, D. How the Navy Can Revolutionize Capability Acquisition, *Acquisition Research Symposium Proceedings*, Apr 2015
- **Guertin, N.H.**, Vanbenthem, P.J. Payloads and Platforms as Applied to the Flexible Modular Warship, *ASNE Day 2015 Proceedings*, Jan 2015
- **Guertin, N.H.**, et. al. USD(AT&L)'s Guidelines for Creating and Maintaining Competitive Environments for Supplies and Services in the DoD. *USD (AT&L) publication* Dec 2014
- **Guertin, N.H.**, et. al. Department of the Navy (DON) SBIR/STTR Phase III Guidebook *Navy Small Business Programs publication* Jul 2014

- Bruhns, P., **Guertin, N.H.**, Porter, A., (SEI/University of Maryland) Schmidt D. (SEI/Vanderbilt Univ.) Experience Using On-line War Games to Improve the Business of Naval Systems Acquisition *Cutter IT Journal*, May 2014
- **Guertin, N.H.**, et. al. DoD Open Systems Architecture Contract Guidebook for Program Managers, *Office of the Secretary of Defense, USD (AT&L) publication*, Jun 2013
- **Guertin N.H.**, Haskell, V., Womble, B. Naval Open Systems Architecture (OSA) Strategy, *SPIE Conference Proceedings*, Apr 2013.
- **Guertin, N.H.**, Hurt, T. DoD's Open Systems Architecture Contract Guidebook: A Tool for Effective Competition, *Defense AT&L Magazine*, Sep-Oct 2013
- Doerry, N. Cohen, J., **Guertin, N.H.**, Scherer, T. Open Architecture Machinery Control, *ASNE Naval Engineers Journal*, Mar 2012
- Bruhns, P., **Guertin N.H.**, Comparing Acquisition Strategies: Maintenance Free Operating Period vs. Traditional Integrated Logistics Support, *Acquisition Research Symposium proceedings*, Apr 2011
- Clements, P., **Guertin, N.H.** Comparing Acquisition Strategies: Product Lines vs. Open Architecture, *DoD Acquisition Research Symposium Proceedings*, Apr 2010
- **Guertin, N.H.**, Womble, B. Competition and the DoD Marketplace *9th Annual Acquisition Research Symposium Proceedings*, April 2012
- **Guertin, N.H.**, et. al. US Navy Service Acquisition Executive's Software Process Improvement Initiative. Policy on shaping the IT workforce tasked with software development, systems engineering, and acquisition professional training and career development. *Assistant Secretary of the Navy (Research, Development and Acquisition)* Jun 2008
- **Guertin, N.H.**, Kalisz, M.S. *Submarine Combat Control System Development with a Focus on Human Systems Integration. Human Systems Integration Symposium*, May 2004
- **Guertin, N.H.**, Miller, R.W. Making Choice Possible, the Right Way to Acoustic Superiority, *American Society of Naval Engineer's Journal*, Oct 1998

12. Speeches Interviews and Presentations

1. "Using Value Engineering to Propel Cyber-Physical Systems Acquisition", DoD Acquisition Research Symposium, May 2021
2. "Capability Innovation Model for Software-Intensive Systems", National Academies of Science, Engineering and Medicine, Apr 2019
3. "Business and Organizational Impacts for Modular Flexible Ships", American Society of Naval Engineers Flexible Ships Design Series, Nov 2018
4. "Transformation of Test and Evaluation: The Natural Consequences of Model Based Systems Engineering, Modularity and Open Architecture", Acquisition Research Symposium, Monterey, CA, Apr 2017
5. "Agility-at-Scale for Safety- and Mission-Critical Industrial-Scale Systems", with Dr. Douglas Schmidt, INFORMS Annual Conference, Nashville, TN November 13, 2016.
6. "Innovation and Speed: The Rise of Open Systems", with Dr. Douglas Schmidt, the United States Technology Leadership Council, Reston, VA, August 24, 2016.

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 1st day of October, 2021

[The nomination of Mr. Nickolas H. Guertin was reported to the Senate by Chairman Reed on October 28, 2021, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on December 14, 2021.]

[Prepared questions submitted to Ms. Alexandra N. Baker by Chairman Reed prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES

Question. Pursuant to section 137a of title 10, U.S. Code, the Deputy Under Secretary of Defense for Policy (DUSD(P)) serve as the first assistant to the Under Secretary of Defense for Policy (USD(P)) and assists the Under Secretary in the performance of the duties set forth in section 134 of the code.

What is your understanding of the duties and functions of the DUSD(P)?

Answer. The Deputy Under Secretary of Defense for Policy (DUSD(P)) is the primary assistant to and senior-most official under the Under Secretary of Defense for Policy (USD(P)). The DUSD(P) will assist the USD(P) to perform all duties in Section 134 and 137a of Title 10, U.S.C. As a Presidentially appointed and Senate confirmed official, the DUSD(P) is empowered to act on behalf of USD(P) on delegated topics, and when the USD(P) is unavailable or recused.

Question. What is your understanding of the role of the DUSD(P) as “first assistant” to the USD(P)?

Answer. Per the Federal Vacancies Reform Act of 1998, as amended (5 U.S.C. §§ 3345–3349d), the “first assistant” is the first successor to USD(P) in case the USD(P) dies, resigns, or is unavailable to perform his/her duties. In such a case, DUSD(P) shall act for the USD(P) until a successor is either appointed or the absence or unavailability ends, subject to the time limitations and other provisions of the Act.

Question. If confirmed, what specific additional duties might you expect the USD(P) to prescribe for you?

Answer. If confirmed, I will foremost help USD(P) carry out the responsibilities, fulfill functions, manage relationships, and exercise authorities provided for in law and pursuant to the DOD directive that assigns responsibilities to USD(P). I understand that the specific duties assigned to DUSD(P) by the USD(P) has differed for every USD(P)/DUSD(P) relationship. If I am confirmed, I will support USD(P) and the Policy organization as directed by USD(P).

QUALIFICATIONS

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

Answer. My many years of service in the national security community, to include as Special Assistant to the President and Senior Director for Strategic Planning on the National Security Council staff, national security advisor for Senator Warren,

Deputy Chief of Staff to former Secretary of Defense Ash Carter, as a career civilian budget analyst at the Office of Management and Budget (OMB), and my time on the House Armed Services Oversight and Investigations Committee have provided me with expertise, background, and experiences that qualify me for this position. This background and experience will give me a variety of perspectives on how best to support the Secretary of Defense and the USD(P).

Question. Specifically what leadership and management experience do you possess that you would apply to your service as DUSD(P), if confirmed?

Answer. I have led diverse teams at multiple levels to meet or exceed their organizational objectives, both within the Department and over the course of my career. In my role as Deputy Chief of Staff to the Secretary of Defense, I helped to stand-up several new offices and initiatives within the Department, including the Defense Innovation Unit (DIU), coordinating their activities across multiple stakeholders and with Congress. Having worked directly for a Secretary of Defense gave me a Department-wide view of how the Department functions, and the role played by Policy in the broader defense organization. In my current role as the Senior Director for Strategic Planning at the National Security Council, I lead key interagency strategy efforts, coordinating input and actions at the Assistant Secretary-level across the government. My time at OMB additionally gave me tools to understand how resources are apportioned among the departments and agencies. I believe this background will help me assist the Secretary and USD(P) with the Policy organization's responsibilities.

Question. Are there any actions you would take to enhance your ability to perform the duties and exercise the powers of the DUSD(P)?

Answer. If I am confirmed, I will familiarize myself with the Policy organization, its assigned responsibilities, and the expectations of the Secretary of Defense and the USD(P) for me. I will seek to build and expand on relationships within DOD, other departments and agencies, and with the legislative branch to further Policy's goals.

MAJOR CHALLENGES AND PRIORITIES

Question. What do you consider to be the most significant challenges you would face if confirmed as the DUSD(P)?

Answer. The most significant challenge for me would be the same as for the Policy organization—providing the best strategic advice to the Secretary, implementing the policies deriving from those strategies, and accomplishing these missions in a COVID constrained environment. If confirmed, I would also seek to prioritize the organizational health of the Policy enterprise.

Question. If confirmed, specifically what actions would you take to address each of these challenges?

Answer. If confirmed, I will work with the Policy team on enhancing resources and examining the tools the team has to work on classified issues under the COVID challenges facing the Policy team.

Question. If confirmed, what innovative ideas, if any, would you consider providing the USD(P) and the Secretary of Defense regarding the organization and operations of the Office of the Under Secretary of Defense for Policy (OUSD(P))?

Answer. As I have not yet served in Policy, I believe it would be premature for me to speculate before gaining a better understanding of the organization. If confirmed, I will spend time learning the organization and its operations so that I can provide the Secretary and USD(P) the best possible innovative recommendations.

GUANTANAMO BAY NAVAL STATION

Question. What are your views on the continued use of the detention facility at Guantanamo?

Answer. I support the Biden Administration's stated view that it is time to close the detention facility at Guantanamo responsibly. Until that time, however, the Department must ensure the continued safe, humane, and legal care and treatment of the 39 remaining detainees through Joint Task Force—Guantanamo (JTF-GTMO).

Question. In your view, what impact, if any, does the end of combat operations in Afghanistan have on the Defense Department's detention policy and strategy?

Answer. While I am aware that there is litigation ongoing on this matter, I understand that the end of combat operations in Afghanistan does not affect the legal basis for the Defense Department's detention operations, which remains the 2001 Authorization for Use of Military Force. With regard to the Department's detention policy and strategy, in line with the Biden Administration's policy, I believe it is time to close the detention facility at Guantanamo responsibly.

Question. What factors should be considered in setting policy for determining the release or transfer of GTMO detainees?

Answer. I believe the factors used by the Periodic Review Board in determining whether a detainee should be considered transfer eligible, as laid out in the governing policy memo posted at prs.mil are appropriate. The Periodic Review Board review process uses available information to determine whether a detainee remains a continuing significant threat to the security of the United States and, if not, whether there are conditions which could ensure any remaining threat is mitigated such that transfer to a suitable country is appropriate.

Question. In your view, what should be the Department's long-term detention strategy?

Answer. In line with the Biden Administration's policy, I believe it is time to close the detention facility at Guantanamo responsibly. It is my understanding that the Biden administration does not intend to bring new detainees to the facility and will seek to close it.

The Periodic Review Board (PRB) process, enacted in law by section 1023 of the fiscal year 2012 NDAA, is conducted "to determine whether certain individuals detained at [Guantanamo] represent a continuing significant threat to the security of the United States such that their continued detention is warranted".

Question. Do you think the U.S. Government should continue the PRB process and the transfer of detainees to other countries based on the PRB's determinations, subject to the restrictions currently in law?

Answer. If confirmed, I would support the continued Period Review Board process. I understand that the PRB conducts hearings on a regular basis to make administrative determinations as to whether continued detention remains necessary, although no transfers occur unless the Secretary of Defense provides a certification in accordance with the relevant legal requirements.

Question. Under what circumstances would you envision the Administration directing the activation and operations of such a migrant detention facility?

Answer. I believe the referenced facility is the Migrant Operations Center, which is located on Naval Station Guantanamo Bay and operated by the Department of Homeland Security. To my knowledge this facility has a steady-State mission of housing migrants interdicted at sea while they are processed for third-country resettlement.

Question. What role would the Department of Defense play in the Administration and operation of this migrant detention facility?

Answer. My understanding is that the Department of Homeland Security manages the administration and operations of the Migrant Operations Center. I understand that Naval Station Guantanamo Bay provides some support services, such as medical care for staff and those housed at this center, on a reimbursable basis.

Question. What is the appropriate role for a contractor to play in the administration of this facility?

Answer. I cannot speak to the appropriate role of contractors at this facility as it is operated by the Department of Homeland Security.

DEPARTMENT OF DEFENSE REFORMS

Question. The National Defense Authorization Act for Fiscal Year 2020 included an increase in the number of personnel authorized to be assigned to the Office of the Secretary of Defense.

Do you believe that an increase in the number of personnel assigned to the OUSD(P) is necessary and appropriate?

Answer. I am aware that the number of personnel in the Policy organization has been reduced over the last several years. My understanding is that this has been challenging to the Policy organization, especially as our national security challenges have grown in complexity. If confirmed, I would seek to work with USD(P) to review missions and current staffing levels to determine whether the professional civilian staff is sized appropriately, and how we can best recruit and retain a skilled and talented workforce. I would also seek to work with Congress to ensure that the Policy organization is resourced appropriately to support the Secretary and the Nation.

Question. To what missions and functions would you apply such an increase, if confirmed?

Answer. If confirmed, I will look to the upcoming National Defense Strategy to guide my recommendations to USD(P) about how best to use any additional resources.

Question. In your opinion, how does the number of personnel assigned to OUSD(P) (as compared to the number of personnel assigned to the Joint Staff) impact civilian control of the military?

Answer. OUSD(P) personnel play an important role in advising the Secretary of Defense and ensuring civilian control of the military. As I am not yet aware of the personnel assigned to OUSD(P) and Joint Staff, and if their responsibilities are comparable, I cannot assess this question yet. If confirmed, I will commit to examining this issue closely.

Question. In your view, would an increase in the number of personnel assigned to the OUSD(P) enhance civilian control of the military? Please explain your answer.

Answer. This is a complex question, which I am committed to examine if I am confirmed. An increase in personnel would allow OUSD(P) to increase its ability to provide the best strategic advice to the Secretary of Defense, the senior departmental official, and would be consistent with the commitment to ensure civilian control of the military.

NATIONAL DEFENSE STRATEGY AND INTERIM NATIONAL SECURITY STRATEGIC GUIDANCE

Question. The 2018 National Defense Strategy (NDS) shifted United States strategic priorities to focus on a rising China, an aggressive Russia, and the continuing threat from rogue regimes and global terrorism. In March 2021, the Biden Administration issued its Interim National Security Strategic Guidance, which sets out the national security priorities for the Administration. The Administration has initiated the process of preparing a new NDS, to be completed in 2022.

Do you believe that the 2018 NDS and the Interim National Security Strategic Guidance accurately assess the current strategic environment, including the most critical and enduring threats to the national security of the United States and its allies?

Answer. The 2018 National Defense Strategy was notable, in my view, particularly for how it accelerated bipartisan consensus on the concerning growth of China's military capabilities and its implications for the United States, and our allies and partners. As Secretary Austin has highlighted, and the Interim National Security Strategic Guidance more recently articulated, the growing scope and scale of China's military modernization make China the Department's pacing challenge. The Interim Guidance also highlights a range of other key challenges in the security environment—to include climate change, the global COVID-19 pandemic, and other biological threats. If confirmed, I would work to ensure that the Department's ongoing NDS review accounts for key features of the security environment, to include any changes since the 2018 NDS and the 2021 Interim National Security

STRATEGIC GUIDANCE WERE PUBLISHED.

Question. Do you support the national security priorities set out in the Interim National Security Strategic Guidance?

Answer. Yes. In my current role, I am leading efforts to update the Interim National Security Strategic Guidance, which will ultimately result in publication of the Administration's new National Security Strategy. If confirmed, I would expect to focus on ensuring NDS alignment and implementation consistent with administration guidance.

Question. What areas of current NDS implementation cause you the most concern and what recommendations would you have for addressing each of these concerns, if confirmed?

Answer. Any defense strategy, in my view, stands or falls on implementation. Assessments of past National Defense Strategies (and QDRs before them) have consistently identified the need for more deliberate planning, organization, and prioritization to execute the priorities in these documents. I understand the NDS process is well underway. If confirmed, I will work to finalize the forthcoming NDS with a deliberate eye toward ensuring that it builds implementation into its approach. In so doing, I would work with the Department's senior leadership to ensure that implementation efforts are integrated across the Department, in support of other U.S. elements of national power, and alongside our allies and partners.

Question. If confirmed, what steps would you take to increase the quantity and quality of analytic capability required to support informed assessment and decision-making in the OUSD(P)?

Answer. If confirmed, I will support the USD(P) in working with the Deputy Secretary's recently chartered Analytic Working Group—comprised of Policy, Joint Staff, CAPE, and the Chief Data Officer (CDO)—in consultation with the Services and other components, to ensure the analytic support processes, tools, and methodologies provide civilian leadership with the variety of decision support that they need to address the scope and scale of challenges the NDS will address.

Question. What is your assessment of the ability of DOD modeling and simulation capabilities to support policy missions, for example in modeling the impacts of financial market uncertainties on military operations?

While I am not in a position to know firsthand, I understand that the Department's analytic capabilities may have been strained by budgetary reductions over the past decade. At the same time, potential tools and methodologies have been evolving based on new analytic approaches and technologies and better harnessing of data. If confirmed, I will make it a priority to review these developments and ensure that Policy has the requisite personnel, tools, and methodologies to support senior leader decisions.

Question. What is your view of the role that social science research, such as that funded under the DOD Minerva program, has played in support of defense policy objectives?

Answer. I believe it is important for DOD policymakers to listen to, and draw upon, a wide range of research, including from the academic community. The Minerva program, and the social science it supports, is an exemplar of such research and I understand that it has, and continues to be, an important resource for policymakers, and the wider DOD community.

In its 2018 report, *Providing for the Common Defense*, the National Defense Strategy Commission observed, “[t]he United States needs more than just new capabilities; it urgently requires new operational concepts that expand United States options and constrain those of China, Russia, and other actors. Operational concepts constitute an essential link between strategic objectives and the capability and budgetary priorities needed to advance them.”

Question. What do you view as the role of the OUSD(P) in the development of operational concepts?

Answer. Operational concepts are an essential link between strategic objectives, policies, and the capability and budgetary priorities needed to advance them. As such, OUSD(P)'s role is to provide appropriate civilian guidance and oversight to ensure operational concepts are well-integrated and strategically aligned.

Question. What key elements or components must operational concepts include, in your opinion, to effectively guide capability and budgetary priorities?

Answer. Joint concept development is an iterative process that requires tight linkages between civilian and military leadership. At any resource level, the Department's concept development must balance sustaining systems capable of countering threats at lower costs, divesting systems that are not fit for purpose, and modernizing forces able to contend with threats posed by increasingly advanced competitors over time, with a prioritized focus on China. To do so, operational concepts must clearly articulate the operational problems that a threat poses over time and how the concept is intended to provide options to address the threat in relation to the above.

Question. In your opinion, does the planning, programming, budgeting and execution process in the Department of Defense need to be modified to better support the emerging joint requirements of the Joint Warfighting Concept? If so, in what ways? If not, why not?

Answer. I believe the Department's planning, programming, budgeting, and execution (PPBE) process, including the supporting force planning and development efforts, provides a transparent and neutral process for considering and prioritizing key investments that stem from the emerging defense strategy and Joint Warfighting Concept work. However, as with all processes, DOD should frequently evaluate PPBE to ensure that it is effectively providing needed alignment between strategic priorities, analysis, concepts, and specific solutions.

CYBER POLICY AND AUTHORITIES

Question. National Security Presidential Memorandum–13 (NSPM–13), United States Cyber Operations Policy, provides the process for approving cyberspace operations. Together with congressional clarification that clandestine military activities or operations in cyberspace can be considered “traditional military operations” under the National Security Act of 1947, NSPM–13 is credited with enabling the Federal Government to undertake significant cyberspace actions on a timely basis within an effective oversight framework.

In your view, has NSPM–13 significantly improved the planning and approval of military operations in cyberspace?

Answer. In my view, the existing policy framework for approving offensive cyber operations has made a positive contribution by enabling the Department to effectively perform its mission to disrupt threats overseas at the source, before they reach our networks. I also welcomed Congress's clarification in the Fiscal Year 2019

NDAA of what constitutes traditional military activities. Together, these measures ensure that the Department is better able to operate in cyberspace and understand the evolving cyber environment.

Question. In your view, can NSPM-13 be improved, and if so, how?

Answer. It is my understanding that the current policy has resulted in well-coordinated and timely DOD cyber operations. If confirmed, I will support the USD(P) in reviewing the policy and any associated risks, and work to ensure that the Department remains focused on improving its effective use of the authority granted by the President and the existing interagency coordination process. I will also seek to ensure that the Department remains fully transparent with Congress as we ensure that DOD is able to perform its mission effectively in cyberspace.

The United States has been subjected to an increasing number of serious ransomware attacks facilitated by criminal organizations located in countries whose governments appear to tolerate, if not encourage, these activities.

Question. In your view, specifically how should the U.S. Government hold other governments accountable for failing to act against criminal ransomware organizations operating within their borders?

Answer. Addressing the threat of ransomware is a challenge, in part due to the increasingly blurry lines between nation-State and criminal actors. Some governments have let government-employed hackers “moonlight” as cybercriminals for personal benefit, and some governments have created permissive environments for criminal ransomware gangs, allowing them to operate from within their borders and shielding them from prosecution. President Biden has been clear that this is not acceptable, and that responsible countries must take action against cybercriminals who conduct ransomware activities from within their territory.

Thwarting ransomware actors requires a whole-of-government response that is coordinated with the private sector and our international partners. If confirmed, I will work to support these efforts, which include working with the defense industrial base to increase its security and resiliency; defending the Department’s networks from malware, including ransomware; and strengthening partnerships with the Federal Bureau of Investigation and Department of Homeland Security in their efforts to improve the cyber defenses of Federal, State, and local governments, as well as those of the private sector.

Question. Does the ability of these large cyber-criminal enterprises to target critical infrastructure pose a potential threat to national security, in your view?

Answer. Ransomware attacks can threaten our national, homeland, and economic security. Recent high-profile attacks on critical infrastructure, including attacks on the Colonial Pipeline and JBS Foods, have demonstrated ransomware’s potential to disrupt the everyday lives of Americans. The cyber degradation or disruption of critical infrastructure can have cascading physical consequences that could have serious effects on our national security.

Question. In your view, what factors should be considered in assessing whether a cyber action by an adversary would constitute an act of war?

Answer. The implications of any cyberattack must be considered on a case-by-case basis. This includes consideration of the total effects of an incident, such as injury, death, or significant property destruction. If confirmed, I will work to ensure that the Department is postured to support whole-of-government responses to cyber incidents, particularly if they are destructive or target our critical infrastructure.

Question. While diplomacy, law enforcement actions, and improved defenses are critical to countering the ransomware threat, do you envision a role for DOD Cyber Mission Forces in conducting disruptive actions directly against these organizations in cyberspace? Please explain your answer.

Answer. I understand that the Department is prepared to use its unique authorities to defend forward and disrupt significant ransomware threats at the source, before they reach our networks. However, ransomware actors generally target victims for financial gain, making ransomware threats criminal in nature and often the focus of law enforcement action. If confirmed, I will work to ensure that the Department continues to support whole-of-government efforts to counter ransomware threats, including through robust sharing of information that can enable our law enforcement partners as well as the Department of Homeland Security, which is responsible for coordinating the security of U.S. critical infrastructure.

Question. The National Defense Authorization Act (NDAA) for fiscal year 2014, required the appointment of a Principal Cyber Advisor (PCA) to the Secretary of Defense to coordinate across all the DOD components with cyberspace responsibilities, assist in the development of cyber strategies and posture reviews, and oversee implementation of strategies and policies. The Deputy Secretary of Defense is reviewing a recommendation to transfer the PCA role from the Assistant Secretary of De-

fense for Homeland Defense and Global Security to the DOD Chief Information Officer (CIO).

What do you perceive to be both the pros and cons associated with the transfer of PCA roles and duties to the DOD CIO?

Answer. I understand the Principal Cyber Advisor to the Secretary of Defense (PCA) and Department of Defense Chief Information Officer (DOD CIO) play critical roles in the Department's governance and oversight of cyber policy and programs. Within the Office of the Secretary of Defense the PCA's responsibilities include oversight of U.S. Cyber Command and implementation of the Department's cyber strategy playing a key role in overseeing cyber operations and policy, programs, and processes that support these operations, and integrating policy, programs, and processes germane to cyber operations across the Department. I understand the DOD CIO, as the principal staff assistant for information technology, manages the Department's cybersecurity program and develops and oversees implementation of cybersecurity policy across the Department. I am not aware of and have not been a part of internal DOD discussions about a potential transfer of the PCA role to the DOD CIO. If confirmed, and designated by the Under Secretary of Defense for Policy to contribute to those internal discussions, I would develop a recommendation based on careful review of the PCA and CIO roles and responsibilities, respectively, and DOD leaders' vision and strategy for organizing the Department for all of its cyber-related missions.

Question. If confirmed, will you pledge to consult with the Committees on Armed Services of the House and Senate prior to any decision by the Secretary to transfer the PCA role from the Office of the Under Secretary of Defense for Policy?

Answer. I understand the Deputy Secretary of Defense intends, and has promised, to consult with the Committees on Armed Services of the Senate and House of Representatives prior to any redesignation of the Principal Cyber Advisor. If confirmed, I will ensure that consultation with these committees occurs prior to any final decision.

SPECTRUM

Question. In what ways does DOD rely on spectrum to support warfighter requirements?

Answer. My understanding is that the electromagnetic spectrum is essential to a wide range of the Joint Force's operations, including command, control, communications, and warfighting.

Question. What future spectrum warfighter requirements are essential to competing with Russia and China?

Answer. I understand that the spectrum is increasingly contested. If confirmed, I will look to better understand what the force needs to achieve spectrum access and superiority in order to prevail in a high-end warfight.

Question. Under the July 15, 2021, Electromagnetic Spectrum Superiority Strategy Implementation Plan and Roadmap, and per section 1053 of the fiscal year 2019 NDAA, the DOD CIO has now assumed responsibilities as the DOD senior official for overall implementation of the Spectrum Superiority Strategy. Yet, the Office of the Undersecretary of Defense for Policy, USD(P) is expected to name a Deputy Assistant Secretary to advocate and represent the USD(P) on matters related to Electromagnetic Spectrum Operations (EMSO).

Do you believe EMSO policy processes are adequately represented in this planning structure?

Answer. I am not in a position at this time to assess whether EMSO policy processes are adequately represented in this planning structure. If confirmed, I will work with key stakeholders across the Department to advance the Joint Force's priorities for EMSO, in accordance with Policy's roles and per the implementation plan.

Question. Are Combatant Commander requirements properly represented? Please explain your answer.

Answer. I understand that the EMSO cross functional team included participation by the CCMDs, but I am not in a position at this time to evaluate CCMD representation in practice.

Question. If confirmed, what improvements would you propose to strengthen the role of EMSO in the policy processes under the USD(P)?

Answer. If confirmed, I would work with the USD(P) to ensure that Policy fully supports the consideration of EMSO in the appropriate strategic guidance documents, to include the National Defense Strategy and associated guidance on force management guidance and force planning. I would also direct that Policy's participation in the Department's budget and force management processes fully account for EMSO.

Question. Do you believe it prudent for DOD to vacate or share the 3100–3450 Mhz band for commercial 5G wireless networks?

Answer. I am not in a position at this time to evaluate technical specifics, but I believe the Department must balance achieving U.S. economic development objectives while not limiting constraints on military capabilities. If confirmed, I would work so support the USD(P) in working alongside DOD’s Chief Information Officer to ensure DOD’s access to critical spectrum.

Question. What most concerns you about the proposal that DOD vacate this particular band?

Answer. I am generally concerned that adversary actions, commercial development, and regulatory constraints could impede U.S. forces’ freedom of action in the electromagnetic spectrum. If confirmed, I will work with the USD(P) to ensure that the Department reforms its processes and modernize the Joint Force in order to maintain an edge in key domains, to include EMSO and 5G, in cooperation with the Department’s technical experts and other stakeholders.

Question. How would you articulate the impacts to the capabilities of DOD under such circumstances, and how will those impacts be mitigated, in your view?

Answer. I cannot speak to the technical specifics of how the Department is grappling with this issue from my current position, but I understand that, under the Secretary’s guidance to make China the Department’s overall pacing threat for modernization, the Department is prioritizing a wide range of modernization efforts. If confirmed, I would expect to play a key role in linking strategic guidance to implementation efforts and investments, informed by robust analysis and new operating concepts.

SPACE

Question. What are your views with respect to the necessity of civilian oversight of DOD space operations with respect to U.S. Space Command and Space Force?

Answer. Space is a critical warfighting domain, and civilian oversight of force development and operations regarding the space domain is as important as civilian oversight of force development and military operations in any other domain. Given that conflict could extend to or originate in space, and in light of the new and rapidly evolving nature of the challenge, civilian oversight regarding space is particularly important.

Question. Is current civilian oversight of these organizations adequate?

Answer. I understand that when passing the legislation that established the U.S. Space Force, Congress also took important steps to strengthen civilian oversight of space by placing the Space Force under the oversight of the Secretary of the Air Force, establishing a new Assistant Secretary of the Air Force for Space Acquisition and Integration, and designating that one of the Assistant Secretaries of Defense would be the Assistant Secretary of Defense for Space Policy. If confirmed, I would work closely with these organizations to ensure strong civilian oversight and regularly assess if further changes are needed.

Question. Should the OUSD(P) play a different or greater role in oversight of these organizations? Please explain your answer.

Answer. My understanding is that the Assistant Secretary of Defense for Space Policy—who reports directly to the Under Secretary of Defense for Policy and whose principal duty is the overall supervision of DOD policy for space warfighting—is well positioned to support the USD(P) and the Secretary of Defense in ensuring appropriate civilian oversight of both the operational and planning activities of the U.S. Space Command and the organize, train, and equip activities of the U.S. Space Force. If confirmed, I would work closely with the ASD for Space Policy, regularly evaluating the effectiveness of this oversight role and whether any changes might be advisable.

There is growing concern about the vulnerability of our Nation’s space-based systems and supporting architectures.

Question. If confirmed, what policies would you recommend to address these vulnerabilities?

Answer. It is essential to have strong mission assurance of the critical space-based capabilities that support our national security. If confirmed, I would prioritize understanding the extent of progress to date in transitioning to new space architectures that are resilient against the types of counterspace capabilities our strategic competitors, specifically China and Russia, are developing. I would also want to ensure DOD is taking necessary steps to protect the joint force in all domains against potential adversaries’ hostile uses of space.

Question. If confirmed, what changes to national security space policy, organization, and programs would you propose?

Answer. If confirmed, before making specific proposals, I would want to receive detailed briefings on the current and projected security environment in space, and the extent of coordination and integration across the national security space enterprise to ensure the national security advantages of our space capabilities. It is critical that policy, organizational, and programmatic decisions reflect broad consensus across our government regarding the importance of space, and I would continually assess whether our efforts are producing the intended results or if further changes are required.

Question. In your view, what are the roles of our allies and industry with respect to DOD space and national security operations?

Answer. Close relationships with our allies and partners, and a strong, vibrant U.S. industry, are fundamental to a successful space security strategy. If confirmed, I would look to strengthen space policy, programmatic, and operational cooperation with our allies and partners. I would also work closely with the U.S. Space Force and U.S. Space Command to maximize our ability to leverage the dynamic and innovative capacities of U.S. industry.

Pursuant to section 955 of the fiscal year 2020 NDAA, President Biden has nominated an individual to be the Assistant Secretary of Defense for Space Policy. The NDAA specifies that “The principal duty of the Assistant Secretary shall be the overall supervision of policy of the Department of Defense for space warfighting.”

Question. Congress has repeatedly opposed diluting the missions and functions of the Assistant Secretary of Defense for Space Policy with matters related to nuclear or missile defense. How will you, if confirmed, ensure a continued, laser-like focus on Space Policy within the OUSD(P)?

Answer. DOD space capabilities support all aspects of national defense strategy from peacetime competition and strategic deterrence, to operations and decision-making in conventional and nuclear conflict. These capabilities support the total force across all domains as well as national leadership at the highest levels. If confirmed, I would ensure that the OUSD(P), and in particular the ASD for Space Policy, is addressing the challenges of space warfighting policy holistically, within the context of an integrated national defense strategy and total force posture, rather than from a perspective limited to just the space domain. This approach would maximize the strategic benefits of a dedicated focus on the challenges of space security.

Question. What principal duties do you believe should be assigned to the Assistant Secretary of Defense for Space Policy with respect to space? Please explain your answer.

Answer. I believe the principal duties of the ASD for Space Policy should center on the space policy and related matters that correspond most closely to the responsibilities of the Under Secretary of Defense for Policy in advising the Secretary of Defense. Thus, in addition to the duties assigned in statute, the ASD for Space Policy should represent the Secretary of Defense and the Under Secretary of Defense for Policy in interagency policy and strategy deliberations and in international negotiations regarding space and related matters. The ASD for Space Policy also should advise on the strategic and policy aspects of planning, programming, budgeting, and execution activities related to space, and on integration of space and related capabilities into operations and contingency plans.

Question. What other duties and responsibilities should be assigned to this ASD?

Answer. If confirmed, I would work with the USD(P) to assess the appropriate scope of responsibilities for the ASD for Space Policy, taking into account the overall structure of the Policy organization.

MIDDLE EAST

Question. What do you view as the Department’s top priorities in the Middle East?

Answer. The Department of Defense’s priorities derive from the President’s Interim National Security Strategic Guidance. I see at least three major priorities for the Department in the Middle East: preventing Iran from acquiring nuclear weapons and addressing threats from Iran’s regional aggression and support for terrorism, including protecting our own forces; disrupting Al-Qaeda and related terrorist networks and preventing an ISIS resurgence; and protecting other vital U.S. interests such as freedom of navigation. Our presence in the region also provides opportunities for security cooperation with our allies and partners in the region, including Israel, as we seek to cultivate their military capabilities and build interoperability to pursue shared objectives. DOD must be mindful that China remains the Department’s pacing threat and that strategic competition must be a priority in the Middle East as well.

Question. To what extent does achieving U.S. national security interests in the Middle East require a continuous U.S. military presence there, in your view?

Answer. The United States cannot achieve our national security interests in the Middle East without a military presence in the region, but the Department's military posture in the Middle East must also be sustainable and balanced with global military priorities. Our military presence enables the protection of the homeland, positions us to respond to contingencies, and allows us to better cooperate with our allies and partners as DOD works to improve their military capabilities, build interoperability, and collaborate on shared security objectives. If confirmed, I will work with the USD(P) to continually assess our presence in the region in light of the dynamic security environment.

Question. In your opinion, is the current U.S. force presence in the Middle East appropriately sized? Please explain your answer.

Answer. The President's Interim National Security Strategic Guidance states that in the Middle East, DOD will right-size our military presence to the level required to disrupt international terrorist networks, deter Iranian aggression, and protect other vital interests. If confirmed, I will work with other leaders in the Department to ensure our military presence in the Middle East is appropriately aligned with our strategic objectives.

Question. What opportunities exist for increasing burden-sharing with U.S. regional and European partners to counter threats emanating from and affecting the U.S. Central Command (CENTCOM) Area of Responsibility (AOR)?

Answer. Sharing the responsibility of regional security with our allies and partners is critically important to achieving our national security objectives. This is one of the reasons the President's Interim National Security Strategic Guidance calls for prioritizing our alliances and partnerships. The Department already does this well, including through such coalitions as the International Maritime Security Construct, the Defeat ISIS Coalition, and an expanded NATO mission in Iraq. If confirmed, I will work with my colleagues in the Department, U.S. interagency, and internationally to find additional opportunities to further enhance security cooperation.

Question. To what extent is the Middle East relevant to great power competition?

Answer. The Middle East remains an important region for United States interests, particularly in terms of strategic waterways and access for global commerce, and is increasingly a key theater for competition. China and Russia both seek to displace the United States as the partner of choice in the Middle East. Their presence often undermines United States force protection in the region, and their weapons sales and increased technical cooperation with our Middle East partners put United States technology at risk.

Question. How should DOD consider countering Russia and China in the Middle East, in your view?

Answer. China continues to expand its military and intelligence footprint and increase its involvement in the region, as does Russia. But the United States retains many advantages, including our long-standing partnerships in the region. I understand that the Department is investing in support for regional partners and affirming common interests to counter common threats. If confirmed, I work to ensure that the United States remains the strategic partner of choice in the Middle East.

Question. In your judgment, should the Department accept greater risk in the CENTCOM AOR?

Answer. I believe that DOD should right-size our military posture in the CENTCOM AOR to the level required to secure U.S. national interests while keeping a focus on our global strategy.

Question. How could such risks be mitigated, in your view?

Answer. The Department's prioritization of China as its pacing challenge for developing new military technology and operational concepts ensures that the United States will maintain its overwhelming overmatch vis-a-vis Iran. This overmatch, combined with the Department's demonstrated ability to rapidly deploy forces to the region, should allow the Department to adopt a sustainable posture that is less dependent on static, long-term deployments, without losing significant deterrent benefits.

IRAQ

Question. What, in your view, are the primary goals of our current military posture in Iraq?

Answer. The United States military is in Iraq at the invitation of the Government of Iraq under Operation INHERENT RESOLVE to support the Iraqi security forces as they lead in the fight against ISIS alongside our partners in the Global Coalition to Defeat ISIS.

Question. What is your view of the Administration's decision to transition combat forces from Iraq?

Answer. The announcement that the United States and Iraq security relationship will fully transition to a training, advising, assisting, and intelligence-sharing role is only possible because of the increased capabilities of the Iraqi security forces as they continue to lead in the fight against ISIS. It is a signal of remarkable progress and the success of the United States-Iraq strategic partnership.

Question. Going forward, what do you envision to be the missions and size of the United States military presence in Iraq?

Answer. The United States military is in Iraq at the invitation of the Iraqi government. As Iraqi needs continue to evolve, so will the United States mission. If confirmed, I will work to support the USD(P) in ongoing conversations the Department and the interagency have with our Iraqi and Coalition partners.

Question. Do you believe the United States should continue to provide security assistance to Iraq following the defeat of the so-called physical caliphate of ISIS? If so, for what purposes?

Answer. Although ISIS no longer holds territory, it remains a threat and ISIS continues to conduct attacks, jeopardizing the hard-fought gains of Iraqi security forces over the past several years. The United States should remain committed to the defeat-ISIS mission and continue to build the capacity of Iraqi security forces to enable them to conduct counter-ISIS operations independently.

Question. How should the United States regularize security assistance to Iraq in future years?

Answer. It is my understanding that during the fight against ISIS, United States security cooperation with Iraq has largely focused on tactical and operational needs. If confirmed, I would advocate for the United States and Iraq to look beyond immediate-term priorities toward longer-term institutional development and a future cooperation between our militaries that extends beyond counterterrorism.

Question. How would you characterize Iran's influence in Iraq?

Answer. It is my understanding that Iran provides financial support, training, and equipment to Iraqi militia groups to grow its political and military influence, seeking both an end to the United States presence through both political and military means and to use Iraq as a platform for its destabilizing activities in the region. Attacks from these Iranian-backed militias not only threaten the safety of United States and Coalition personnel, but also undermine Iraq's stability and threaten Iraqi civilians.

Question. If confirmed, what strategy would you recommend to limit Iranian malign influence in Iraq?

Answer. If confirmed, I would support the USD(P) in working with our interagency partners to craft a whole-of-government approach to limit Iranian malign influence and ensure that Iraq is strong, stable, and sovereign. Following the recent Iraqi elections, the United States should encourage a swift government formation process that results in a government dedicated to creating a brighter future for all Iraqis and advancing the United States-Iraq strategic partnership. The United States should also continue to support Iraq's sovereignty and improved relations with other neighboring states as a counterweight to Iran.

IRAN

Question. What is your assessment of the current military threat posed by Iran?

Answer. It is my understanding that the Iranian military and its proxies and partners pose a conventional and unconventional threat to United States forces and our regional partners. Iran leverages regional militia groups to threaten United States forces and partners and undermine regional sovereignty. It has attacked United States forces with ballistic missiles, while proliferating this capability to its partners and proxies. Iran is similarly proliferating one-way attack unmanned aerial systems to its proxies for attacks on United States forces and regional partners. Finally, it is my understanding that Iran also threatens freedom of navigation in the Strait of Hormuz region through direct attacks on civilian shipping, and stockpiling naval mines designed to close the Strait.

Question. What is your understanding of the objectives of the United States security strategy with respect to Iran?

Answer. It is my understanding that the U.S. strategy is to pursue diplomacy to prevent Iran from acquiring a nuclear weapon, and to counter Iran's destabilizing activities in the region. The Department supports this effort by deterring and, if necessary, defending against Iranian aggression, and by working to build partner capacity and promote increased cooperation to address shared threats.

Question. What is the role of the U.S. military in this strategy?

Answer. It is my understanding that the Department of Defense deters aggressive actions by Iran by maintaining a calibrated force presence and working with its partners to enhance regional defenses against Iran's destabilizing actions.

Question. Are United States military forces and capabilities currently deployed to the CENTCOM AOR adequate to deter and, if necessary, respond to threats posed by Iran?

Answer. It is my understanding that the Department of Defense is currently undertaking a global posture review to, in part, answer this question. If confirmed, I will work with the Joint Staff, the Services, and the Combatant Commands to carefully review the size, shape, and readiness of the force, and to ensure we are creating a flexible global posture that effectively deters threats and provides the President the options he needs by leveraging our unmatched ability to rapidly deploy forces anywhere in the world.

Question. What is your assessment of United States national security interests associated with the growth of Iranian influence in the Middle East?

Answer. Countries that experience an increase in Iranian influence typically see a weakening of State authority as Iran creates and arms militias that undermine national sovereignty. These militias then use their Iranian-provided weapons to threaten or attack neighboring countries spreading conflict and instability across the region.

Question. How would you describe our strategy to counter Iran's malign influence—more specifically, Iran's proxy networks—and other activities throughout the Middle East?

Answer. I understand the United States strategy aims to counter Iranian malign influence in the Middle East by enhancing the capabilities and capacity of United States regional partners, leveraging the international community to condemn and push back against Iran and its proxies' destabilizing activities, and deterring and responding to any attacks from Iranian proxies.

Question. If the United States were to return to compliance with the Joint Comprehensive Plan of Action (JCPOA), what concerns, if any, would you have for regional security? Please explain your answer.

Answer. I understand that the Administration's intent is to use a return to the JCPOA as the first step toward negotiating a longer, stronger deal which addresses Iran's other destabilizing regional activities. I agree with this approach because a nuclear-armed Iran would pose a tremendous threat to our regional partners and further embolden Iran in its activities to undermine regional security. At the same time, the United States should continue to push back against Iran's destabilizing activities, working together with our partners and allies.

Question. In your view, what effect, if any, has the election of President Ebrahim Raisi had on regional security?

Answer. I have not seen any indication that President Raisi has changed Iran's destabilizing approach to the region.

AFGHANISTAN

Question. Reflecting back on the mission in Afghanistan, what do you see as some of the major strategic missteps?

Answer. The mission in Afghanistan succeeded in decimating al Qaeda, but United States nation building efforts were less successful. My understanding is that there are a number of proposed and ongoing inquiries and lessons learned reviews on matters related to the events of the past 20 years in Afghanistan, including the events of the last few months. If confirmed, I will work closely with Congress, the Department, and the interagency on all such reviews.

Question. How would you apply those lessons learned in future military operations?

Answer. I believe there are strategic, operational, tactical, and administrative lessons to be learned from the Afghanistan war, and that the understanding the Department develops from Afghanistan should inform our efforts going forward. If confirmed, I would seek to work with leaders in the Department and in Congress to undertake a systematic review of lessons learned. I will want to identify efforts that were effective that we should replicate in the future, as well as efforts that failed.

Question. What factors do you assess as leading to the Taliban's ultimate success in returning to power in Afghanistan?

Answer. If confirmed, I look forward to working with the Department and Congress to more fully understand the factors leading to the Taliban's ultimate success. In part, we will need to understand the role of corruption and poor leadership in Afghanistan's senior ranks of the government and the military, and the effects of the Doha Agreement on the morale of Afghan forces. We should also seek to under-

stand how and why our own efforts to build the Afghan National Defense and Security Forces were ultimately not successful.

Question. In your opinion, what are the implications of the collapse of the Afghan National Defense and Security Forces (ANDSF) for future advise, train and assist missions?

Answer. I believe that many of the lessons we have learned and will continue to learn from the Afghanistan mission will be applicable to future train, advise, and assist missions. Every context is unique, but for future large-scale train, advise, and assist missions, one key challenge will be preventing our partner security forces from developing an overreliance on international presence.

Question. In light of the end of the military mission, what do you view as United States strategic interests in Afghanistan?

Answer. It is my understanding that our vital national interest in Afghanistan has not changed: it is to make sure Afghanistan can never be used again to launch an attack on the United States Homeland.

Question. In your view, can the United States conduct effective “over the horizon” counterterrorism operations in Afghanistan without a partner force on the ground? Please explain your answer.

Answer. Yes, while difficult, in my view the United States can conduct an effective counterterrorism operations in Afghanistan. The Department has experience conducting counterterrorism operations from outside of target countries—or “over the horizon.” Developing effective intelligence and counterterrorism capabilities in the region is the cornerstone of any effective counterterrorism operation, regardless of whether it is from in country or from over-the-horizon. If confirmed, I will prioritize ensuring that we maintain an effective over-the-horizon capability to prevent Afghanistan from becoming a safe haven for terrorists to plan attacks against the United States.

Question. What is your understanding of the definition or characterization of an “over the horizon” counterterrorism operation or strategy?

Answer. I understand that “over the horizon” is used to describe an operation that is primarily conducted from outside the country of interest. The United States has experience in conducting military operations from over the horizon—whether it is conducting command and control from another location in the region or from a naval asset in theater, flying collection or strike operations from CONUS or a third country, performing civil affairs or conducting advise and assist operations from a neighboring country, or training indigenous partner forces in different region. All of these are examples of the Department conducting operations from over the horizon and each present their own challenges.

Question. In your view, what conditions or factors would be indicative of a resurgence or reconstitution of al Qaeda, ISIS-K, or other terrorist organization in Afghanistan such that they pose a threat of international terrorism?

Answer. In the past several years, both al Qaeda and ISIS have become adept at leveraging social media to further their ideology and protect internal communications. They have leveraged aspects of the international banking system to financially enable their operations. Each of these avenues provide vectors to gain insight into the groups’ intent and influence. If confirmed, I will prioritize keeping a close eye on any intelligence that would indicate a resurgence in terrorist capabilities in Afghanistan or the broader global terrorist network. I will also seek to continue DOD’s work with our network of counterterrorism partners in order to detect and disrupt external operations against the Homeland or our allies and partners.

Question. What are the core components of a successful “over-the-horizon” strategy, in your view?

Answer. I understand that successful over-the-horizon operations rely on intelligence that can come from a variety of sources, along with air assets, ISR, and other capabilities typically located outside the country. Any successful strategy—whether conducted within the country of focus or from “over-the-horizon”—must reflect the reality of the operating environment and the level of threat posed by the adversary.

PAKISTAN

Question. What is your view of the current State of the United States-Pakistan security relationship?

Answer. Pakistan is an important partner. The United States has enduring interests in South Asia, and must continue to engage with Pakistan. If confirmed, I would seek to work with Pakistan on key issues of mutual concern, including regional stability and the defeat of al-Qaeda (AQ) and the Islamic State—Khorasan (ISIS-K).

Question. What policy changes, if any, would you recommend for United States relations with Pakistan in terms of military-to-military relations and in light of the collapse of the ANDSF and the Taliban's return to power in Afghanistan?

Answer. I understand that United States security assistance and other support to Pakistan is designed to foster greater cooperation in areas of mutual security interest. We have enduring interests in South Asia and we must continue to engage with Pakistan in order to counter violent extremism. Although we cannot fundamentally change Pakistan's strategic calculus, we can work together in areas of mutual interest, including counterterrorism and border security. If confirmed, I will seek to work with colleagues at the State Department to continue the International Military Education and Training program with Pakistan, along with other opportunities to develop relationships with Pakistan's future military leaders. I would also continue to urge Pakistan to take action against militants and violent extremist organizations operating in its territory.

Question. Do you believe this to be the appropriate construct for future assistance to Pakistan?

Answer. Yes. Although we need to be realistic about what we can achieve with Pakistan, the Department must also continue to press for important United States interests in South Asia. If confirmed, I would continue to work with Pakistan in areas of mutual interest, including counterterrorism and border security.

Question. What changes, if any, would you recommend in security cooperation with Pakistan?

Answer. The United States has enduring interests in South Asia, and I believe that we must continue to engage with Pakistan in order to counter violent extremism. Although we cannot fundamentally change Pakistan's strategic calculus, we can work together in areas of mutual interest, including counterterrorism and border security. If confirmed, I would recommend we focus security cooperation on opportunities to develop relationships with Pakistan's future military leaders. I would also work to ensure any U.S. security assistance includes the necessary conditions to advance U.S. values and interests.

Question. What do you consider to be areas of shared security interest between the United States and Pakistan?

Answer. I understand that in recent years, Pakistan has worked with the United States in some key areas of mutual interest, including counterterrorism and border security.

YEMEN

Question. What are United States national security interests in Yemen?

Answer. The most important United States national security interest in Yemen remains ensuring that groups such as al Qaeda in the Arabian Peninsula (AQAP) and ISIS-Yemen do not have a safe haven for conducting attacks against the United States Homeland. Additional U.S. national security interests include securing an end to the ongoing war and addressing the humanitarian crisis. Continued cross-border attacks by the Houthis, with support from Iran, exacerbate instability in the region by violating the territorial integrity of our Gulf partners (including Saudi Arabia) and threatening freedom of navigation. A cessation of hostilities and political solution to the conflict is the only long-term solution to this crisis.

Question. In your view, has Saudi Arabia responded appropriately to the threat they face from the Houthis?

Answer. I understand that the Kingdom of Saudi Arabia faces a persistent cross-border threat from Houthi militia forces. I also remain concerned about the incidence of civilian casualties as a result of Saudi Arabia's conduct of its military campaign in Yemen. If confirmed, I will work with others in the United States interagency to continue to support Saudi Arabia in defending its borders and while at the same time working to bring the war in Yemen to a close.

Question. What do you see as the implications of the Biden Administration's decision to cease offensive support operations to the Saudi-led coalition?

Answer. A political resolution is the only long-term means of bringing the war in Yemen to an end. There is no military solution to the conflict. The Biden administration's decision to cease support for Saudi-led Coalition offensive operations is intended to send a signal to our Saudi partners that we need to see more precipitous steps to end the war soon even as we work to fulfill the President's commitment of supporting Saudi Arabia's defense of its borders. Ending the war in Yemen is in the national security interest of the United States.

Question. In your view, what role, if any, should the United States play in supporting the Saudi-led coalition in Yemen?

Answer. I support the Biden administration commitment to ending the war in the Yemen through diplomacy, and to enhancing relief efforts. As the President has said, Saudi Arabia faces a persistent cross-border threat from Houthi militia forces, which also puts at risk United States citizens residing in the Kingdom. If confirmed, I will work with others in the United States interagency to continue to support Saudi Arabia in defending its borders and while at the same time working to bring the war in Yemen to a close.

SYRIA

Question. What are the United States national security objectives in Syria?

Answer. It is my understanding that United States national security objectives include preventing the resurgence of ISIS, supporting the Syrian people through the provision of life-saving humanitarian aid, and preserving existing cease-fire lines to prevent the outbreak of broader regional conflict and establish a foundation for a broader political solution under U.N. auspices.

Question. To what extent does continued United States force presence in Syria support those objectives?

Answer. It is my understanding that the United States and Coalition military presence is necessary to prevent an ISIS resurgence. Although ISIS no longer holds territory, it remains a capable and dangerous threat. DOD support and assistance builds capacity of vetted Syrian partner forces to enable them to maintain pressure on ISIS.

Question. To what extent should the United States continue to provide support to the Syrian Democratic Forces?

Answer. While the Defeat-ISIS Coalition has made significant progress, ISIS remains a threat. I understand that working by, with, and through our Syrian partner forces, including the Syrian Democratic Forces (SDF), remains critical to keeping pressure on ISIS.

Question. In your view, what are the key strategic interests and objectives of the Russians in Syria and how successful have they been in accomplishing them?

Answer. Russia's continued support for the Assad regime makes clear that Russia's primary interest is maintaining a regime friendly to its interests, no matter the consequences. It is my understanding that Russia's support to the Assad regime's military campaign enables continued violence and human rights abuses against the Syrian people. Russia does not appear to view ISIS as a significant threat nor does it seem dedicated to enabling its enduring defeat.

RUSSIA

Question. The 2018 NDS assessed a need for "urgent change at significant scale" to prepare the U.S. military for the realities of great power competition.

Do you agree with this assessment?

Answer. In light of the mounting and accelerating challenges to the United States from global competitors, I agree that the Department of Defense should be undertaking "urgent change at significant scale."

Question. Where do you see the greatest need for change in the Joint Force to address the realities of strategic competition with Russia?

Answer. If confirmed, I will use the NDS Review—and its implementation—to consider any changes needed in the Joint Force to address the realities of the Russia challenge. While it would be premature for me to suggest any specific changes needed in the Joint Force, I do believe that whatever changes the Department makes should be focused on ensuring that we achieve strong links between strategy, concept development, innovation, and program investments.

The Department of Defense is currently engaged in the development of a new Joint Warfighting Concept.

Question. In your view, why is a new Joint Warfighting Concept necessary to overcome the strategic and operational challenges posed by Russia?

Answer. I understand the Department has developed a Joint Warfighting Concept to align with strategy and theories of victory. If confirmed, I will review this effort, and provide my assessment and recommendations to the Undersecretary of Defense for Policy and the Secretary of Defense.

The European Deterrence Initiative (EDI) has the stated objectives of: enhancing the United States deterrence posture, increasing the readiness and responsiveness of United States forces in Europe, supporting the collective defense and security of NATO allies, and bolstering the security and capacity of United States allies and partners.

Question. What is your assessment of the progress made in each of these EDI objectives?

Answer. EDI has been highly effective in increasing USEUCOM's combat capability and enhancing deterrence of Russian aggression. EDI funding has enabled DOD to increase its force presence in Europe, improve critical capabilities, establish prepositioned equipment sets, and improve United States and Allied readiness. Taken together, these efforts have demonstrated commitment to NATO, reassured Allies, and sent a strong message of resolve to Russia.

Question. What changes, if any, would you make to EDI objectives or activities going forward?

Answer. If confirmed, I will work with stakeholders from across the Department to determine how best to evolve EDI objectives and activities going forward, and will ensure Congress maintains visibility into EDI initiatives.

Question. As many military construction programs funded under EDI reach maturity and settle into the sustainment phase, and in light of the clear signal from our military leadership that exercises such as DEFENDER 2021 sent deterrent signals to Russia, while yielding lessons learned for the United States, our European Allies, and partners, what is your vision for the future of EDI?

Answer. Many EDI resource requirements are evolving as the result of the acquisition of prepositioned equipment and completion of MILCON projects, as well as changes to USEUCOM's exercise program. If confirmed, I will work with stakeholders from across the Department to ensure we adapt EDI based on the evolving threat environment, changes in planning or operational concepts, and the ability of Allies to share more of the responsibility to present a credible defense.

Question. Do you support continued United States security assistance to Ukraine?

Answer. Yes. If confirmed, I would recommend that United States security assistance efforts, including the provision of defensive lethal assistance, to build the capacity of Ukraine's forces should remain a top priority.

Question. If so, how does the provision of such assistance contribute to a broader U.S. regional security strategy?

Answer. It is my understanding that United States security assistance efforts enable Ukraine to progress toward NATO interoperability and more effectively defend itself against Russian aggression. It is also my understanding that these efforts, combined with investments through the European Deterrence Initiative (EDI) to improve the readiness, responsiveness, lethality, and resiliency of United States forces in Europe, contribute to maintaining an effective deterrent against further Russian aggression.

Question. In your view, what additional capabilities should Ukraine and other Black Sea regional Allies and partners develop and enhance to support regional security and deter aggression?

Answer. It is my understanding that the stability of the Black Sea region, which is vulnerable to Russian aggression, is critical to the security of NATO's eastern flank. Although I understand that the specific requirements of regional Allies and partners varies, if confirmed, I would seek to work with our partners to continue to prioritize capabilities to counter conventional and hybrid threats on land and improve their capacity to secure their territorial waters in the Black Sea and Sea of Azov.

Question. How can the United States best support the achievement of those capabilities?

Answer. I understand that robust United States security assistance support through authorities such as the Ukraine Security Assistance Initiative, Foreign Military Financing, and Section 333 remains a critical component to supporting the development of those capabilities. If confirmed, I will strongly support efforts to provide training, equipment, and advisory support to build the capacity of these critical United States Allies and partners on the frontline of Russian aggression.

Question. What role do you envision for Turkey in support of United States strategic priorities in the Black Sea region?

Answer. It is my understanding that United States access, basing, and overflight provided by Turkey, including at Incirlik Air Base, remain important for supporting emergent United States, NATO, and Coalition requirements and missions in the region. I understand that the United States continues to encourage Turkey, and fellow Black Sea Allies and partners, to deepen cooperation in the Black Sea region.

President Biden has said that he and outgoing German Chancellor Angela Merkel "are absolutely united in our conviction that Russia must not be allowed to use energy as a weapon to coerce or threaten its neighbors."

Question. How should DOD support the achievement of this goal?

Answer. I agree with President Biden that Russia must not be allowed to use energy as a weapon to coerce or threaten its neighbors. If confirmed, I would recommend that the Department of Defense support this goal through a whole-of-government approach to deterring and defending against Russia's strategy for advanc-

ing its interests—at the expense of United States, Allied, and partner interests—via Russia’s wide range of subversive, coercive, and aggressive tactics, including the use of energy to coerce or threaten its neighbors.

Question. How might Russia use energy as a weapon to undermine United States military efforts with Allies and partners in Europe, including those related to enhancing military mobility?

Answer. If confirmed, I will review any classified assessments of the threat Russia poses in this regard and work diligently to address those threats with colleagues across the Department of Defense, United States interagency, and with our Allies and partners.

Question. In your view, what are the key elements of a strategy to counter Russian hybrid tactics that employ both hard and soft power?

Answer. Russia takes a whole-of-government approach to advancing its interests, across the spectrum of conflict and at the expense of United States, Allied, and partner interests. I believe the key to countering such tactics is for the United States to take a whole-of-government approach to protecting our interests in response, in close coordination with our Allies and partners. This should include DOD’s efforts to implement innovative approaches to irregular warfare and hybrid tactics below the threshold of conflict. Such an approach necessarily entails the careful orchestration of our diplomatic, economic, and informational strengths, as well as our military power.

Question. What is your assessment of the Russian malign influence threat, and what recommendations, if any, would you have for the role of the United States Government, and DOD, in particular, in countering that threat?

Answer. It is my understanding that Russia uses malign influence to advance its interests, typically at the expense of United States, Allied, and partner interests, through a wide range of subversive, coercive, and aggressive tactics, while seeking to avoid direct military confrontation with United States and NATO forces. I am concerned that Russia may underestimate the extent to which these tactics increase the risk of unintended escalation, and if confirmed, I would therefore recommend that the U.S. Government, and the Department of Defense in particular, communicate clearly and consistently its perceptions of this risk. In addition, I would recommend that the Department of Defense must maintain its strong measures of conventional and nuclear deterrence while assisting Allies and partners in developing resilience against malign threats.

NORTH ATLANTIC TREATY ORGANIZATION (NATO)

Question. In your opinion, what should the major strategic objectives of the NATO Alliance be in the coming years?

Answer. It is my understanding that NATO’s major strategic objectives are deterring nuclear and non-nuclear aggression, defending Allied populations and territory if deterrence fails, and projecting stability beyond NATO’s borders, which should remain the appropriate focus for our Alliance in the coming years.

Question. Despite the conclusion of the Resolute Support Mission in Afghanistan, NATO still has declared responsibilities for counter terrorism. In what ways do you believe Allies can best contribute to the fight against terrorism emanating from Afghanistan going forward?

Answer. I believe NATO can continue to play a role in countering terrorism through enhanced threat awareness and intelligence sharing, improved interoperability and development of capabilities to prepare and respond to threats, and outreach to partner nations and international organizations. If confirmed, I look forward to working closely with NATO allies and partners to continue our counter terrorism mission together.

Question. If confirmed, what would be your top defense priorities for engagement with NATO Allies and partners on issues relating to China?

Answer. If confirmed, my priority for engagement with NATO Allies and partners on China would be to continue to advance the work the Alliance has been doing in recent years to understand and consider options to mitigate the challenges that an increasingly assertive PRC poses to the Alliance. This would include strengthening NATO’s resilience and encouraging reflection of that perspective in the forthcoming strategic concept. I would also encourage NATO to continue strengthening relations with partners in the Indo-Pacific to address cross-cutting security issues and global challenges.

Question. What are your views on the importance of the NATO Alliance?

Answer. As President Biden has said, the transatlantic alliance is the strong foundation on which our collective security and our shared prosperity are built. U.S. commitment to NATO Allies under Article 5 of the North Atlantic Treaty is vital

to U.S. strategic interests, and our shared commitment to the values enshrined in the Washington Treaty has made NATO the most successful Alliance in history.

Question. Do you believe there are areas where the United States could benefit from greater coordination and consultation with Allies?

Answer. Absolutely. There are many areas of shared interest where the United States can benefit from greater coordination and consultation with Allies. This includes engagement on major reviews that are underway in the Department of Defense right now. If confirmed, I would seek to continue those efforts to engage our Allies and ensure their perspectives are a critical part of the discussions for these reviews. If confirmed, I would also seek other ways to coordinate with our Allies in support of our shared security interests.

Question. In your opinion, what are the greatest challenges for NATO?

Answer. The NATO Alliance faces many challenges, the greatest of which may include continuing efforts to ensure ready forces and capabilities in the wake of this global pandemic and maintaining unity in the face of continuing efforts by Russia to fracture the Alliance.

Question. What are the most important capability improvements that the Alliance must make to deal with the threats it faces?

Answer. It is my understanding that readiness remains a critical improvement the Alliance must focus on to deal with the threats we face. The Alliance must continue to rebuild a culture of readiness in order to procure, prepare, and provide interoperable and ready forces and capabilities, which enables our credible deterrence and defense. Contributing to that is the continuing ability of the Alliance to adapt to the changing security environment.

Question. What, in your opinion, are the most useful measurements of allied commitments to carrying the burden of common security and collective defense?

Answer. Cash, capabilities, and contributions, as Secretary General Stoltenberg has often said, are all important markers of sharing responsibility for our common defense. Without the investment in defense today, we will not have the necessary capabilities and contributions tomorrow. In 2014, Allies signed onto the Wales Defense Investment Pledge, committing to spend 2 percent of GDP on defense. I appreciate that several Allies have taken important steps in this direction in the past few years, and if confirmed will seek to continue this progress.

Question. In your view, is there a continuing requirement for U.S. nuclear weapons to be deployed in NATO countries?

Answer. Yes. The presence of U.S. nuclear weapons in NATO countries for over 60 years has successfully deterred aggression against the Alliance. The fundamental purpose of NATO's nuclear capabilities is to preserve peace, prevent coercion, and deter aggression. They also continue to provide an essential political and military link between Europe and North America. As long as nuclear weapons exist, NATO will remain a nuclear alliance, and as long as nuclear weapons remain a threat, I believe U.S. nuclear weapons should remain in NATO countries.

NATO has made a series of declarations, at successive summits, to improve our credible deterrence and defense posture. Among these are the NATO Readiness Initiative announced at the 2018 Brussels Summit and the 2021 Summit pledge to "ensure a flexible, agile, and resilient multi-domain force architecture with the right forces in the right place at the right time."

Question. If confirmed, how would you support DOD efforts to work with our Allies to make progress on these initiatives?

Answer. If confirmed, I would support the Department's efforts to increase the number of ready and interoperable forces and capabilities as we continue to rebuild NATO's culture of readiness. With our Allies, U.S. European Command, and our Mission to NATO, I would, if confirmed, take the next steps to implement the recently adopted NATO Military Strategy and NATO Concept for the Deterrence and Defense of the Euro-Atlantic Area, which outline Alliance capability and force structure requirements needed to address current and emerging threats in NATO's area of responsibility.

Question. In your view, how do these initiatives align with United States priorities in Europe?

Answer. It is my understanding that these initiatives are closely aligned with United States priorities in Europe. This Administration is seeking to reinvigorate and modernize U.S. alliances and partnerships, and the NATO Alliance is absolutely critical to that effort. Reaffirming, investing in, and modernizing NATO serves to recognize this fact, and ensuring a credible deterrent and defense in Europe is even more important in an increasingly complex security environment.

ALLIES AND PARTNERS IN THE INDO-PACIFIC REGION

Question. In your view, how can DOD more effectively cultivate multilateral cooperation in the Indo-Pacific?

Answer. I understand that Indo-Pacific security depends on the ability of the United States and like-minded partners to work together to prevent and respond to crises. To enable this goal, it is critical to build stronger linkages between U.S. allies and partners across the region—including the Association of Southeast Asian Nations (ASEAN) and the Quadrilateral Security Dialogue (Quad). If confirmed, I would work to ensure DOD strengthens ties across its bilateral and multilateral security networks to build interoperability; pursue more advanced multilateral training activities; and build common norms in new defense domains, such as space and cyber.

Question. What is your assessment of the Quadrilateral Security Dialogue between the United States, Japan, Australia, and India?

Answer. I understand that the Quadrilateral Security Dialogue (Quad) plays an increasingly central role in promoting security, prosperity, and shared values in the Indo-Pacific region. The commitment of all Quad countries to elevate their consultations, including convening historic Head of State Summits in March and September 2021, reflects growing strategic convergence between Australia, India, Japan, and the United States. I understand that through a wide range of shared activities, such as space cooperation, technology cooperation, and vaccine production, the Quad partners are working to sustain a free and open Indo-Pacific, including in support of the Association of Southeast Asian Nation's (ASEAN) centrality in the region.

Question. What military lines of effort can be strengthened through the Quadrilateral Security Dialogue to benefit deterrence in the Indo-Pacific region and what do you view as the challenges to doing so?

Answer. I understand that the strength of the Quad partnership lies in the willingness of like-minded democracies to leverage their combined resources to address emerging crises and maintain regional stability, as they did in the aftermath of the 2004 Indian Ocean tsunami. There are opportunities for the Quad countries to expand their cooperative activities in areas that will prevent future instability, such as maritime security and humanitarian assistance and disaster relief, and to enhance their crisis response capabilities through joint exercises. These cooperative activities, however, do not reflect a formal alliance structure. Rather, they reflect the partners' abiding commitment to ensuring the durability of shared principles such as the rule of law and the peaceful resolution of disputes.

Question. In your view, what are our strategic objectives in building the capacities of partner nations in the Indo-Pacific?

Answer. I understand that the United States has a fundamental interest in building a strong network of capable and like-minded partners who are committed to preserving a rules-based order in the Indo-Pacific region. If confirmed, I would recommend that DOD leverage our capacity-building resources to support partners in protecting their own sovereignty and territorial integrity and building resilience, and enable them to collectively address shared transnational threats, such as proliferation, violent extremism, and humanitarian disasters.

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 recommend that DOD prioritize programs that enable partners to preserve their own sovereign rights, such as maritime security and border security initiatives, and activities that strengthen their capacity to address transnational threats, such as proliferation and violent extremism. I would also ensure that DOD continues to work shoulder-to-shoulder with the Department of State as we leverage our full suite of diplomatic, economic, and security tools to strengthen the capacity and capabilities of our partners.

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. If confirmed, I would recommend that DOD should support partners in building the necessary capabilities, personnel resources, and operational capacity to protect their own sovereignty. This should include providing sustained capacity-building training and exercises, as well as an increased emphasis on defense professionalization and military education. It is also my understanding that DOD can support partners in preserving their own sovereign rights through U.S. presence operations and military activities, and by strengthening the capacity of multilateral organizations such as ASEAN.

Question. Respect for human rights has long been a core principle of U.S. foreign and security policy. In your view, what role does U.S. military engagement, includ-

ing efforts to help professionalize foreign partner militaries, play in encouraging respect for human rights?

Answer. U.S. military training and education can play a valuable role in professionalizing partner militaries, by reinforcing the importance of respecting human rights, supporting the rule of law, and adhering to the principle of civilian oversight of the military. It is my understanding that DOD consistently emphasizes that these values are critical to the continued advancement of our defense relationships.

Question. In your opinion, what are the key capabilities the United States should encourage, enable, and support for partners and allies in the Indo-Pacific to enhance deterrence of China?

Answer. It is my understanding that our allies and partners require capacity-building support to strengthen their ability to preserve their sovereign rights, especially in the air and maritime domain. Increased maritime domain awareness is a foundational capability that would help regional partners develop a common operating picture. It is also my understanding that additional investments in asymmetric defense capabilities and concepts could also enable allies and partners to raise the cost of potential Chinese aggression. If confirmed, I would recommend that DOD should continue to prioritize expanded exercises, training programs, combined planning, and security cooperation that strengthens the self-defense capabilities of our allies and partners.

CHINA

Question. Is the current posture of United States forces in the Indo-Pacific region sufficient to support the NDS? Please explain your answer.

Answer. To deter our adversaries and defend our interests, allies, and partners, the United States requires a combat-credible, resilient, and forward force posture in the Indo-Pacific region. If confirmed, I will work with INDOPACOM and the military services to support DOD's development, assessment, and implementation of posture concepts that effectively address key operational challenges and maintain the military advantage that is foundational to deterrence. But our success in the Indo-Pacific should not be measured only as a function of our forward-established posture—it is just as critical that we make the right investments in modernization, operational concepts, and readiness to ensure we improve our future deterrence capabilities.

Question. The INDOPACOM commander indicated China could achieve military overmatch in the Indo-Pacific as soon as 2026, at which time China might be tempted to use military force to forcibly change the status quo in the region. Do you agree?

Answer. I agree that the People's Republic of China (PRC) is urgently seeking to obtain the military capability to achieve its stated strategic objectives. If confirmed, I will work to ensure the Department of Defense is focused on maintaining combat-credible deterrence and warfighting capabilities.

Question. If not, what approximate year do you see this happening?

Answer. I would not want to speculate on a specific date that the People's Republic of China (PRC) may decide to use force, but as indicators of increasing risks in the near-term and beyond, I would point to the People's Liberation Army's (PLA) 2027 modernization goal announced last year, President Xi Jinping's consistent refusal to renounce the use of force against Taiwan, and the PRC's increasingly provocative military activities near Taiwan and ongoing coercion.

Question. What types of behavior or signaling on the part of China might provide early alert to the United States of Chinese intentions in this regard?

Answer. It is my understanding that the PRC would likely signal its intent through a variety of diplomatic, economic, and military measures and actions.

Question. In your assessment, what are the priority investments DOD could make that would implement the NDS and enable a more favorable balance of military power in the Indo-Pacific?

Answer. To deter and prevail in a future conflict with China, I believe the Department must prioritize investment in preserving and enhancing a military edge in areas such as long-range strike, associated kill chains, undersea warfare, base resilience, critical munitions, EMSO, space, and cyber. Over the longer-term, DOD must invest in areas such as artificial intelligence, autonomy, and directed energy to ensure we do not fall behind China or other potential adversaries' advancements in these areas.

Question. The NDAA for fiscal year 2021 established the Pacific Deterrence Initiative. What is your assessment of the value of this initiative?

Answer. The Pacific Deterrence Initiative (PDI) promises to serve as both a key tool for congressional oversight of investments related to strengthening deterrence

in the Indo-Pacific, as well as a means to enhance the Department's ongoing focus on this goal as part of China pacing. If confirmed, I will seek to closely align PDI with congressional intent.

Question. What is your assessment of DOD's implementation of this initiative?

Answer. I understand that PDI is not a separate appropriation, but that DOD has used its fiscal year 2022 PDI submission as a means to highlight select investments and activities that support deterrence of China, as well as reassurance of allies and partners in the region. If confirmed, I will work to ensure the Department further refines its future PDI submissions, consulting closely with Congress in order to meet intent and enhance the PDI's impact.

Question. What non-military activities and resources do you believe are necessary to effectively address the challenge posed by China?

Answer. It is my understanding that the PRC is increasingly synchronizing its military and non-military efforts to achieve its strategic objectives, so I believe that it is essential that non-DOD departments and agencies are sufficiently aligned and resourced to address the challenge posed by the PRC. President Biden's Interim National Security Strategy has set forth the whole-of-government agenda that would strengthen our enduring advantages and allow us to prevail in strategic competition with the PRC. If confirmed, I would work closely with interagency partners to ensure a whole-of-government approach.

Question. Do you believe the activities in which DOD is currently engaged are sufficient? Please explain your answer.

Answer. If confirmed, I would focus on ensuring the Department of Defense has the right strategy, concepts, capabilities, and posture to deliver combat-credible deterrence and warfighting. I would recommend that DOD, as well as 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. It is my understanding that improving partner resilience to the PRC's military and economic coercion is essential for deterring PRC aggression throughout the Indo-Pacific region. Enhanced coordination on military and non-military efforts will serve as a force multiplier for strategic competition with the PRC.

Question. What are the United States' responsibilities under the Taiwan Relations Act?

Answer. The Taiwan Relations Act states that any effort to determine the future of Taiwan by other than peaceful means, is a threat to the region and of grave concern to U.S. interests. It is my understanding that for more than 40 years, it has been United States policy to assist Taiwan in maintaining a sufficient self-defense capability and to maintain the capacity to prevent any use of force or other form of coercion that would jeopardize the security or way of life for the people of Taiwan. If confirmed, I would seek to support the USD(P) in implementing United States policy in accordance with the TRA.

Question. What policy recommendations do you have for improving United States support to Taiwan?

Answer. China's military modernization, its refusal to disavow the use of force, and its coercive and aggressive military actions near Taiwan present an increasingly urgent challenge. I support the continued and bipartisan United States commitment to Taiwan to maintain United States policy commitments to Taiwan and to ensure that Taiwan can defend against PRC coercion or aggression.

Question. In your view, what security capabilities should Taiwan acquire to enhance deterrence of Chinese aggression?

Answer. I believe that Taiwan should continue to acquire asymmetric capabilities that are capable of denying the PRC any forced or coerced control of the island against the wishes of its people. These capabilities should be mobile, distributed, and cost-effective. In addition to specific asymmetric capabilities, it is critical that Taiwan's Armed Forces and civil defense institutions work together to provide a layered defense against coercion and aggression—one that ensures the resiliency of Taiwan's economy, political institutions, and democracy. If confirmed, I would work within the Department and the interagency to understand and address these requirements.

Question. What areas of security capability would you consider appropriate for potential coproduction by the United States and Taiwan?

Answer. It is my understanding that Taiwan's talented workforce and technology sector already provide a number of key capabilities and systems that are critical to the global supply chain. Taiwan is also a leading manufacturer of other defense-related components, and if confirmed, I would support Administration efforts to explore opportunities in aeronautics, shipbuilding, and missile technology.

Question. Considering the NDS and China's crackdown on Hong Kong, how do you view the United States relationship with Taiwan in the context of broader United States objectives in the Indo-Pacific?

Answer. I believe that Taiwan's economy, its flourishing democracy, and its position within the first island chain are all critical to United States objectives in the Indo-Pacific region. Insofar as Taiwan's population interpreted efforts of the PRC in Hong Kong as a manifestation of the PRC's "one-country, two-systems" policy, so too do other allies and partners view PRC coercive efforts as an affront to not only Taiwan but the entire region.

Question. To what extent do you believe multilateral engagement is important for addressing the challenges posed by China?

Answer. Continued multilateral engagement is critical to preventing the PRC from subverting the international rules-based order and coercing its neighbors. Our network of allies and partners is a key advantage in addressing the challenges posed by the PRC, and multilateral formats provide opportunities to share concerns, speak with one voice, pool resources, and promote a more stable and secure strategic environment.

Question. In your view, what are the most important multilateral relationships in the region and where do you perceive opportunities to improve multilateral coordination?

Answer. The Association of Southeast Asian Nations (ASEAN) plays a central role in bringing the region together and building habits of cooperation, and I understand that the Department of Defense works through the ASEAN Defense Ministers' Meeting Plus to build cooperation on security issues with these partners. Quadrilateral discussions with Australia, India, and Japan provide growing opportunities for cooperation across a wide range of shared priorities. It is my understanding that DOD also engages in several trilateral forums, including with Australia and Japan, the Republic of Korea and Japan, and now with Australia and the United Kingdom through the new AUKUS mechanism. If confirmed, I would work to strengthen the Department's efforts to collaborate on security and build linkages between like-minded partners, including through new and expanded multilateral partnerships where opportunities arise.

JAPAN

Question. How would you characterize the United States-Japan security relationship?

Answer. I understand that the United States-Japan security relationship forms the cornerstone of the United States Indo-Pacific security strategy. The United States-Japan Alliance is resolute and resilient, facing the regional security challenges of today, and adapting to new challenges in the future. It is a comprehensive Alliance, training and operating together across the spectrum of potential conflict, and its capabilities are strong and getting stronger.

Question. If confirmed, what policies would you recommend to continue to improve this relationship and improve United States-Japanese military force interoperability?

Answer. If confirmed, I would recommend that continued examination of roles and missions, especially relating to the maintenance of regional security, is an important subject for the Alliance to carefully consider. Working together to build the capabilities of regional partners is also a recent area of cooperation that we should expand.

Question. How does Japan's relationship with its regional neighbors, predominantly China, North Korea and South Korea, influence the United States-Japan relationship, in your view?

Answer. It is critical that there are strong and close relationships between and among our allies. I understand that we have a common view of the immediate dangers posed by North Korea, and the strategic challenge from China, and we are working together to face those. If confirmed, I would support efforts to build a strong trilateral security relationship with the Republic of Korea and Japan, while recognizing that there are historical sensitivities between the two that complicate that trilateral relationship.

Question. What steps should Japan take to become a more active partner in security activities with the United States and in the international security arena?

Answer. It is my understanding that Japan has made significant strides to play a security role more commensurate with its economic and political strength in the region. If confirmed, I would encourage the continued development of that role, while acknowledging the legacy regional and domestic constraints Japan must consider.

Question. What specific security capabilities do you believe Japan should emphasize, develop, and procure to improve its ability to contribute to the deterrence of China?

Answer. Japan possesses a modern, capable and well-equipped Self-Defense Force. I understand we are working closely with Japan to improve interoperability in operations critical to regional stability, such as integrated air and missile defense, and maritime interdiction operations. If confirmed, I would encourage Japan to chart an ambitious path to acquire improved capabilities in view of increased requirements, consistent with transformed Alliance roles.

Question. How would you describe Japan's burden sharing contributions, including host nation support, for United States forces stationed in Japan?

Answer. Japan provides approximately \$1.8B per year to offset some of the cost of stationing more than 50,000 United States forces there, equipped with some of our most advanced capabilities. I understand we are in negotiations on a new 5-year host nation support agreement and expect to reach a fair and equitable conclusion in the near future.

Question. Do you believe that Japan should acquire integrated air and missile defense capabilities that are interoperable with United States capabilities, to defend against advanced ballistic, cruise, and other missile threats?

Answer. Yes. I am aware that Japan is a longstanding BMD partner and has invested heavily in IAMD. The Self Defense Forces possess significant maritime and ground-based missile defense capability, and Japan has decided to procure two additional Aegis system-equipped vessels. As an Alliance, I understand the United States and Japan are working to increase interoperability. If confirmed, I would support continued progress to meet current and future challenges, as threat capabilities continue to evolve and the U.S. means of response adapts to those challenges

NORTH KOREA

Question. What is your assessment of the current security situation on the Korean peninsula?

Answer. The Democratic People's Republic of Korea's (DPRK) development of ballistic missiles and weapons of mass destruction represents a threat to United States security and interests and that of our allies and partners. It is my understanding that the security and stability of the Korean Peninsula is inextricably tied to regional security and stability. Our network of allies and partners in the region gives us a significant advantage as compared to our adversaries. In particular, our relationships with the Republic of Korea and Japan provide a powerful deterrent to North Korean threats. If confirmed, I would work to ensure United States and allied forces have what they need to maintain our robust deterrent and readiness posture in Northeast Asia.

Question. In your view, what should be the overall United States strategy to mitigate the threat posed by North Korea to our allies in the region and to the United States?

Answer. The United States, in close coordination with allies and partners, has a vital interest in deterring the Democratic People's Republic of Korea (DPRK), defending against its provocations or use of force, limiting the reach of its dangerous weapons programs, and, above all, keeping the American people and our allies and partners safe. I believe that the role of the Department of Defense is to maintain a robust defense and deterrence posture that ensures that the United States engages the DPRK from a position of strength. Having a strong and credible deterrent is essential to any potential path that the United States and our allies pursue to meet the North Korean threat, including diplomatic engagement. We must also continue to pursue robust sanctions enforcement to mitigate the nuclear proliferation threat posed by North Korea. The Administration completed a whole-of-government strategy review to articulate its way ahead on the DPRK, and if confirmed, I would work with stakeholders across the government, as well as our regional allies and partners, to forge a comprehensive approach to North Korean threats, including those emanating from nuclear, weapons of mass destruction, missile, and cyber programs.

Question. What policy recommendations would you make to ensure United States and allied forces can secure weapons of mass destruction sites in North Korea in the event of a contingency?

Answer. United States and Republic of Korea (ROK) forces must maintain a "fight-tonight" readiness on the Korean Peninsula to deter North Korean aggression and to be able to respond quickly and effectively should deterrence fail. It is my understanding that a critical element of this readiness is the ability to secure nuclear and weapons of mass destruction (WMD) sites in order to prevent the further pro-

liferation of these capabilities in a contingency. I understand DOD is improving capabilities that could reduce the threat posed by WMD and missile sites in North Korea in the event of a contingency, and is working closely with the ROK in this regard. If confirmed, I would consult closely with our operational commanders, intelligence specialists, and resource providers in this effort.

REPUBLIC OF KOREA

Question. What is your assessment of the current U. S.-South Korean security relationship?

Answer. The United States-Republic of Korea (ROK) alliance is a linchpin of peace and security in the region. Since its establishment in 1953, the United States-ROK Alliance has proven strong and durable in the face of new global conditions and is among the most interoperable, capable, and dynamic bilateral Alliances in the world. It is my understanding that the ROK-United States Alliance remains at a high level of readiness and continues to maintain a robust combined defense posture to protect the Republic of Korea against any threat or adversary. If confirmed, I would prioritize working with our ROK allies on identifying and addressing future security challenges, including those beyond the Korean Peninsula, to maintain a free and open Indo-Pacific region.

Question. What is the value to United States national security of the United States-South Korea alliance, in your view?

Answer. I understand that the United States-ROK Alliance is critical not only to the security of the ROK, but also to the stability of the Indo-Pacific region. Beyond the region, over the course of its 70-year existence, our Alliance has evolved into one of global importance, with the ROK having deployed alongside United States servicemembers in nearly every conflict since the Korean War. I understand that the ROK is a critical partner for our broader priorities in the region, and principal among these priorities is upholding the rules-based international order that has underpinned global prosperity since World War II. If confirmed, I would work with our ROK allies to ensure that we continue to strengthen the relationship and also invest in the right combination of capabilities to provide for our common defense.

Question. What is your understanding of the United States obligations in the event of an attack by North Korea?

Answer. It is my understanding that the United States obligation to the ROK in the event of an attack, consistent with the Mutual Defense Treaty, is to consult on the best appropriate response and act together in the defense of the ROK. If confirmed, I would remain committed to enhancing the combined deterrence and defense posture of the United States-ROK Alliance.

Question. In your view what factors should trigger the commitment of United States forces to engage North Korean forces in response to an attack on South Korea?

Answer. It is my understanding that in accordance with United States obligations in the Mutual Defense Treaty, the United States will maintain the ability to deter, defend, and, if necessary, defeat any adversary that threatens our treaty ally.

Question. Under what conditions should wartime operational control be transferred from the United States to the Republic of Korea, in your opinion?

Answer. The transfer of wartime operational control (OPCON) from the United States to the ROK is and should remain conditions-based, consistent with the bilateral Conditions-Based OPCON Transition Plan, or COTP. Any transfer of wartime OPCON must fundamentally strengthen United States-ROK combined defense posture. If confirmed, I look forward to working closely with the ROK to ensure all conditions for OPCON transition are met.

Question. In your view, should United States forces on the Korean Peninsula remain focused on defense of South Korea or should United States forces in Korea also be available for regional or global operations? Please explain your answer.

Answer. I believe that the United States must maintain operational flexibility to ensure that our forces are ready to meet emerging threats to the United States, as well as to our allies and partners in the region and around the world. It is my understanding that the Defense Department must continue to consider adjustments to every command in every theater to ensure the optimization of our global force posture to meeting emerging challenges. If confirmed, I would prioritize a continued "fight tonight" readiness within our Alliance with the ROK, as well as force assignment and allocation that advances our national interests.

Question. What specific security capabilities do you believe South Korea should emphasize, develop, and procure to improve its ability to contribute to the deterrence of China?

Answer. The ROK is among the most capable military forces in the region. If confirmed, I would review the entire range of current and proposed activities to enhance United States and allied capabilities to deter the People's Republic of China (PRC), as well as to counter North Korea. I would also work with our allies and partners to prioritize capabilities, readiness, and interoperability, that could be leveraged in a variety of contingencies.

Question. Do you believe that South Korea should acquire integrated air and missile defense capabilities that are interoperable with United States capabilities, to defend against advanced ballistic, cruise, and other missile threats?

Answer. Yes. I understand that the United States is cooperating with South Korea via Foreign Military Sales (FMS) cases to upgrade its existing PAC-2 PATRIOT batteries to the more advanced PAC-3 system. It is my understanding that one of our key priorities with South Korea is to ensure the ROK builds capabilities to contribute to the Alliance's counter-missile capability required for the conditions-based OPCON transition. In order to strengthen deterrence and work together more effectively in the event of a missile attack from North Korea, the United States and ROK also need to work toward a more integrated air and missile defense (IAMD)-based approach to enhance missile defense of the Peninsula.

AUSTRALIA

Question. What is your assessment of the current U. S.-Australia security relationship?

Answer. This year we proudly celebrate the 70th anniversary of the ANZUS Treaty as the United States—Australia security alliance remains an anchor of stability in the Indo-Pacific region. 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 steadfast and resolute. The recently announced Australia-United Kingdom-United States partnership further demonstrates the depth of our security relationship with Australia.

Question. What is the value to U.S. national security of the United States-Australia alliance, in your view?

Answer. Our allies and partners are our greatest strategic asset and central to achieving our collective goals in an increasing complex and challenging security environment. Australia is a critical ally in the Indo-Pacific region, providing strategic capabilities, operational access, and support in building other alliances and partnerships to facilitate our operational freedom of maneuver, deterrence of PRC aggression, and preservation of the security and prosperity of the Indo-Pacific region.

Question. What specific security capabilities do you believe Australia should emphasize, develop, and procure to improve its ability to contribute to the deterrence of China?

Answer. At the recent AUKUS announcement, the United States and UK committed to support Australia to acquire conventionally armed nuclear-powered submarines for the Royal Australian Navy. In addition, Australia committed to establish a sovereign Guided Weapons and Explosive Ordnance Enterprise. Strategic capabilities such as hypersonic weapons and electromagnetic warfare are key areas of bilateral defense cooperation. It is also important for Australia to have a strong and resilient defense supply chain and provides maintenance repair and overhaul capabilities in the Indo-Pacific region.

Question. Australia was included as part of the National Technology and Industrial Base (NTIB) in the fiscal year 2017 NDAA. What is your view on the utility of Australia's inclusion in NTIB and of the recent AUKUS initiative to support Australia in acquiring nuclear-powered submarines for the Royal Australian Navy?

Answer. The operational effectiveness of our Alliance is underpinned by the strength of cooperation on science, technology, strategic capabilities, and defense industrial base integration. It is my understanding that Australia's inclusion in the NTIB allows our countries to enhance industrial collaboration, build supply chain resiliency, and facilitate technology transfer and protection. The AUKUS initiative further deepens our integration of defense and security-related science, technology, industrial bases and supply chains, and deepens our cooperation on a range of defense capabilities.

Question. Do you believe that Australia should acquire integrated air and missile defense capabilities that are interoperable with United States capabilities, to defend against advanced ballistic, cruise, and other missile threats?

Answer. Yes. The United States has a very close and expanding alliance relationship with Australia, which encompasses the full scope of defense cooperation, including integrated air and missile Defense (IAMD). Australia currently deploys Aegis-

equipped ships and by the end of the decade has plans to field a new class of Aegis-equipped frigates. If confirmed, I would work with Australia to advance IAMD cooperation, such as through Australia's planned AIR 6500 project to field a Joint Battle Management System, which will represent the core of the Australian Defence Force command and control system and hold great potential for future IAMD interoperability in coalition operations.

AFRICA

Question. How do you define United States national security interests in Africa?

Answer. Africa is a continent with great opportunities to advance common values and security interests. It is my understanding that our national security interests in Africa are diverse and include the growing threat posed by violent extremist organizations (VEOs) in both East and West Africa; competition with strategic competitors for access, influence, and values; the threat to secure lines of communication in the maritime domain; and the threat that climate change has on regional stability. It is my understanding that U.S. national security interests across the continent are pursued through whole-of-government efforts to ensure continued U.S. access and influence to protect our people, partners, resources, and interests.

Question. What should be the Department's top priorities in Africa?

Answer. It is my understanding that DOD plays an important role in supporting whole-of-government efforts focused on defense, development, and diplomacy priorities in Africa. If confirmed, I would recommend that our top priorities should focus on VEO threats to the United States Homeland, maritime challenges that impact our trade and communications, and the influence and access our strategic competitors continue to gain in Africa. I understand that our defense engagement in Africa protects the United States Homeland and fosters opportunities for mutually beneficial partnerships in other sectors by promoting stability and security. Finally, I understand that African countries often desire United States engagement and support shared values, such as fostering global trade, addressing conflict, and promoting human rights.

Question. What is your assessment of the current United States force posture and the associated resourcing in the United States Africa Command (AFRICOM) AOR?

Answer. It is my understanding that DOD supports strategic priorities in Africa through our forward presence, periodic engagements, and supporting force laydown in neighboring United States European Command. This posture is complemented by a range of security cooperation and assistance activities, which serve as our most powerful tool to strengthen partnerships and counter competitors in Africa. If confirmed, I would support the USD(P) in considering all Commander, AFRICOM requests and requirements, and advocate for continued security cooperation efforts, participation in United States-led exercises, and professional military education.

Question. In your view, are the current forces available to AFRICOM sufficient to support United States strategic objectives in the AOR?

Answer. It is my understanding that DOD's "by, with, and through" approach to achieving security and stability in Africa has proven effective with a limited forward presence. Often our security cooperation efforts enhance larger ally and partner force operations, which achieve shared strategic objectives and build enduring relationships. Central to this approach is the limited forward presence on the continent and a focus on building African partner nation capabilities while supporting efforts of other international partners.

Question. What is your assessment of the threat posed by al-Qaeda, ISIS, and other violent extremist organizations in Africa?

Answer. Worldwide, al Qaeda, ISIS, and their affiliates continue to pose threats to United States interests around the globe, including Africa. It is my understanding that persistent pressure from the United States and our allies and partners remains necessary. These groups continue to present regional and localized threats in Africa to United States interests. If confirmed, I will review our regional counterterrorism approach to ensure our resources are being employed appropriately and effectively toward priority threats in the region.

Question. Which groups are of greatest concern to you, and why?

Answer. East Africa, Somalia specifically, remains of strategic concern, as Al-Shabaab has become the largest and wealthiest associated force of al Qaeda. Al-Shabaab has expressed intent to target the Homeland and has demonstrated capability to target United States interests in the region.

Question. What should be the priorities and associated policy objectives of the United States counterterrorism strategy in Africa?

Answer. Terrorism will remain a persistent threat to our national security. The Department must remain focused on maintaining the proficiency of special oper-

ations forces in order to deny violent extremist organizations their safe havens in Africa and to help degrade and disrupt terrorist groups from further destabilizing these areas. The ability to work alongside regional and international partners in these regions is key to maintaining our objectives while conducting such operations in a resource sustainable manner.

Question. What are the associated policy objectives and, in your view, is the current United States approach meeting those policy objectives in Africa?

Answer. The Interim National Security Strategic Guidance sets a priority to prevent terrorists from directing or supporting external operations against the United States Homeland and our citizens, allies, and partners overseas. Special Operations Forces remain a key contributor to the Nation's counterterrorism missions in Africa by supporting and enabling local partners and allies in pursuing shared objectives, including degrading terrorist threats.

Question. What changes, if any, would you recommend to the current U.S. approach?

Answer. I believe a resource sustainable approach is necessary to address all of our global challenges, including counterterrorism, as we confront an increasingly complicated global environment of threats to our national security. I understand that the U.S. counterterrorism strategy is a whole-of-government approach to integrating military and non-military efforts, calibrated to varied threats and the regional context in which they exist. DOD employs kinetic and non-kinetic capabilities, enabling other U.S. Government departments and agencies and regional partners. United States SOF complements a broad set of national instruments of power in countering terrorism in Africa and worldwide. If confirmed, I will review our counterterrorism approach in the region to ensure our resources are being employed appropriately and effectively toward priority threats in the region.

Question. What is your assessment of Chinese and Russian strategic objectives in Africa?

Answer. It is my understanding that both Russia and the PRC have expanded their strategic focus on Africa and use engagement in Africa to bolster their international standing, obtain access to raw materials, undermine Western influence, and pursue access agreements to support force projection in the region. The methods vary widely between the two.

China is engaging diplomatically, economically, and militarily across the Continent. Specific to our military interests, it is my understanding that the PLA continues improvements to its military base in Djibouti and has expressed interest in opening more bases in Africa.

Russia markets its security services and experience to African countries to expand its influence and challenge United States interests. Russia's outreach is not as wide reaching as China's; however, Russia continues to contribute to instability through the use and presence of Russian private military companies (PMC) in several African countries, like Libya and the Central African Republic, but is also trying to expand its presence in other areas, like the Sahel region. Russia remains a key arms supplier for many African militaries and continues to look for opportunities to project power.

Question. In what ways, if any, do these objectives conflict with those of the U.S.?

Answer. Actions by Russia and the PRC could create future access challenges and currently undermine our efforts in African countries to promote regional stability, civilian control of the armed forces, transparency, and accountability.

Question. In your view, what should be the DOD role in supporting United States strategic objectives in Africa?

Answer. It is my understanding that DOD engagement in Africa protects the U.S. Homeland and fosters opportunities for mutually beneficial partnerships in other sectors by promoting stability and security. By building partnerships and bolstering security exporters, DOD assists African partners in overcoming security challenges. The U.S. is especially sought after as a security partner thanks to the high quality of U.S. military equipment, expertise, and training.

Question. What should be the role of DOD with regard to China and Russia in Africa?

Answer. As part of our whole-of-government approach, I would prioritize DOD's efforts to build partner capacity to address security challenges and to reinforce United States influence in strategically critical countries, both in Africa and throughout the Global South.

LATIN AMERICA AND THE CARIBBEAN

Question. Do you define United States national security interests in Latin America and the Caribbean?

Answer. It is my understanding that U.S. national security interests in the Western Hemisphere include protecting the American people, promoting economic prosperity and opportunity, supporting and strengthening democratic institutions, and upholding human rights and dignity. Our security depends greatly on the security and well-being of our Western Hemisphere neighbors. We face many challenges in the Western Hemisphere, including the migration crisis, natural disasters, drug trafficking and other transnational criminal networks, COVID-19, climate change, and the efforts of foreign competitors and adversaries to undermine democratic governments and U.S. interests. If confirmed, I would help ensure that the Department of Defense plays an appropriate supporting role to help address these challenges.

Question. What should be the Department's top priorities in Latin America and the Caribbean?

Answer. If confirmed, I would recommend that the Department should build and strengthen its cooperation with Western Hemisphere partners to address shared security challenges. From this basis, the Department could help support partner nation efforts in traditional areas such as countering narcotics trafficking and other transnational crime, disaster response, and strengthening defense institutions. In addition, there are opportunities for cooperation in newer fields such as cyber defense and addressing climate change. If confirmed, I would expect to help ensure the Department focuses on cooperation to help enable our partners' self-sufficiency in defense and their contributions to regional and hemispheric security.

Question. What is your assessment of Chinese and Russian strategic objectives in Latin America and the Caribbean?

Answer. It is my understanding that Russia and the PRC actively seek opportunities to deepen their influence in the hemisphere through diplomatic, economic, and security inroads. If confirmed, I would recommend that the United States leverage all elements of national power to counter PRC and Russian activities intended to interfere with our security relationships and undermine the rules-based international order. Working within a whole-of-government response, DOD has an important role in building and maintaining strong defense and security partnerships, enabled by engagements and presence, intelligence and information exchanges, and educational programs and exercises. If confirmed, I would help lead the Department's employment of these tools to minimize the influence of malign actors in the hemisphere.

Question. In what ways, if any, do these objectives conflict with those of the U.S.?

Answer. It is my understanding that Russian and PRC activities pose challenges to security and prosperity in the Western Hemisphere. For example, their support to authoritarian governments in Venezuela, Nicaragua, and Cuba undermines democracy and freedom of expression in those nations. PRC-flagged vessels conducting illegal fishing activities engage in economic theft and environmental destruction of Western Hemisphere nations' resources. PRC-based transnational criminal organizations and money laundering firms contribute to the illicit drug trade responsible for killing tens of thousands of people each year in the United States. Russian attempts to influence populations through social media activities and other misinformation operations aim to undermine United States goals for the hemisphere. If confirmed, I would recommend to the Secretary that we help counter these activities through a whole-of-government approach and robust engagements with our partners in the region, promoting the values of democracy, respect for human rights, and cooperation in a rules-based international order.

Question. In your view, what would be the appropriate role for DOD in addressing the sources of instability in the region, including criminal violence, corruption, environmental devastation, and the health crisis resulting from the COVID-19 pandemic?

Answer. The President's Interim National Security Strategy recognizes the challenges posed by transnational criminal organizations, corruption, environmental crime, and COVID-19 to security in the Western Hemisphere. I understand that Congress provides dedicated authorities and funding to enable DOD to help U.S. and foreign law enforcement partners disrupt drug trafficking and other forms of transnational organized crime, such as human trafficking and smuggling, weapons trafficking, trafficking in wildlife and natural resources, and illicit financial flows. If confirmed, I would ensure that the Department continues to provide appropriate support to U.S. and foreign partners with the resources that Congress dedicates for this purpose. I'm also aware that DOD has helped neighbors in the Western Hemisphere in responding to the COVID-19 pandemic, through the provision of field hospitals, freezers to store vaccines safely, oxygen generators to make medical-grade oxygen, therapeutic drugs, and other medical equipment and supplies.

BALLISTIC MISSILE DEFENSE

Question. The United States enjoys a measure of protection against ballistic missile threats from rogue nations like North Korea and Iran, but the threat from Russian and Chinese ballistic, cruise, and hypersonic missiles against United States forces, allies, and the United States Homeland continues to grow. The 2019 Missile Defense Review (MDR) articulated existing U.S. policy on missile defense and endorsed follow-on actions to improve U.S. capability.

In your view, should United States missile defense policy should be limited to countering only rogue nations, such as North Korea and Iran?

Answer. I support the longstanding United States policy that Homeland missile defenses should remain focused on defending against comparatively limited rogue State ballistic missile attacks from North Korea and Iran, not against attacks by near-peers China and Russia which possess much larger strategic missile arsenals that could overwhelm United States Homeland missile defenses. To address the threat of a comprehensive and technologically sophisticated strategic missile attack by China or Russia, the United States should continue to rely on the same strategy it has employed for more than half a century—nuclear deterrence.

Question. If so, what role do you believe integrated air and missile defenses should play in defending limited areas and defeating smaller scale cruise or hypersonic glide missile attacks by larger threats, such as Russia and China?

Answer. Defending the United States Homeland against non-strategic missile attacks by near-peers such as China or Russia remains a difficult problem. I agree that missile defense cannot defend against every threat and that it must be only one capability within a broader range of options to increase our overall protection against the growing number of advanced missile threats. I understand the Department is examining ways to enhance its architecture against conventional missile threats. If confirmed, I would support continuing improvements to our Homeland missile defense architecture.

Question. The global U.S. architecture for detecting and tracking threat missiles is a highly complex maritime, terrestrial, airborne, and space-based “system of systems,” with the constituent pieces managed and sustained by a number of different DOD components.

Do you believe these various systems are appropriately integrated and provide operational commanders with a holistic threat picture capable of supporting real-time operational decisions? If so, please explain your answer. If not, please explain what steps you would take, if confirmed, to improve global sensor integration.

Answer. Having a persistent and integrated network of sensors is integral to the success of any effective missile defense architecture. Sensors provide real-time detection, tracking, and targeting information that is critical to policymakers during a crisis. The existing Department of Defense global network of sensors on land, at sea, and in the air and space domains is highly complex and must be improved to increase operational awareness and decisionmaking. If confirmed, I will work within the Department to ensure that this element of the U.S. missile defense architecture is prioritized appropriately.

Question. The cancellation of the Redesignated Kill Vehicle program with the replacement of the Next Generation Interceptor program has resulted in a likely delay of at least 10 years before the deployment of modernized ground-based interceptors for homeland ballistic missile defense.

Do you support the Next Generation Interceptor program and the fielding of additional interceptors from this program, presuming the program achieves its acquisition objectives?

Answer. Yes. Defense of the Homeland is a DOD priority, and missile defense is a central component of this mission. I support the Department’s decision to move forward with development of the Next Generation Interceptor (NGI), as well as other ongoing efforts to enhance the effectiveness of the existing Ground-based Mid-course Defense System (GMD) which currently protects the United States Homeland against limited Intercontinental Ballistic Missile (ICBM) threats from North Korea. If confirmed, I will support continuing improvements to our missile defense architecture.

Question. Recently, a Navy Aegis Destroyer was able to successfully intercept an ICBM-class target, raising the possibility of using a system of Homeland Defense layered between the Ground Based Interceptor at mid-flight and the Aegis system for intercepts in the final phases of the ICBM’s trajectory.

In your view, would this layered approach require a change in policy with respect to the types of interceptors used, the defended area, and the specific threats each is deployed against?

Answer. Any decision to bolster homeland defense with new or existing capabilities would require weighing a variety of factors: cost, feasibility, and potential impacts on strategic stability against the potential added benefit to security. If confirmed, I will work to ensure that the Department uses the layered homeland defense analysis called for in the National Defense Authorization Act for Fiscal Year 2021 to help determine the proper mix of capabilities to defend the Homeland against the limited ICBM threat from North Korea.

Question. What are your views regarding United States Indo-Pacific Command's (INDOPACOM's) unfunded priorities with respect to missile defense and Guam?

Answer. Guam is a critical forward operating position. Although I do not have access to the specific unfunded priority lists, I agree with INDOPACOM that ensuring Guam has sufficient defenses against growing adversary anti-access and area-denial (A2/AD) conventional missile capabilities is critical. Active missile defenses that enable the United States to sustain military operations during a conflict are one important component of what should be an integrated approach. If confirmed, I will work with INDOPACOM to ensure that it has the right combination of capabilities on Guam to enhance the United States regional deterrence and defense posture, assure allies and partners, and increase readiness to contribute to a free and open Indo-Pacific region.

Question. In recent months, missile and rocket attacks by Iran and Iranian-backed proxies in the Middle East have highlighted the shortage of Theater Integrated Air and Missile Defense (TIAMD) assets available to protect deployed United States forces. This same shortage is most acute in United States European Command and INDOPACOM, where the missile threats are much more sophisticated. Air defense units remain the highest-demand, lowest-density forces in the Army.

In your view, should DOD expand its theater missile defense capabilities (including improvements to existing systems or the development of new systems), capacity (increased procurement of existing systems), or both? Please explain your answer.

Answer. Each Area of Responsibility (AOR) has unique sets of challenges and requirements. If confirmed, I will work closely with Department stakeholders, including the Joint Staff and the relevant Combatant Commands, to help determine the most appropriate mixture and allocation of missile defense capabilities and other posture requirements to maintain theater readiness and a strong deterrent.

Question. Do you believe the United States should encourage regional allies and partners to increase their missile defense capabilities to contribute to regional security and help reduce the burden on U.S. forces and requirements?

Answer. Yes. The world has arrived in a new era of offensive missiles. Strategic competitors and potential adversaries are pursuing A2/AD strategies centered on their missile forces with the intention of inhibiting and disrupting U.S. and allied military freedom of maneuver. Allies and partners have the lead role in their sovereign defense, backed by mutual security treaties and other relationships with the United States. If confirmed, I would work closely with our allies and key partners as they strengthen their own Integrated Air and Missile Defense (IAMDM) capabilities. Such allied investments offer common protection, enhanced deterrence, and improved interoperability. They also complicate adversary planning and attack calculus, and provide leverage for leaders to negotiate against threats from a position of strength in peacetime, as well as during a crisis and/or conflict.

Question. If confirmed, on which specific allies and partners would you focus in this regard, and specifically what would you encourage each to do?

Answer. If confirmed, I would continue to support strong United States missile defense cooperation, which occurs with many different allies and key partners throughout the world, and is strongest with NATO, Japan, the Republic of Korea (ROK), Australia, and Israel. Our cooperation with these countries strengthens collective deterrence efforts and offers assurance essential to the unity of our alliances which are threatened by missile coercion and attacks particularly from China, Russia, North Korea and Iran. I would also prioritize continued dialog and progress toward greater interoperability, including regular military-to-military exercises and training.

NUCLEAR WEAPONS

Question. Do you agree with former Secretary of Defense Ash Carter's statement that our nuclear deterrent is the "bedrock" of every national security mission we undertake?

Answer. Yes.

Question. Do you agree with the assessment of the past four Secretaries of Defense—including Secretary Austin, and as well, Deputy Secretary Hicks—that nuclear deterrence is DOD's highest priority mission and that modernizing each leg

of the nuclear triad and the Department of Energy (DOE) nuclear weapons complex is a critical national security priority?

Answer. Yes. I agree with Secretary Austin and Deputy Secretary Hicks that nuclear deterrence is DOD's highest priority mission and that modernization of the triad is a critical national security priority.

Question. In your view, is the sustainment and timely modernization of the three legs of the nuclear triad essential? Please explain your answer.

Answer. Yes. As Secretary Austin has explained, the service life of many elements of the nuclear triad has been extended long past the time it should have been modernized. We must continue to modernize the triad and sustain legacy nuclear delivery systems.

Question. Is the current program of record sufficient to support full modernization of the nuclear triad, including delivery systems, warheads, and the supporting National Nuclear Security Administration infrastructure?

Answer. If confirmed, I commit to better understanding the details surrounding the program of record for the nuclear triad and, in conjunction with the National Nuclear Security Administration, for nuclear infrastructure. In gaining this understanding, I recognize that the Administration is committed to modernizing the triad in a cost-effective and judicious manner that provides us the necessary capabilities when they are needed.

Question. The 2010 and 2018 Nuclear Posture Reviews concluded that the United States will maintain a substantial portion of its nuclear forces on continuous alert, including keeping nearly all ICBMs on alert, and maintaining a significant number of SSBNs at sea at any given time.

Do you agree with this conclusion? Please explain your answer.

Answer. Yes. Although I am not familiar with the specific details of the United States' nuclear forces readiness posture, I understand this posture has remained consistent over multiple Presidential Administrations and has contributed to global stability for many decades. If confirmed, I commit to better understanding these details with a focus on enhancing deterrence, maximizing decision time, and preserving the range of U.S. response options.

Question. In response to conditions set forth in the Senate Resolution of Ratification of the New START Treaty, President Obama certified on February 2, 2011, that he intended to "(a) modernize or replace the triad of strategic nuclear delivery systems: a heavy bomber and air-launched cruise missile, an ICBM, and a nuclear-powered ballistic missile submarine (SSBN) and SLBM; and (b) maintain the United States rocket motor industrial base."

Do you agree with and support these objectives for modernizing the triad of strategic nuclear delivery systems? Please explain your answer.

Answer. The triad has provided a strong nuclear deterrent for decades, and I believe we must continue to sustain a safe, secure, and effective nuclear deterrent in the years to come. If confirmed, I commit to better understanding the details surrounding the program of record for strategic nuclear delivery systems, recognizing that the Administration is committed to a triad of nuclear forces and to modernizing the triad in a cost-effective and judicious manner that provides us the necessary capabilities when they are needed.

Question. Admiral Richard, Commander of U.S. Strategic Command, recently reaffirmed the longstanding assessment of the Department of Defense that extending the service life of the Minuteman III (MM III) system is no longer a cost-effective option for preserving the Nation's intercontinental ballistic missile force.

Do you agree with the Commander's assessment?

Answer. I agree that we cannot extend the life expectancy of legacy systems indefinitely without increased cost and risk. If confirmed, I commit to consult closely with the STRATCOM Commander to better understanding the specific details surrounding the Minuteman III intercontinental ballistic missile system and its replacement system, the Ground Based Strategic Deterrent (GBSD). I would also consult with Minuteman III and GBSD program managers and other experts to understand the budgetary, programmatic, and operational implications of further life extensions.

Question. The Long Range Stand Off Weapon (LRSO) is intended to replace the AGM-86B Air Launched Cruise Missile (ALCM)—a system that is 20 years past its retirement, under increasing threat from adversary air defenses, and considered essential to maintaining the air leg of the triad.

Do you support the Long Range Stand-Off weapon as a replacement for the aging ALCM?

Answer. Yes. As Secretary Austin testified, maintaining a credible nuclear deterrent is critical to our Nation's defense. If confirmed, I will seek to ensure that the

Department thoroughly studies all proposed plans and alternatives to ensure we are on the most cost-effective path to modernize U.S. nuclear forces.

Question. If confirmed as Deputy Under Secretary of Defense for Policy, what steps will you take to advocate for, and ensure the continued development of, the Ground Based Strategic Deterrent and Long Range Stand-Off programs? Please explain your answer.

Answer. I understand that both the Ground Based Strategic Deterrent and the Long Range Stand-Off (LRSO) program are being addressed in the NPR. If confirmed, I will seek to ensure that the NPR is conducted in an analytically rigorous manner and takes into account changes in the strategic environment, recognizing that we face two nuclear-armed near-peer competitors. I will also commit to better understanding the details surrounding both programs, recognizing that the Administration is committed to modernizing the triad in a cost-effective and judicious manner.

Question. Do you support the continuation of the W93 program and parallel efforts to collaborate with the United Kingdom in the maintenance of its independent nuclear deterrent? Please explain your answer.

Answer. If confirmed, I commit to better understanding the details surrounding the W93 program and parallel efforts to collaborate with the United Kingdom in the maintenance of its independent nuclear deterrent. I do recognize the critical importance of the long-standing nuclear deterrence cooperation between the United States and the United Kingdom, and the continued value of the United Kingdom's continuous at-sea deterrence mission to NATO's deterrence and defense posture.

Question. Per Secretary of Defense Austin's direction, the Department is undergoing an integrated deterrence review, which includes a review of nuclear deterrence.

Please explain your views on how nuclear weapons can be part of an integrated deterrence with conventional weapons.

Answer. Although I understand that DOD is developing a National Defense Strategy that is intended to focus on an integrated deterrence approach, I am not yet familiar with the specific details of that review. If confirmed, I commit to better understanding the details surrounding this issue and the role of nuclear weapons in such an approach along with other military capabilities, including those in the conventional, space, cyber, missile defense and information domains.

Question. The Commander of United States Strategic Command has referred to reports of China's nuclear force expansion as "breathhtaking" and contends that China's efforts to become a nuclear peer to the United States and Russia is a "strategic breakout," which represents an unprecedented threat to global stability.

Do you agree with this assessment? Please explain your answer.

Answer. Although I am not familiar with the specific details surrounding Admiral Richard's assessment, I agree that China's nuclear forces are rapidly improving both quantitatively and qualitatively. I understand issues such as those identified by Admiral Richard are being addressed in DOD's ongoing Nuclear Posture Review. If confirmed, I will consult with Admiral Richard and other experts to better understand how the United States should posture itself in response.

Question. What are your views on Russia's nuclear modernization effort?

Answer. Of most concern in Russia's nuclear modernization and expansion are its development and fielding of systems that are not accountable under—and thus not constrained by—the New START Treaty, including so-called "novel" systems of strategic range; as well as continued development and fielding of a large variety of ground-, air-, and sea-based non-strategic nuclear weapon systems, many of which are dual-capable. The development of such systems undermines global and regional stability and the goal of reducing the salience of nuclear weapons.

Question. Russia is now fielding their Avangard hypersonic strike system, which is accountable under the New START Treaty. What are your views on the effects of this system with respect to strategic stability and missile defense?

Answer. The Avangard hypersonic system has the potential to undermine strategic stability and is being addressed in DOD's ongoing Nuclear Posture Review and Missile Defense Review. If confirmed, I commit to better understanding the details surrounding this capability and how the United States should respond from both a military posture and arms control perspective.

Question. What are your views on the recent expansion and modernization of China's ICBM force?

Answer. I am concerned by reports of China's nuclear modernization and expansion, including its ICBM force. This concern is exacerbated by China's lack of transparency regarding its nuclear forces, as well as its strategy and doctrine. I understand issues such as these are being addressed in DOD's ongoing Nuclear Posture

Review. If confirmed, I will have seek to ensure the NPR takes developments in the strategic environment such as these into account.

Question. What is your understanding of China’s rationale for this expansion?

Answer. I understand that the recent expansion and modernization of China’s nuclear forces, including its ICBM force, are the result of its strategic ambitions and evolving view of the security landscape. Moreover, the PRC’s nuclear weapons policy prioritizes the maintenance of a survivable nuclear force that can retaliate against an adversary’s first strike.

Question. How should the United States respond to China’s efforts, in your opinion?

Answer. I understand issues such as China’s expansion and modernization of nuclear forces are being addressed in DOD’s ongoing Nuclear Posture Review. If confirmed, I will seek to ensure the NPR takes developments in the strategic environment such as these into account.

Question. What are your views on China’s fielding of an SSBN-class submarine fleet and what are your concerns with respect to its continued development over the next 5–10 years?

Answer. Fielding of an SSBN-class submarine fleet will contribute to a survivable and functional nuclear triad. While an SSBN force by itself is just one facet of China’s nuclear forces expansion and modernization, it affirms the 2021 Threat Assessment Report from the United States Intelligence Community noting that “China is building a larger and increasingly capable nuclear missile force that is more survivable, more diverse, and on higher alert than in the past, including nuclear missile systems designed to manage regional escalation and ensure an intercontinental second-strike capability.”

Question. Do you believe China is developing a triad of delivery systems?

Answer. Yes, I do.

Question. If so, on what do you base this belief and to what motivations do you ascribe China’s actions?

Answer. China’s development of a triad of nuclear delivery systems is a fact established by voluminous evidence about China’s ground-, sea-, and air-based nuclear forces, reinforced in testimony by numerous DOD and United States intelligence officials and DOD reports to Congress on China’s military. I understand that the recent expansion and modernization of China’s nuclear forces are the result of its strategic ambitions, evolving view of the security landscape, and concerns over survivability of its nuclear forces. I further understand that its nuclear weapons policy prioritizes the maintenance of a survivable nuclear force that can retaliate against an adversary’s first strike.

Question. How can the United States best counter China in this regard?

Answer. If confirmed, I commit to better understanding the details surrounding China’s nuclear modernization and expansion, as well as its other nuclear developments, and how the United States might need to adjust its posture, policy or doctrine in response.

Question. In your understanding, has this expansion been accompanied by a change in China’s nuclear weapons use doctrine?

Answer. China continues to maintain a stated no first use policy. I understand, however, that there is a degree of ambiguity surrounding the conditions under which China’s no first use policy would no longer apply.

Question. If so, how has China’s doctrine changed?

Answer. My understanding is that China’s publicly stated nuclear weapons use doctrine has not changed—and that Beijing continues to affirm that it abides by a no first use policy. However, the lack of transparency in the scope, scale, and speed of its nuclear expansion raises fundamental questions about its future doctrine.

Question. Should U.S. doctrine change also?

Answer. I am familiar with, and concerned by, reports of China’s nuclear modernization and expansion, as well as its other nuclear developments. I understand issues such as this are being addressed in DOD’s ongoing Nuclear Posture Review. If confirmed, I will seek to ensure the NPR takes developments in the strategic environment such as these into account and examines how the United States might need to adjust its posture, policy, doctrine or arms control approaches in response.

Question. What are your views with respect to deterring both Russia and China, in light of China’s expansion of its nuclear arsenal (as compared to its arsenal of 10 years ago)?

Answer. I am generally familiar with concerns regarding the prospect of having to deter two peer or near-peer nuclear adversaries simultaneously in the coming years. If confirmed, I commit to better understanding the details surrounding these issues to include how the United States should posture itself in response, and whether arms control efforts can contribute to reducing this threat.

Question. During his confirmation hearing, Secretary Austin voiced his agreement that any future reductions in U.S. nuclear forces should only be taken within the context of a formal, verifiable arms control agreements with adversaries, rather than by unilateral actions.

Do you agree with this statement? Please explain your answer.

Answer. The Administration is committed to reestablishing U.S. credibility as a leader in arms control as demonstrated, in part, by the extension of the New START Treaty earlier this year. With that said, I agree that the United States should not unilaterally reduce nuclear forces without some corresponding action on the part of our adversaries.

Question. In your opinion, should the United States pursue arms control and strategic stability talks with China while it is undertaking this expansion of its nuclear arsenal?

Answer. The Administration is committed to reestablishing U.S. credibility as a leader in arms control. We have long been concerned with China's lack of transparency regarding its nuclear forces, as well as its strategy and doctrine. Dialogue aimed at such transparency, improving strategic stability and risk reduction through mutual understandings, and possibly leading to arms control agreements that improve the security of the United States and its allies and partners is in the interest of the United States, China and the global community.

Question. In your assessment, how would delaying or canceling current nuclear modernization plans and programs affect our arms control negotiation leverage with near-peer and peer competitors?

Answer. I believe maintaining credible nuclear forces and pursuing verifiable reductions are both aspects of strategic stability. How current nuclear modernization plans intersect with our arms control approach is an important matter that I understand is being addressed in DOD's ongoing Nuclear Posture Review as well as in an ongoing interagency process. If confirmed, I will seek to ensure the NPR fully considers the potential impact of modernization choices on our arms control negotiation leverage.

Question. Do you believe that the United States should consider accepting limitations on its missile defense, cyber, or conventional power projection capabilities as part of an agreement with Russia or China on nuclear weapons' reductions? Please explain your answers.

Answer. I believe we should be careful not to limit our ability to defend ourselves against limited missile threats or other types of attack from rogue states. I understand the intersection of arms control and integrated deterrence is an issue being considered as part of the Administration's strategic reviews, including but not limited to DOD's National Defense Strategy review and Nuclear Posture Review, as well as an ongoing interagency arms control process. If confirmed, I would seek to ensure DOD views are fully represented in any future nuclear arms control negotiations with either Russia or China.

Question. What if your view of the value of the supplemental capabilities recommended by the 2018 Nuclear Posture Review, including the deployed low-yield submarine-launched ballistic missile and possible return of a nuclear sea-launched cruise missile to the force? Please explain your answer.

Answer. As set out in the President's Interim National Security Strategic Guidance, the Administration is committed to taking steps to reduce the role of nuclear weapons in our national security strategy, while ensuring our strategic deterrent remains safe, secure, and effective and that our extended deterrence commitments to our allies remain strong and credible. I understand that the need for the so-called supplemental capabilities is being addressed in DOD's ongoing Nuclear Posture Review. If confirmed, I will have a role in overseeing the NPR, and I commit to better understanding the arguments for and against such capabilities in light of the foregoing guidance.

Question. If confirmed, would you recommend any significant change in U.S. nuclear posture or declaratory policy, including reducing alert status of ICBMs or adopting a "No First Use" policy? Please explain your answer.

Answer. As the Deputy Secretary testified, declaratory policy is a decision made by the President of the United States. If confirmed, I would seek to ensure that the NPR process that informs any such decision includes rigorous, fact-based analysis that takes into account recent changes in the strategic environment, and to make certain that the views of the STRATCOM commander and other senior military leaders are fully represented, and that we conduct meaningful consultations with treaty allies who rely on our extended deterrent.

DEFENSE SUPPORT OF CIVIL AUTHORITIES FOR COVID-19 RESPONSE

Question. Through contracting support, the program previously known as Operation Warp Speed, and National Guard and active duty deployments for vaccine support teams and other support efforts, DOD has provided significant assistance to the U.S. Government's response to the COVID-19 crisis.

What in your view is the appropriate role for the DOD in providing support to Civil Authorities as part of the COVID-19 response?

Answer. I believe that it is appropriate that DOD has played an important supporting role in our Nation's fight against the COVID-19 pandemic. The Department of Health and Human Services (HHS) is the lead Federal agency, and the Federal Emergency Management Agency (FEMA) is the lead Federal coordinating agency bringing together the full capabilities of the U.S. Government to support response efforts to a national emergency. If confirmed, I will seek to support continued and effective DOD support to whole-of-government efforts.

Question. Are there additional types of support that DOD should be providing, or types of support that the DOD should not provide, in your view?

Answer. To the best of my knowledge, DOD has been responsive and effective in providing assistance to the broader U.S. COVID-19 response efforts. I believe DOD should continue to play a supporting role to the lead Federal agency or the lead Federal coordinating agency. DOD assistance supplements, not supplants, responsibilities that by law belong to States and other Federal departments and agencies.

Question. What should be done to minimize the risk to Department personnel who are tasked with providing defense support to civil authorities during the coronavirus crisis?

Answer. DOD's highest priority should remain the protection of our Nation and its people. While DOD cannot execute its missions risk-free, DOD can mitigate and manage risks to ensure that DOD does not compromise the safety and security of our force or the Nation. I understand that DOD implemented force health protection measures early in the pandemic designed to mitigate risks and has continued to adapt these measures as our Nation's understanding of COVID-19 has improved.

Question. What in your view are the major lessons learned from the Department's support to civil authorities in response to the COVID-19 crisis, and how should DOD position itself to be better prepared to support civil authorities in response to a future pandemic?

Answer. I understand that DOD routinely conducts after-action reviews to identify opportunities to improve. If confirmed, I will have the opportunity to examine DOD's reviews and the lessons the Department intends to incorporate into its plans and procedures as well as into whole-of-government policies and processes.

Question. What risks do you envision to the vaccine program as DOD draws down from the Countermeasures Acceleration Group, and how would you mitigate those risks, if confirmed?

Answer. It is my understanding that DOD had an important, albeit supporting role in the vaccine program. If confirmed, I will review DOD's posture for providing support and will work with partners to mitigate any risks, should DOD be asked to provide support again.

FOREIGN DISINFORMATION ON COVID-19

Question. China, Russia and other nations are disseminating disinformation and false narratives relating to COVID-19, to advance their strategic interests.

What role, if any, should the Department play in countering disinformation and false narratives relating to COVID-19?

Answer. In support of whole-of-government efforts, I would expect the Department to be an important voice in reinforcing fact-based information and leverage trusted relationships with our own personnel, our defense communities, allies, and partners to counter disinformation. If confirmed, I would look to support the Department's efforts to counter COVID-19 disinformation and false narratives in support of the Administration's efforts and to provide timely and accurate health information to the workforce.

DOD SECURITY COOPERATION

Question. What is the appropriate role of the DOD in the conduct of security cooperation in the strategic cooperation with China and Russia?

Answer. Aligned with whole-of-government security sector assistance efforts, Department of Defense security cooperation tools bolster ally and partner capabilities for defense, advance shared national security interests through addressing regional security challenges, and strengthen relationships with key allies and partners. DOD

security cooperation, developed and executed in coordination the State Department, serves to reinvigorate and modernize U.S. alliances and partnerships, reinforcing a critical American asymmetric advantage in strategic competition.

Question. What is your view of the value of a strategic and integrated approach to DOD security cooperation as a tool for strategic competition?

Answer. DOD building partner capacity efforts should focus on enhancing ally and partner capabilities to effectively operate alongside and in lieu of U.S. forces to address shared national security challenges. Security cooperation investments should be targeted to advance broader goals in strategic competition. I understand the forthcoming National Defense Strategy will address the strategic objectives and integrated approach of DOD security cooperation.

Question. What specific steps would you recommend, if confirmed, to ensure that the Department's security cooperation strategy is integrated across the combatant commands, Military Services, and other DOD components?

Answer. I understand the Under Secretary of Defense for Policy, exercising responsibility delegated by the Secretary of Defense pursuant to 10 U.S.C. Section 382, has made significant progress in advancing the strategic oversight of security cooperation activities since the reforms codified by the National Defense Authorization Act for Fiscal Year 2017. If confirmed, I will review existing processes and assess whether additional guidance may be necessary to ensure DOD security cooperation activities are developed, executed, and integrated across echelons and in alignment with the forthcoming National Defense Strategy.

Question. What should be the Department's relationship with the Department of State in the conduct of these security cooperation activities?

Answer. Effective DOD security cooperation aligns with and advances broader U.S. foreign policy objectives driven by the Department of State. Ensuring this alignment requires thorough collaboration with the Department of State through interagency processes and regular engagement between the two departments at all levels. If confirmed, I would seek to support consistent coordination and engagement with the Department of State and other interagency partners.

Question. In your view, are the current security sector assistance authorities available to DOD sufficient to accomplish our strategic objectives?

Answer. DOD security cooperation authorities and investments are essential to the national security strategic goal of reinvigorating and modernizing U.S. alliances and partnerships. If confirmed, I will support the Under Secretary of Defense for Policy's responsibility for oversight of strategic policy, guidance, and resource allocation for security cooperation programs and assess whether authorities or resource adjustments may be necessary in support of DOD strategic priorities.

Question. What changes, if any, would you recommend in this regard?

Answer. If confirmed, I will assess whether any additional organizational, legislative, or resource adjustments are necessary for the effective implementation and strategic oversight of Department of Defense security cooperation activities.

CIVILIAN OVERSIGHT OF SPECIAL OPERATIONS FORCES

Question. The NDAA for fiscal year 2017 included provisions designed to enhance civilian oversight of, and advocacy for special operations forces. Among other things, these reforms established an administrative chain of command from the Commander of U.S. Special Operations Command through the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (ASD(SOLIC)) to the Secretary of Defense, mirroring the relationship between the Secretaries of the Military Departments and their Service Chiefs.

What is your understanding of the "service secretary-like" responsibilities of the ASD(SOLIC) with regard to special operations forces?

Answer. In accordance with reforms enacted in the National Defense Authorization Act for Fiscal Year 2017, the ASD(SO/LIC) reports directly to the Secretary of Defense in exercising authority, direction, and control of all special operations-peculiar administrative matters relating to the organization, training, and equipping of special operations forces. I understand that the ASD(SO/LIC) is the principal staff assistant and civilian advisor to the Secretary of Defense for special operations, low-intensity conflict, and special operations-peculiar administrative matters and, after the Secretary and Deputy Secretary of Defense, is the principal official for these matters.

Question. If confirmed, what specific actions would you take to reinforce the independent role of the ASD(SOLIC) as the "service secretary-like" civilian for special operations forces?

Answer. DOD implements the organizational role of the ASD(SO/LIC) with a dual reporting chain. In supporting the dual role, I will reinforce the independent role

of the ASD(SO/LIC) in regard to his principal staff assistance responsibilities that are similar to those of a Military Department secretary by, for example, supporting and reinforcing the ASD(SOLIC)'S role as the Department's lead for the manning, organizing, training, and equipping of SOF. One way I will do this is by ensuring the ASD(SOLIC)'s participation in the appropriate department-wide fora, and by ensuring the proper separation of tasks between the ASD(SOLIC)'s service-like responsibilities and functions, and the responsibilities and functions for which he is under the authority, direction, and control of the USD(P).

Question. In your view, how should these responsibilities be balanced with other ASD(SOLIC) responsibilities related to policy and operational issues?

Answer. The ASD (SOLIC)'s dual responsibilities are complementary. Every leader across the Office of the Secretary of Defense should be working to integrate information and to ensure thorough coordination of policies and issues for the Secretary. The ASD(SOLIC)'s dual role ensures special operation forces are properly prepared for current and future missions and that the DOD strategy and policy realistically reflect the capabilities and operational options these forces provide the Nation.

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 office of the OUSD(P)?

Answer. There is no place for sexual harassment, gender discrimination, and other harassment within OUSD(P); any such behavior is unacceptable. If confirmed, I will assist the USD(P) in reviewing previous workforce assessments including surveys, both internal and from the Office of Personnel Management, and any other documentation that would give me insight into the Policy organization to help determine next steps. I am aware of the GAO's report, issued earlier this year, recommending steps the Department take to address sexual harassment and assault among the civilian workforce. If confirmed, I will support the Department's ongoing efforts to promote a culture of dignity and respect, including a commitment to tackling the corrosive issue of sexual harassment.

Question. In your view, is the civilian workforce harassment prevention and response training for civilian employees in OUSD(P) adequate and effective?

Answer. As I have not worked in OUSD(P), I cannot judge the current harassment prevention and response training. If confirmed, I will make it a priority to work the Policy team to determine if it is adequate and effective.

Question. In your view, does the OUSD(P) program for response to complaints of harassment or discrimination provide appropriate care and services to OUSD(P) civilian employee victims?

Answer. As I have not worked in OUSD(P), I cannot judge the current program for response to complaints of harassment or discrimination. If confirmed, I will make it a priority to ensure appropriate care and services are provided to victims, in alignment with the Administration's commitment to improving prevention and response to sexual harassment and sexual assault for both civilians and military personnel.

Question. If confirmed, what actions would you take were you to receive or otherwise become aware of a complaint of sexual harassment or discrimination from an employee of the OUSD(P)?

Answer. If confirmed, and I received or became aware of such complaints, I would take them seriously and immediately contact the appropriate office to initiate an inquiry to gather all facts, conduct the necessary interviews, collect appropriate information, and address the complaint within the specified guidelines of Federal statutes and Department of Defense regulations and policies. If confirmed, I would assist the USD(P) in reiterating to the workforce that they deserve a respectful workplace, of the importance of equality and diversity to the entire team, as well as our support for the Department's zero tolerance for harassment.

RELATIONS WITH CONGRESS

Question. What are your views on the State of the relationship between the OUSD(P) and the Senate Armed Services Committee, in particular, and with the Congress in general?

Answer. If confirmed, I will assess the relationship between the Office of the Under Secretary of Defense for Policy and Congress. As a former Senate staffer, I recognize that the Senate Armed Services Committee provides important oversight

of the Department and issues within the purview of OUSD(P). If confirmed, I am committed to continuing regular engagement with Congress and maintaining these important relationships to ensure the Committee can fulfill its legislative and oversight role.

TORTURE AND ENHANCED INTERROGATION TECHNIQUES

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, I support the standards for detainee treatment in the Army Field Manual on Interrogations, FM 2–22.3, issued in September 2006, and in DOD Directive 2310.01E, DOD Detainee Program, dated August 19, 2014. Individuals in the custody and control of the U.S. Government may not be subjected to any interrogation technique that is not authorized by and listed in the Army Field Manual.

Question. If confirmed, what role will you play in the ongoing triennial review and revision of FM 2–22.3 mandated by the National Defense Authorization Act for Fiscal Year 2016?

Answer. Since FM 2–22.3 is the responsibility of the Under Secretary of Defense for Intelligence and Security, I understand that my role in the review and revision will be to coordinate on the suggested manual revisions.

Question. Are there certain policies or processes set forth in FM 2–22.3 that in your view are in particular need of revision? Please explain your answer.

Answer. I am not aware of any policies or processes that are in need of revision at this time. congressional Oversight

In order to exercise legislative and oversight responsibilities, it is important that this committee, its subcommittees, and other appropriate committees of Congress receive timely testimony, briefings, reports, records—including documents and electronic communications, and other information from the executive branch.

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 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 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 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 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 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 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 yes or no.

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JEANNE SHAHEEN

AFGHAN REFUGEES AND SPECIAL IMMIGRANT VISA PROGRAM

1. Senator SHAHEEN. Ms. Baker, from the Department of Defense perspective, what type of inter-agency coordination, oversight, and policy implementation do you believe is needed to improve United States efforts in the processing, documentation, and effective resettlement of Afghan refugees?

Ms. BAKER. It is my understanding that the Department of Defense supports the Departments of Homeland Security, Health and Human Services, and State by providing temporary housing, sustainment, and other support for the Afghan evacuees. The Departments of Homeland Security, Health and Human Services, and State are responsible for the resettlement process. If confirmed, I will review how the Department of Defense is working with its Federal partners and other organizations to ensure our Afghan guests are being properly cared for and to identify opportunities to improve how the Department of Defense contributes to the resettlement process.

2. Senator SHAHEEN. Ms. Baker, from the Department of Defense perspective, what policy reforms do you believe are needed to reduce or remove the barriers and delays in processing refugee documentation, medical care, and housing in support of timely and efficient resettlement of Afghan evacuees seeking refuge in the United States?

Ms. BAKER. I understand the Department of Defense is working closely with the Departments of Homeland Security, Health and Human Services, and State to host our Afghan guests, treat our guests with dignity and respect, and meet our guests' needs, including medical and housing needs. If confirmed, I will review the Department of Defense's support to ensure our Afghan guests are being properly cared for and to identify any barriers or delays to this care. The Departments of Homeland Security, Health and Human Services, and State are responsible for the resettlement process, so, if confirmed, I would work with those Departments to identify and address any barriers or delays to the resettlement process.

3. Senator SHAHEEN. Ms. Baker, if confirmed, how will you ensure the lessons learned from the current Afghan non-combatant evacuation are being applied and documented to inform and establish processes for similar contingencies in the future?

Ms. BAKER. I understand that there are several after action reviews either proposed or ongoing, and if confirmed I will seek to support those efforts and will be transparent with Congress about their outcomes. I believe there are strategic, operational, tactical, and administrative lessons to be learned from the noncombatant evacuation in Afghanistan that should inform any similar operation going forward. It will be important to identify aspects that were effective that we should replicate in the future, as well as those aspects that need improvement. If confirmed, I look forward to working with leaders in the Department of Defense and in Congress to take a systematic review of the operation.

QUESTIONS SUBMITTED BY SENATOR GARY PETERS

INFORMATION OPERATIONS

4. Senator PETERS. Ms. Baker, DOD has not released an Information Operations (IO) strategy since your time serving under Secretary of Defense Ashton Carter—right around when Russia expanded an offensive strategy to promote discord and call into question the legitimacy of democratic institutions in the United States and Western Europe. When Congress created the Principal Information Operations Adviser, the previous Administration assigned it to the Under Secretary of Defense for Policy—meaning that, if confirmed—you will likely play a role in its development and in the ongoing IO posture review.

I know this is a whole-of-government problem, but what do you see as an appropriate whole-of-Department approach to connecting each disparate capability into an effective countereffort?

Ms. BAKER. Connecting disparate activities in the Information Environment has been a perennial challenge for the Department and the broader U.S. Government. In my view, the core solution to integration lies in how the Department thinks about and conducts strategic and operational planning. Effective counter-efforts require the Department to think in terms of strategic and operational influence to achieve

objectives supported by the utilization of all capabilities available to the Department, rather than focusing solely on physical and lethal operations. If confirmed, I will work with the Principal Information Operations Advisor to ensure we are undertaking a whole of Department approach.

QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

WORSENING THREATS

5. Senator INHOFE. Ms. Baker, we've consistently heard testimony from our commanders and civilian experts that each of the five main threats (China, Russia, North Korea, Iran, global terrorism) we face has worsened since the 2018 National Defense Strategy was published. Do you agree that each of these threats is getting worse?

Ms. BAKER. Many of the security trends and threats related to China, Russia, North Korea, Iran, and violent extremist organizations (VEOs) that were present in 2018 remain in place today—and a number of them have accelerated or intensified. Most notably and for instance, as the Interim National Security Strategic Guidance notes, “[China] is the only competitor potentially capable of combining its economic, diplomatic, military, and technological power to mount a sustained challenge to a stable and open international system.” For that reason, the Secretary of Defense has made clear that China is the Department’s pacing threat. Additionally, other transnational threats—such as climate change and pandemics—pose newly acute risks for the United States and our allies and partners alike. If confirmed, I look forward to working in concert with other departments and agencies, and with allies and partners, to address the wide range of threats we face.

QUESTIONS SUBMITTED BY SENATOR RICK SCOTT

TAIWAN

6. Senator SCOTT. Ms. Baker, if confirmed, would you support providing Taiwan with robust military training and expertise to ensure its armed forces present a combat-credible deterrent?

Ms. BAKER. I understand that Taiwan is seeking to modernize both its forces and capabilities in response to the threat posed by the PRC. If confirmed, I am committed to proactively supporting Taiwan’s self-defense as provided for under the Taiwan Relations Act.

7. Senator SCOTT. Ms. Baker, would you consider such military support to include individual-and unit-level training, as well as training for operations that would make cooperation with United States and other militaries more effective if Taiwan required help to defend itself?

Ms. BAKER. I am committed to fulfilling all United States commitments under the Taiwan Relations Act. Any response to a Taiwan contingency is also likely to rely on interoperability with capable allies and partners proficient in their warfighting roles.

8. Senator SCOTT. Ms. Baker, I realize that a primary goal for the United States is to enhance Taiwan’s ability to engage in asymmetric warfare with a much stronger China, and I support that effort, but shouldn’t we also be considering ways to help Taiwan defend itself from whatever Communist China might try to throw at it, such as an enhanced Iron Dome system or greater anti-missile defense systems to make it clear to General Secretary Xi Jinping that he will not be permitted to take Taiwan by force?

Ms. BAKER. As the Secretary has said, no one should doubt that we will continue to meet our commitments under the Taiwan Relations Act to support Taiwan’s ability to defend itself. If confirmed, I would continue to support critical self-defense capabilities, such as short and medium-range air defense for Taiwan. I also agree that we need to consider ways to support Taiwan to resist all forms of coercion, including from a whole of government perspective.

AFGHANISTAN

9. Senator SCOTT. Ms. Baker, the failure of the Biden administration to get our citizens and partners out of Afghanistan before withdrawing our troops was a strategic failure, and a stain on our reputation. If confirmed, can you envision yourself

ever supporting or advocating a mission or policy decision that would knowingly leave American citizens behind enemy lines?

Ms. BAKER. If confirmed, my primary responsibility will be protecting the security of the American people, including by meeting challenges abroad from State and non-State adversaries who threaten the United States and our allies.

QUESTIONS SUBMITTED BY SENATOR MARSHA BLACKBURN

NATIONAL DEFENSE STRATEGY AND BUDGET

10. Senator BLACKBURN. Ms. Baker, in light of nuclear capable hypersonic glide missiles launched by the Chinese, do you believe that a declining United States defense budget will improve or erode our competitive advantages over China?

Ms. BAKER. It is my understanding that the Department follows an approach that is strategy driven and resource informed. As a general matter, therefore, the Department articulates its strategy and relies on stable and consistent resourcing over time to achieve the tenets of that strategy—to include maintaining and strengthening our military’s competitive advantages. The challenges of pacing to China not only require a healthy DOD budget, but also must be complemented by other high-priority efforts, to include developing and employing new operational concepts and integrating emerging technologies into our approaches. For that reason, if confirmed, I will focus not only on the DOD topline but what capabilities we purchase with that funding, and how those capabilities are employed.

11. Senator BLACKBURN. Ms. Baker, do you intend to advocate for the programs needed to ensure the U.S. nuclear deterrent remains credible and effective—including modernizing our aging nuclear weapons production infrastructure?

Ms. BAKER. Yes. The nuclear deterrence mission is critical to the security of the United States, and the triad is the bedrock of that deterrence. As Secretary Austin has explained, the service life of many elements of the nuclear triad has been extended long past the time it should have been modernized. We must continue to modernize the triad and sustain legacy nuclear delivery systems. If confirmed, I would also seek to prioritize the nuclear command, control, and communications (NC3) systems that are equally critical to our nuclear deterrent.

12. Senator BLACKBURN. Ms. Baker, do you agree that insufficient and unsafe working conditions, as exist throughout our Nation’s nuclear weapons enterprise, are a readiness concern?

Ms. BAKER. It is essential that working conditions in the nuclear enterprise are safe—this is a no fail mission for DOD and the National Nuclear Security Administration (NNSA). If confirmed, I commit to better understanding the details surrounding the program of record for nuclear infrastructure in conjunction with NNSA and other OSD components.

13. Senator BLACKBURN. Ms. Baker, given the efforts of China and Russia in Africa, please elaborate on whether you see consistent U.S. troops levels and presence in the United States Africa Command (AFRICOM) area of responsibility (AOR) as either mission critical or mission enhancing to our National Defense Strategy (NDS) implementation efforts?

Ms. BAKER. Both Russia and China have expanded their focus on Africa and use engagement in Africa to bolster their international standing, obtain access to raw materials, and undermine Western influence. It is mission essential to continue our “by, with, and through” approach to bolstering partner capabilities to achieve security and stability in Africa and support National Defense Strategy implementation. U.S. presence in the AOR to build capacity, operate transparently, and promote institutions and good governance for sustainable security helps to achieve objectives shared by us and our partners. I understand that these efforts have largely proven effective with a limited forward presence, and often our security cooperation enhances partner force operations, which achieve shared strategic objectives and build enduring relationships.

14. Senator BLACKBURN. Ms. Baker, is reducing troop presence in Africa a priority for this Administration?

Ms. BAKER. DOD posture is a critical tool for advancing U.S. interests and enabling our regional partners. I understand that DOD conducts significant security cooperation initiatives, military exercises, and train and equip programs throughout Africa, and that we use our forward presence to build African partner capacity and

support the efforts of other international partners. I believe our posture should always be driven by our strategy and the threat picture on the ground. I understand that the Department is aligning mission requirements with the President's strategic priorities, and evaluating the military posture and other tools required to meet those requirements. If confirmed, I will seek to carefully balance operational requirements, risk, readiness, and other global commitments in the United States Africa Command area of responsibility (AOR), and every AOR.

QUESTIONS SUBMITTED BY SENATOR JOSH HAWLEY

EUROPEAN BURDEN SHARING

15. Senator HAWLEY. Ms. Baker, in 2014, NATO members agreed to spend at least 2 percent of their respective Gross Domestic Products (GDP) on defense by 2024. Would you agree that the security environment facing us today is very different from the one we faced in 2014?

Ms. BAKER. A number of key trends and threats that we saw in our assessments of the 2014 security environment remain serious challenges today, to include Russian aggression. Some challenges, such as the geopolitical and military threat posed by China, have also increased and intensified in their scope and scale. Moreover, a range of other cross-cutting challenges and trends are emerging and becoming more significant, to include pandemics and climate change.

16. Senator HAWLEY. Ms. Baker, given dramatic changes to the security environment in the years since 2014, particularly as it relates to the rise of China, would you agree that it is time to reevaluate whether a 2 percent commitment by 2024 is still the right spending target for NATO?

Ms. BAKER. As NATO Allies, we all share the responsibility to procure, prepare, and provide ready forces and capabilities. I understand that non-U.S. defense spending has risen for seven consecutive years since the Wales Summit Defense Investment Pledge. While this progress is significant, we expect Allies to live up to their full commitment across the board—including cash, capabilities, and contributions—to ensure the Alliance is able to meet our shared responsibilities. If confirmed, I would seek to support the Under Secretary in working with our Allies on this broader definition of NATO's deterrence and defense posture and the question of burden sharing.

FORCE PLANNING CONSTRUCT

17. Senator HAWLEY. Ms. Baker, the force planning construct in the 2018 National Defense Strategy (NDS) shifted focus from maintaining our ability to fight and win two regional conflicts at once to fighting and winning a single war against a great power, while deterring opportunistic aggression elsewhere. Do you agree with the force planning construct used in the 2018 NDS?

Ms. BAKER. Yes. While I agree with the general contours of the 2018 Force Planning Construct, I believe it is appropriate for the Department to periodically review the Force Planning Construct to take into account changes in the security environment, as I understand DOD will do in the 2022 National Defense Strategy.

18. Senator HAWLEY. Ms. Baker, Dr. Mara Karlin, performing the duties of Deputy Under Secretary of Defense for Policy, is the Department's lead official for the upcoming NDS, wrote the following in August: "I believe that the force planning construct should prioritize and focus on China unless . . . In particular, the threat China poses to Taiwan should be a priority in this vein. While the U.S. military will invariably need to juggle other challenges simultaneously, it would need to reprioritize those should a conflict with China arise." Do you agree with Dr. Karlin's assessment?

Ms. BAKER. Yes, I agree with Dr. Karlin's assessment—China is the priority challenge for DOD and United States national security.

NUCLEAR FORCE STRUCTURE

19. Senator HAWLEY. Ms. Baker, do you think it would be wise for the United States to reduce the size or flexibility of United States nuclear forces at the same time as Russia is modernizing its forces, including limited nuclear options, and China is rapidly building out its own nuclear arsenal?

Ms. BAKER. The President has been clear that the United States must continue to ensure a safe, secure and effective nuclear deterrent and strong and credible extended deterrence to our allies, while also taking steps to reduce the role of nuclear

weapons in our national security strategy. Any change to the size, posture or composition of U.S. nuclear forces must balance these considerations while accounting for the current and anticipated security environment and the overall costs of nuclear modernization. I understand that these are key considerations of the Department's ongoing Nuclear Posture Review. If confirmed, I will seek to ensure that the NPR process includes rigorous, fact-based analysis that takes into account the changing strategic environment.

[The nomination reference of Ms. Alexandra N. Baker, follows:]

NOMINATION REFERENCE AND REPORT

PN1020

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
August 10, 2021.

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

Alexandra Baker, of New Jersey, to be a Deputy Under Secretary of Defense, vice James H. Anderson, 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. Alexandra N. Baker, which was transmitted to the Committee at the time the nomination was referred, follows:]

Bio
Sasha N. Baker

Education:

- Dartmouth College
 - 2001-2005
 - B.A. Government, Minor in Russian
- U.S. Air Force Air Command and Staff College (distance/in seminar)
 - 2007-2008
- Kennedy School of Government, Harvard University
 - 2009-2011
 - Master of Public Policy

Employment Record:

- Axia Limited, Strategy Consulting (Boston, MA)
 - Associate Consultant
 - July 2005 – December 2006
- Armed Services Committee, U.S. House of Representatives (Washington, DC)
 - Research Assistant
 - February 2007 – June 2009
- Office of Management and Budget (Washington, DC)
 - Program Examiner, Homeland Security and Defense Operations & Maintenance Branches
 - August 2011 – September 2014
- Office of the Chairman of the Joint Chiefs of Staff (Washington, DC)
 - Special Assistant for Strategy, Chairman's Action Group (detail from OMB)
 - March 2013 – August 2013
- Office of Management and Budget (Washington, DC)
 - Special Assistant to the OMB Director
 - September 2014 – July 2015
- Office of the Secretary of Defense (Washington, DC)
 - Special Assistant and Deputy Chief of Staff to the Secretary of Defense
 - July 2015 – January 2017
- Office of Senator Elizabeth Warren (Washington, DC)
 - National Security Advisor

- February 2017 – February 2019
- Warren for President (Boston, MA)
 - Deputy National Policy Director
 - February 2019 – March 2020
- Office of Senator Elizabeth Warren (Washington, DC)
 - Senior Advisor
 - April 2020 – November 2020
- Belfer Center for Science and International Affairs, Harvard Kennedy School (Boston, MA)
 - Non-Resident Fellow
 - 2020-2021 Academic Year
- Biden-Harris Presidential Transition (Washington, DC)
 - Policy Staff and Member, OMB and DOD Agency Review Teams
 - November 2020 – January 2021
- National Security Council (Washington, DC)
 - Special Assistant to the President and Senior Director for Strategic Planning
 - January 2021 – present

Honors and Awards:

- Federal Civilian Awards
 - Presidential Management Fellow (2011-2013)
 - Department of Defense Medal for Distinguished Public Service (2016)
- Academic Awards
 - Belfer International and Global Affairs Fellow, Harvard Kennedy School (partial academic scholarship, 2010-2011)
 - Phi Beta Kappa, magna cum laude at Dartmouth College (2005)

[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. Alexandra N. Baker 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):** Alexandra "Sasha" Nicole Baker (née Rogers)
2. **Position to which nominated:** Deputy Under Secretary of Defense for Policy, Department of Defense
3. **Date of nomination:** August 10, 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):**

Dartmouth College (undergraduate)
B.A. Government, Minor in Russian

2001-2005 (degree granted June 2005)

U.S. Air Force Air Command and Staff College (mid-career PME, attended in distance/seminar format)

2007-2008 (non-degree program)

Kennedy School of Government, Harvard University (graduate program)

Master of Public Policy

2009-2011 (degree granted June 2011)

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):

Program Examiner, Homeland Security Branch, Defense Operations & Maintenance Branch

Office of Management and Budget, Executive Office of the President

Washington, DC

August 2011 – September 2014

Special Assistant for Strategy, Chairman's Action Group (*detail from OMB*)

Office of the Chairman of the Joint Chiefs of Staff, Department of Defense

Washington, DC

March 2013 – August 2013

Special Assistant to the OMB Director

Office of Management and Budget, Executive Office of the President

Washington, DC

September 2014 – July 2015

Special Assistant and Deputy Chief of Staff to the Secretary of Defense

Office of the Secretary of Defense, Department of Defense

Washington, DC

July 2015 – January 2017

National Security Advisor

Office of Senator Elizabeth Warren, United States Senate

Washington, DC

February 2017 – February 2019

Deputy National Policy Director

Warren for President

Boston, MA
February 2019 – March 2020

Senior Advisor
Office of Senator Elizabeth Warren, United States Senate
Washington, DC
April 2020 – November 2020

Non-Resident Fellow
Belfer Center for Science and International Affairs, Harvard Kennedy School
Boston, MA and Washington, DC
2020-2021 Academic Year

Policy Staff and Member, OMB and DOD Agency Review Teams
Biden-Harris Presidential Transition
Washington, DC
November 2020 – January 2021

Special Assistant to the President and Senior Director for Strategic Planning
National Security Council, Executive Office of the President
Washington, DC
January 2021 – 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):**

My full government service is listed in response to question 5.

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):**

I have no business relationships to report.

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):**

Term Member, Council on Foreign Relations

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):**

I have never been a candidate for elected office. I served as a political appointee in the Obama Administration at the Department of Defense from July 2015 – January 2017.

- b. **List all memberships and offices held in, and services rendered to, all political parties or election committees during the last 5 years:**

I served as the Deputy National Policy Director for the Warren for President campaign from 2019-2020.

- 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:**

New Yorkers for Donovan (11/11/20): \$100
 Georgia Senate Victory Fund (11/11/20): \$100
 Raphael Warnock (11/4/20): \$100
 Biden for President (9/29/20): \$100
 Elissa Slotkin (2/19/20): \$100
 Elissa Slotkin (11/19/19): \$100
 Ammar Campa-Najjar (10/14/18): \$100
 Elissa Slotkin (9/29/18): \$100
 Dan Feehan (7/11/18): \$100

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, Belfer Center for Science and International Affairs, Harvard Kennedy School (2020-2021 academic year)

Department of Defense Medal for Distinguished Public Service (2016)

Presidential Management Fellowship (2011-2013)

Belfer International & Global Affairs Fellowship, Harvard Kennedy School (partial academic scholarship, 2010-2011)

Program in Criminal Justice Policy and Management summer fellow, Harvard Kennedy School (stipend for summer fellowship)

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):

Agency Stovepipes vs Strategic Agility: Lessons We Need to Learn from Provincial Reconstruction Teams in Iraq and Afghanistan. (Report of the House Armed Services Committee Oversight & Investigations Staff). April 2008.

The Joint Improvised Explosive Device Defeat Organization: DOD's Fight Against IEDs Today and Tomorrow. (Report of the House Armed Services Committee Oversight & Investigations Staff). November 2008.

Building Language Skills and Cultural Competencies in the Military: DOD's Challenge in Today's Educational Environment. (Report of the House Armed Services Committee Oversight & Investigations Staff). November 2008.

Junior Military Officer Retention: Challenges and Opportunities (co-authored with Sayce Falk). March 2011.

An Introduction to Pakistan's Military (co-authored with Francisco Aguilar, Randy Bell, Natalie Black, Sayce Falk, and Aki J. Peritz). July 2011.

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).

I have delivered no formal speeches in the last 5 years.

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.

APPENDIX B: PERSONAL INFORMATION TO BE REPORTED IN CONFLICT OF INTEREST FILES

1. Address (List the complete address of both your personal residence and your office):

Home Address: 157 Kentucky Ave SE, Washington DC 20003
Work Address: Eisenhower Executive Office Building, 1650 Pennsylvania Ave NE, 4002

2. Year and place of birth (city and state):

1923 New York, NY

3. Marital Status (Include full name of current spouse and any other names he/she has used, including maiden name):

Married: Susan (née) Baker

FUTURE EMPLOYMENT RELATIONSHIPS

4. If you are confirmed by the Senate, will you sever all business connections with your present employers, business firms, business associations, and business organizations?

Yes.

5. Do you have any plans, commitments or agreements to accept outside employment with or without compensation, or using your services with the government? If so, explain.

No.

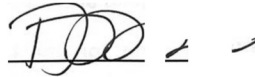
6. Is your spouse employed? If so, where and in what capacity?

Yes as a Senior Editor for Alpha Media.

[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 24th day of , 20

[The nomination of Ms. Alexandra N. Baker was reported to the Senate by Chairman Reed on October 28, 2021, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on February 9, 2022.]

[Prepared questions submitted to Mr. John P. Coffey by Chairman Reed prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES AND RESPONSIBILITIES

Question. Section 8019 of title 10, U.S. Code, establishes the position of the Department of the Navy General Counsel and provides that the General Counsel shall perform such functions as the Secretary of the Navy may prescribe.

What is your understanding of the current duties and functions of the General Counsel of the Department of the Navy?

Answer. It is my understanding that the General Counsel (GC) of the Department of the Navy performs the duties and functions that are prescribed by the Secretary of the Navy. The GC is the principal legal advisor to the Secretary and is the chief legal officer of the Department of the Navy. The GC provides or oversees the provision of legal advice and counsel to the Secretary of the Navy, the Under Secretary of the Navy, the Assistant Secretaries of the Navy, the civilian executive assistants, the staff assistants, and their staffs on matters affecting the Department of the Navy. The GC's legal opinions are controlling within the Department. The GC is also the head of the Office of the General Counsel. In this role, he is responsible for providing legal services throughout the Department on a variety of issues, including acquisition law and international transactions; business and commercial law; fiscal law; acquisition-related security cooperation matters; acquisition integrity; arms control and international arms regulation; intelligence and national security law; real and personal property law; civilian and military personnel; labor law; environmental law; occupational safety and health law; medical and health affairs law, including credentialing; education law; intellectual property law; law pertaining to cyberspace; ethics and standards of conduct; Freedom of Information Act (FOIA) and Privacy Act law; legislation; and such other legal services as may be assigned to support the mission of the Navy and the Marine Corps or the discharge of other duties assigned by the Secretary. The GC is responsible for litigation in these areas, oversees litigation affecting the Department of the Navy, and coordinates with the Department of Justice, as necessary. The GC is the Designated Agency Ethics Official for the Department; oversees the Department's Acquisition Integrity Program and the Suspension and Debarment Official; manages the Alternative Dispute Resolution Program; advises and assists with the oversight of the Naval Criminal Investigative Service, and the Department's law enforcement and related activities; and assists the Under Secretary with overseeing all Department of the Navy intelligence and intelligence-related activities. The GC also coordinates with the Department of Defense and Military Department GCs in matters of mutual concern. Finally, it is my understanding that the GC maintains a close working relationship with the

Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps on issues of common interest.

Question. What additional duties and functions do you expect the Secretary of the Navy to prescribe for you, if you are confirmed?

Answer. If I am confirmed, I anticipate providing candid and accurate legal advice and counsel to the Secretary, the Under Secretary, the Assistant Secretaries of the Navy, the civilian executive assistants, the staff assistants, and their staffs. I also expect to lead the Office of the General Counsel to the best of my abilities while complying with the letter and the spirit of the law. I anticipate that the Secretary will want me to continue the collaborative working relationship previous General Counsels have established with the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant. Finally, I expect that the Secretary may prescribe additional duties, in accordance with 10 U.S.C. § 8019.

Question. In your opinion, who is the "client" of the Navy General Counsel?

Answer. The Department of the Navy is the client.

Question. What is your view of the responsibilities and authorities associated with the Navy General Counsel's designation as the Chief Legal Officer of the Department of the Navy?

Answer. The General Counsel, as the Chief Legal Officer of the Department of the Navy, provides or oversees the provision of legal advice and counsel to the Secretary, the Under Secretary, the Assistant Secretaries of the Navy, the civilian executive assistants, the staff assistants, and their staffs on all issues affecting the Department subject to all legal requirements.

Question. If confirmed, how would you work with the General Counsel of the Department of Defense in his/her role as the Chief Legal Officer of the Department of Defense?

Answer. If I am confirmed, I will work closely and collaboratively with the General Counsel of the Department of Defense on issues of mutual interest or concerns, and on issues affecting the Department of the Navy and the Department of Defense. The Navy General Counsel, as the Chief Legal Officer of the Department, determines the controlling legal position of the Department.

Question. If confirmed, what actions would you take to effectuate your duties as the Designated Agency Ethics Official for the Department of the Navy?

Answer. If I am confirmed, it will be my responsibility as the Designated Agency Ethics Official (DAEO) to ensure that all Department of the Navy civilian and military personnel understand and follow all ethics laws and regulations. As a member of the Navy Secretariat, I will be responsible for ensuring that all Department of the Navy personnel, including my colleagues and myself, are held to the highest of ethical standards.

Question. Is there value in a General Counsel's practice of "preventive law", in your view? How, if at all, would you encourage and engage in the practice of preventive law, if confirmed to be the Navy General Counsel?

Answer. I strongly believe in the practice of "preventive law." To be successful, the practice of "preventive law" requires collaboration and communication between client and attorney to maintain the trust and candor that is critical to maintaining the relationship. If confirmed, I expect to provide candid, accurate legal advice and counsel to the Secretary, the Under Secretary, the Assistant Secretaries of the Navy, the civilian executive assistants, the staff assistants, and their staffs, and collaborate with them to spot issues and manage risk.

Question. Alternate Dispute Resolution (ADR) programs encourage the use of alternative means of dispute resolution and conflict management practices as an integral part of normal business practices.

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

Answer. ADR can efficiently resolve issues in controversy and effectively enable resources and personnel to remain focused on the Department of the Navy's mission. If confirmed, I would be responsible for managing the Department's ADR program. In my view, the role of the General Counsel is to resolve disputes and controversies at the earliest stage possible, on the best terms possible, and by the fastest and most efficient means possible, which will enable the Department to remain focused on mission. The General Counsel must ensure that the use of ADR is consistent with law, regulations, policy, and professional ethics.

Question. Are there particular types of disputes in the context of Navy and Marine Corps operations, as to which you perceive ADR may be of particular utility?

Answer. My belief is that ADR can be considered for any conflict or dispute, regardless of subject matter.

Question. In your view, what role, if any, should the Navy General Counsel and attorneys assigned to the Office of the Navy General Counsel play in developing and

reviewing Navy and Marine Corps military personnel policies and advising on policy application in individual cases, including cases before the Board for Correction of Naval Records?

Answer. It is my understanding that military personnel policy and practice is a matter under the cognizance of the Secretariat, specifically the Assistant Secretary of the Navy for Manpower and Reserve Affairs (ASN (M&RA)) pursuant to 10 U.S.C. §§ 8013, 8014. ASN (M&RA) receives legal advice from a dedicated component of the Office of the General Counsel, whose members are experienced civilian attorneys, many of whom have worked in other Federal agencies and the private sector, and who are led by a member of the Senior Executive Service. It is my belief that these capable civilian attorneys possess the experience needed to work in this complex legal area and are aware that they should be proactive and engaged with the client. Specifically with regard to the BCNR, 10 U.S.C. § 1552 calls for the Secretary to act through civilian boards; as such it is entirely appropriate for attorneys of the Office of General Counsel to advise the Board.

QUALIFICATIONS

Question. What background and experience do you possess that qualify you to serve as the General Counsel of the Department of the Navy?

Answer. As chief legal and chief ethics officer for the Department of the Navy, the Navy General Counsel must be a lawyer with sound legal skills and experience, a strong ethical compass, demonstrated leadership abilities, and a commitment to working collaboratively within and outside the Department. I believe my background and experience show that I meet these criteria.

I received my law degree through the evening program at Georgetown University Law Center while stationed on active duty in Washington. I returned home to New York, where I have practiced law for over three decades and currently serve as Chair of Complex Litigation at Kramer Levin Naftalis & Frankel. Over the course of my legal career, I have handled significant litigation in courts all over the country, and been involved in several landmark cases. Among the more notable was the WorldCom securities litigation where, in addition to leading a team that secured one of the largest settlements in history, we fortified the principle of personal accountability by insisting that each senior individual involved in the scandal pay personally (that is, not rely simply on insurance). For a role with as broad a portfolio as the Navy General Counsel, I would if confirmed bring the perspective of a lawyer who has litigated both as a plaintiff's lawyer and defense lawyer, and who has both represented major institutions and taken on powerful institutions. My varied docket has included matters involving breach of contract; intellectual property; accounting; environmental issues; housing; veterans' benefits; securities; bankruptcy; and international law. In addition, I served for several years as a Federal prosecutor in the U.S. Attorney's Office for the Southern District of New York, an experience that I believe will enhance my ability, if confirmed, to interact with the Justice Department on matters where it represents the Department of the Navy. With regard to issues of ethics and integrity, I served on the board of Common Cause New York for over a decade and was active in seeking to advance ethics in government and hold public officials accountable for misconduct. In what I believe was an endorsement of my reputation for probity and ethics, I was selected by an organization comprised of notable attorneys and sitting Federal judges to serve as President of the Federal Bar Foundation (a position I still hold). I believe that, if confirmed, my broad experience on handling some of the country's most challenging and impactful cases, building effective teams, and providing candid and timely counsel on thorny legal issues have prepared me well to serve as Navy General Counsel.

If confirmed, I would also bring to the role over thirty years of experience in the Navy in both operational and plans and policy billets. After graduating from the Naval Academy, I served as a Naval Flight Officer in P-3C Orion squadrons for 16 of the next twenty-six years (four on active duty and the balance as a Reservist). Based largely in Maine, I commanded aircrews that deployed to the Atlantic, Pacific, and Indian Oceans, as well as the Mediterranean, Caribbean, South China, and Northern Arabian Seas. In addition to tracking Soviet submarines during the cold war, I flew surface reconnaissance missions, armed missions to enforce the United Nations embargo of the former Yugoslavia, and counter-narcotic missions over the Caribbean and South America. I was selected to command a reserve P-3C squadron (Patrol Squadron 92) and, after promotion to Captain, served as commanding officer of the Reserve component of the Enterprise carrier battle group staff (CCDG-12). My extensive operational experience was complemented by three tours in Washington. As a junior officer on active duty, I served in the Strategy Division in the Plans and Policy Directorate (J-5) of the Organization of the Joint

Chiefs of Staff and as the personal aide to Vice President George Bush. In my final tour of duty, I served for 4 years in the Office of the Assistant Secretary of Defense for Reserve Affairs, focused primarily on the use of reservists in the wars in Iraq and Afghanistan. If confirmed, I believe that my effectiveness as Navy General Counsel will be enhanced by my experiences in the Fleet, the Pentagon and the White House.

In sum, I believe that my background and these varied experiences qualify me to serve as Navy General Counsel.

Question. Do you believe that there are any actions you need to take to enhance your ability to perform the duties of the Navy General Counsel?

Answer. I believe I have the legal skills, leadership qualities, and ethical compass necessary to perform the duties of Navy General Counsel. If confirmed, I would of course seek to learn as much about my new client as expeditiously as possible, a process that I believe would be enhanced by my own military experiences in Washington and in the Fleet. I would look to be briefed on the major legal challenges facing the Department and to develop an understanding of how best to provide sound, candid, and timely legal advice regarding those and other issues to Secretary Del Toro and the other clients of the Office of the General Counsel. In doing so I anticipate that I would benefit from the experience and knowledge of the career civilian lawyers in the Office, and, if confirmed, I would work to develop strong and productive relationships with those lawyers. I would also work to forge a cooperative and respectful relationship with the uniformed leaders of the Navy Judge Advocate General and the Marine Corps Staff Judge Advocate. I believe that developing strong working relationships with the General Counsel of the Defense Department as well as the general counsels of the other services will also be important, and I would look for opportunities to benefit from their knowledge and experiences. Consistent with how I have led legal teams and military units throughout my legal and military careers, I would if confirmed work collaboratively with others to ensure that the Office of the General Counsel provides the finest legal services to the Department and does its part to care for our sailors, marines, civilians and their families.

MAJOR CHALLENGES AND PRIORITIES

Question. What do you see as the most significant legal and policy issues the Department of the Navy will be required to address in the coming year?

Answer. I believe that readiness, lethality, and modernization are essential requirements for both the Department of the Navy and the Department of Defense. Addressing these issues requires timely, accurate, candid, and well-reasoned legal advice. If I am confirmed, I will ensure that the Navy legal community is proactively engaged with our clients to implement these priorities. I will encourage our clients seek advice and counsel from the Office of the General Counsel on every major decision impacting the Navy, not just on legal questions or issues. I will identify and seek the resources necessary to recruit and retain the high-caliber and diverse legal talent needed to assist the Department in meeting its ever-changing requirements.

Question. What do you consider to be the most significant challenges you will face if confirmed as the Navy General Counsel?

Answer. I believe that a significant challenge that the Department of the Navy faces is maximizing the Navy and Marine Corps maritime dominance in an era of strategic competition. This challenge is complicated by emerging threats that cause disruptions in the international order by other State and non-State actors. If confirmed, I anticipate opportunities to drive a culture within the Department that ensures every military member and civilian employee is treated with respect; to eliminate harmful behaviors, including sexual harassment, sexual assault and suicide; to address climate change and the climate resilience of our infrastructure and systems; to strengthen our strategic partnerships and alliances; and to come through the Coronavirus-19 (COVID-19) pandemic with a healthy, ready and capable force.

The Department of the Navy must address these challenges with the assistance of candid, accurate, and timely legal advice from a proactive group of military and civilian attorneys working collaboratively together. If I am confirmed, my major challenge will be to ensure that there are sufficient resources to recruit, hire, and retain talented, diverse, and dedicated attorneys and professional staff to meet the ever-changing requirements of the Department.

Question. What plans do you have for addressing each of these challenges, if confirmed?

Answer. If I am confirmed, I will ensure that the Navy legal community is proactively engaged with our clients to find innovative and legally sufficient solutions to address and overcome these challenges. I will personally review the re-

sources, organization, and operation of the Office of the General Counsel to identify developmental opportunities and to find the appropriate resources to complete these efforts. I will also work collaboratively with the Secretary of the Navy, the Judge Advocate General of the Navy, and the Staff Judge Advocate to the Commandant to ensure that there are adequate legal resources across the Department to address these challenges.

Question. If confirmed, what broad parameters would you establish in terms of the types of legal and policy issues on which you and the other attorneys comprising the Office of the Navy General Counsel should be consulted?

Answer. As discussed above, I would ensure that the Office of the General Counsel is proactively engaged with our clients to support the Department's mission and priorities, using the legal skills and expertise in the areas under the cognizance of the Office of the General Counsel, providing candid, innovative and timely legal options to decisionmakers and collaborating with the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant, as needed.

Question. If confirmed, what actions would you take to focus the Office of the Navy General Counsel on your broad priorities and significant legal issues?

Answer. If I am confirmed, my first action will be to review the work already being done by Office of General Counsel attorneys and determine what, if any, actions are needed to ensure they are able to meet my foremost priority, which will be to ensure that the Department of the Navy continues to receive the highest quality legal advice and counsel to meet the Department's mission and support our sailors, marines, civilians and their families.

Question. If confirmed, what actions would you take to sustain a productive and mutually beneficial relationship between Congress and the Department of the Navy?

Answer. Congress is a vital partner in implementing the National Defense Strategy and Secretary Austin's priorities of defending the Nation, taking care of our people, and succeeding through teamwork, as well Secretary Del Toro's focus on maintaining maritime dominance, empowering our people, and strengthening strategic partnerships. If I am confirmed, I will work with the Secretary of the Navy to ensure that the Department works closely with Congress and that the Department is transparent, proactive, and responsive to congressional requests.

CIVILIAN CONTROL OF THE MILITARY

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

Answer. If I am confirmed, I will support the Secretary in fully exercising his Title 10 responsibilities to the Department of the Navy. As General Counsel, I will advise the Secretary on his statutory and regulatory duties when conducting the business of the Department of the Navy, both at his request and when I determine that a matter requires his attention.

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? If confirmed, how would you ensure inclusion of the Navy General Counsel in the discussion, debate, and resolution of Department of the Navy, defense, and national security issues?

Answer. Currently, I am not in a position to agree or disagree with this assessment. If I am confirmed, I will work to build strong client relationships with the Secretary, the Under Secretary, the Assistant Secretaries of the Navy, the civilian executive assistants, the staff assistants, and their staffs to ensure I am able to provide candid, accurate, and timely legal advice so we can resolve Department of the Navy, defense, and national security issues as a team.

RELATIONSHIP WITH THE JUDGE ADVOCATE GENERAL OF THE NAVY AND THE STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS

Question. How are the responsibilities and authorities for providing legal services, including the responsibility for the provision of ethics advice to senior officials, to the Department of the Navy and the Marine Corps allocated between the General Counsel of the Navy, the Judge Advocate General of the Navy, and the Staff Judge Advocate to the Commandant of the Marine Corps?

Answer. The General Counsel performs such duties and function as prescribed by the Secretary of the Navy. The General Counsel of the Navy is the principal legal advisor to the Secretary and the chief legal officer of the Department of the Navy. The General Counsel provides, or oversees the provision of, legal advice and counsel

to the Secretary, the Under Secretary, the Assistant Secretaries of the Navy, the civilian executive assistants, the staff assistants, and their staffs on all issues affecting the Department. The General Counsel's legal opinions are controlling within the Department. Further, the General Counsel leads the Office of the General Counsel. In this role, the General Counsel provides, or oversees the provision of, legal services in the Department in a multitude of areas, including acquisition law and related international transactions; acquisition-related matters; acquisition integrity; arms control and international arms regulation; business and commercial law; real and personal property law; civilian and military personnel and labor law; fiscal law; environmental law; occupational safety and health law; intellectual property law; intelligence and national security law; law related to cyberspace; ethics and standards of conduct; Freedom of Information Act (FOIA) and Privacy Act law; legislation; education law; medical and health affairs law, including credentialing; and such other legal services as may be assigned to support the mission of the Navy and the Marine Corps or the discharge other duties assigned by the. The General Counsel is also responsible for litigation in each of these areas and oversees litigation affecting the Department. The GC coordinates with the Department of Justice, as needed. Furthermore, the General Counsel is the Navy's Designated Agency Ethics Official, is responsible for overseeing the Acquisition Integrity program, managing the Alternative Dispute Resolution program, and advising and assisting with the oversight of Department of the Navy intelligence and intelligence-related activities, the Naval Criminal Investigative Service (NCIS), and Department of the Navy law enforcement and related investigative activities. Finally, the General Counsel must maintain a close and collaborative relationship with the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps on issues of common interest.

It is my understanding that the Judge Advocate General of the Navy reports directly to the Secretary and provides independent legal and policy advice on military justice, administrative law, claims, investigations, operational and international law, legal assistance, and civil law. The Judge Advocate General of the Navy also provides legal and policy advice to the Chief of Naval Operations. The Staff Judge Advocate to the Commandant of the Marine Corps is the senior uniformed attorney in the Marine Corps, and is responsible for providing independent legal advice to the Secretary on matters as assigned by the Secretary, and to the Commandant of the Marine Corps and other officers and officials of the Marine Corps. The Staff Judge Advocate to the Commandant supervises and manages legal issues arising in the Marine Corps that relate to military justice, operational and international law, civil and administrative law, and legal assistance. It is also my understanding that the responsibilities of the General Counsel, the Judge Advocate General, and the Staff Judge Advocate to the Commandant overlap in the areas of environmental law; intelligence and national security law; law related to cyberspace; FOIA and

Privacy Act law; legislation; litigation; and ethics and standards of conduct.

Section 8088 of Title 10 prohibits interference with the ability of the Judge Advocate General of the Navy to give independent legal advice to the Secretary. The Judge Advocate General of the Navy also directs the Judge Advocate General's Corps in the performance of their duties and is primarily responsible for providing legal advice regarding the Uniform Code of Military Justice and the administration of military discipline. Section 8046 of Title 10 prohibits interference with the ability of the Staff Judge Advocate to the Commandant of the Marine Corps to give independent legal advice to the Commandant. The Staff Judge Advocate's principal role is to be the senior uniformed legal advisor on military justice, administrative law, international and operational law, and legal assistant matters to the Commandant. If I am confirmed, I will continue to enhance the strong cooperative and collaborative relationship between the General Counsel and the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant.

Question. What is your understanding of the relationship between the General Counsel of the Navy and the Counsel to the Commandant of the Marine Corps? Do you believe this relationship is appropriate, or does it require review?

Answer. My understanding is that the Counsel to the Commandant is a civilian attorney within the Office of the General Counsel assigned by the General Counsel to support the Commandant and the Marine Corps and who provides legal advice in the areas under the oversight of the General Counsel. This alignment is consistent with the relationship of other senior civilian attorneys assigned to organizations across the Department. If I am confirmed, I will ensure that there is a strong relationship between the General Counsel and the Counsel to the Commandant so the Marine Corps continues to receive candid, accurate, and timely legal advice.

Question. What is your understanding of the allocation of responsibilities and authorities for providing legal services to the Commandant of the Marine Corps be-

tween the Staff Judge Advocate to the Commandant of the Marine Corps and the Counsel to the Commandant? Do you believe this relationship is appropriate, or does it require review?

Answer. As previously stated, the Staff Judge Advocate to the Commandant of the Marine Corps is the senior uniformed attorney to the Commandant. The Staff Judge Advocate is responsible for providing independent legal advice to the Secretary on matters as assigned by the Secretary and to the Commandant of the Marine Corps and other officers and officials of the Marine Corps. The Staff Judge Advocate to the Commandant supervises and manages legal issues arising in the Marine Corps that relate to military justice, operational and international law, civil and administrative law, and legal assistance. As a member of the Office of General Counsel, the Counsel to the Commandant is responsible for providing legal advice under the oversight of the General Counsel. If I am confirmed, I will review this relationship to ensure there is a strong cooperative and collaborative relationship between the Staff Judge Advocate to the Commandant and the Office of General Counsel, including the Counsel to the Commandant, so the Marine Corps continues to receive candid, accurate, and timely legal advice.

Question. In your view, is the allocation of responsibilities and authorities for the provision of legal services to the Commandant of the Marine Corps by the Staff Judge Advocate to the Commandant and the Counsel to the Commandant the same as the allocation of responsibilities and authorities for legal services provided to the Chief of Naval Operations by the Judge Advocate General of the Navy and the General Counsel of the Navy? If not, how do these allocations of responsibility and authority differ and why are they different?

Answer. The Office of the General Counsel, including the Counsel to the Commandant, and the Navy and Marine Corps uniformed judge advocates are partners in the Navy's legal team. If I am confirmed, I anticipate that the Office of General Counsel will continue to work closely and collaboratively with the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant to provide the Chief of Naval Operations and the Commandant with coordinated legal advice across the spectrum of their duties and responsibilities.

Question. In your view, what is the purpose underpinning the assignment of a senior civilian attorney as Counsel to the Commandant of the Marine Corps?

Answer. A senior civilian attorney is assigned as Counsel to the Commandant in order to provide business and business-related legal advice, which is the Office of General Counsel's primary function. The Office of General Counsel, including the Counsel to the Commandant, has developed in-depth expertise in these areas, which are vital to the Department of the Navy's mission and which provide clients with continuity of support.

Question. What is your understanding of the role and authority of the Judge Advocate General of the Navy vis-à-vis the Special Counsel for the Chief of Naval Operations?

Answer. It is my understanding that the Judge Advocate General serves as Special Assistant for Legal Services to the Chief of Naval Operations to advise him in formulating and executing policies related to providing legal services within the Navy. The Special Counsel to the Chief of Naval Operations is a Navy Judge Advocate captain assigned to the Chief of Naval Operations' staff.

Question. If confirmed, how would you work with the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps in carrying out your duties?

Answer. If I am confirmed, I expect to continue and further strengthen the General Counsel's strong working relationship with the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps by ensuring close coordination, collaboration, consultation, and communication on issues affecting the Department of the Navy.

Question. In response to attempts within the Department of Defense to subordinate legal functions and authorities of the Judge Advocates General to the General Counsel of the Department of Defense and the General Counsels of the Military Departments, Congress enacted legislation prohibiting DOD officers or employees from interfering with the ability of the Judge Advocates General, 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 Service Chiefs, and the Chairman of the Joint Chiefs of Staff.

What is your view of the authority of the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps, particularly with regard to the provision of independent legal advice to the Secretary of the Navy, the Chief of Naval Operations, and the Commandant of the Marine Corps?

Answer. Section 8088 of Title 10 prohibits interference with the ability of the Judge Advocate General of the Navy to give independent legal advice to the Secretary. Similarly, section 8046 of Title 10 prohibits interference with the ability of the Staff Judge Advocate to the Commandant of the Marine Corps to give independent legal advice to the Commandant. My opinion is that these statutory authorities should be respected and are sufficient to ensure that the Judge Advocate General and the Staff Judge Advocate can provide independent legal advice to the Secretary, the Chief of Naval Operations, and the Commandant of the Marine Corps. If confirmed, I will continue to strengthen this productive and collaborative partnership for the benefit of the Department.

Question. What is your view of the responsibility of Navy and Marine Corps judge advocates to provide independent legal advice to military commanders and other Military Service officials and employees?

Answer. I believe that it is essential that Navy and Marine Corps judge advocates provide legal advice to military commanders and other Military Service officials free of improper external influence. Uniformed judge advocates bring a different experience and perspective to the practice of law that is shaped by their service. This perspective should not be marginalized or silenced. My opinion is that this perspective enhances the decisionmaking process. While there should be coordination across the Navy legal communities, the judge advocates must be able to provide candid, frank, independent, and objective legal advice to their clients.

Question. If confirmed, would you propose any changes in the current relationships between the Navy General Counsel and the Judge Advocate General of the Navy and between the Navy General Counsel, including through the Counsel to the Commandant, and the Staff Judge Advocate to the Commandant of the Marine Corps?

Answer. At this time, I am not aware of any changes that need to be made to the relationship between the uniformed judge advocates and the General Counsel, including the Counsel to the Commandant. I understand that the General Counsel, including the Counsel to the Commandant, the Judge Advocate General of the Navy, the Staff Judge Advocate to the Commandant, and their teams enjoy a collaborative and close working relationship. If confirmed, I will review these relationships and make every effort to strengthen the relationships between the uniformed judge advocates and the Office of the General Counsel.

Question. If confirmed, would you propose any changes to the current relationships and/or allocation of responsibilities between uniformed Military Service judge advocates and attorneys of the Office of the Navy General Counsel?

Answer. At this time, I am not aware of any changes that need to be made. If confirmed, I intend to continue to strengthen the relationship between the uniformed judge advocates and the civilian attorneys and will partner with the military legal community. Should any changes to the responsibilities assigned to the civilian or military legal communities be identified in the future, I would expect that the uniformed lawyers and civilian attorneys will partner with one another to propose any necessary changes.

Question. In your view, are legal opinions of the Navy's Office of the General Counsel binding on all Navy and Marine Corps attorneys?

Answer. It is my understanding that the legal opinions of the General Counsel, as the Department's Chief Legal Officer, are the controlling legal opinions within the Department. I also understand that the General Counsel frequently collaborates with the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant on legal opinions. If I am confirmed, I will make every effort to ensure that my legal opinions take into account the expertise of both the civilian and uniformed members of the Navy legal community, as appropriate.

Question. If confirmed, how would you ensure that controlling legal opinions of your office are available to all Navy and Marine Corps attorneys, including judge advocates?

Answer. It is my understanding that the legal opinions of the Office of the General Counsel are disseminated throughout the Department via normal Departmental distribution processes. If I am confirmed, I would continue this process and determine if other methods of distribution are available to ensure widest dissemination of the legal opinions.

Question. If confirmed, are there specific matters on which your predecessor Navy 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. I am not aware of any legal opinions that need to be reconsidered or revised. If I am confirmed, I will ensure that the Office of the General Counsel works collaboratively with civilian and uniformed members of the Navy legal community

to update any legal opinions that warrant reconsideration or revisions based on changes to controlling statutes or regulations, policy, or precedent.

Question. Article 6 of the Uniform Code of Military Justice assigns to the Judge Advocates General of the Army, Navy, and Air Force, and the Staff Judge Advocate to the Commandant of the Marine Corps, responsibility for the supervision of the administration of military justice.

How do you view the role and responsibilities of the Navy General Counsel in the supervision and oversight of military justice matters vis-a-vis the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps?

Answer. My view is that the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant have the statutory responsibility to ensure proper administration of the military justice system and have primary jurisdiction over military justice issues in the Department of the Navy. If I am confirmed, I will work to continue the strong and effective relationship with the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant, in which our offices share information and work collaboratively as appropriate to resolve policy issues and issues related to specific cases, recognizing that they have express statutory responsibility for, and expertise in, this area of law.

In his letter forwarding to Congress the recommendations of the Independent Review Commission on Sexual Assault in the Military, Secretary of Defense Austin stated that he intended to create dedicated offices in the Secretariat of each Military Department to handle the prosecution of special victim crimes.

Question. Were Secretary Austin's proposal to be implemented, what role would you expect the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps to have in the operation and oversight of this Secretariat office and the special victim prosecutors assigned thereto, particularly given the intent that any such office and special victim prosecutors are intended to be "outside the chain of command"?

Answer. I support Secretary Austin's efforts to eliminate sexual harassment and sexual assault in the military by implementing meaningful reforms, some proposed by the Independent Review Commission, including by removing prosecution decisions related to these crimes from the chain of command. I understand that the legislative amendments to the Uniform Code of Military Justice necessary to effectuate that particular reform are presently under consideration. If confirmed, I will be wholly committed to working with Department of the Navy leaders, including the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps, to implement any directed reform in accordance with law and Department policy.

Question. What role would you expect the General Counsel of the Navy to play in the operations and oversight of this Secretariat office and the special victim prosecutors assigned thereto?

Answer. If confirmed, as the principal legal advisor to the Secretary, I will work with the Secretary, the Judge Advocate General of the Navy, and the Staff Judge Advocate to the Commandant of the Marine Corps to implement the policies established by the Secretary of Defense to ensure that all investigations and prosecutions, including those related to sexual assault and sexual harassment, are conducted professionally, in accordance with due process of law, and protect the statutory rights of all, including those of victims.

Question. Would you foresee a role for the DOD General Counsel in the operations and oversight of this Department of the Navy Secretariat Office? If so, what would be the appropriate role for DOD General Counsel, in your view?

Answer. I understand that Secretary Austin proposed that the Component Department Offices of the Special Victim Prosecutor would receive appropriate legal oversight and guidance from the Office of the Secretary of Defense, consistent with existing practice. I have not had the opportunity to learn the specific practices employed within the Department of Defense. If confirmed, I will learn the DOD's oversight practices and I will work closely and collaboratively with the General Counsel of the Department of Defense on issues of mutual interest or concern.

Question. In your view, how do unlawful command influence and the appearance of unlawful command influence jeopardize the credibility of, and public confidence in the military justice system?

Answer. Unlawful command influence and even the appearance of unlawful command influence has a detrimental impact on the military justice system. The public, and especially sailors and marines, must be able to rely on a properly functioning military justice system. In order to maintain confidence, the Department of the Navy must maintain a military justice system that ensures that commanders and military prosecutors are free to act with independent discretion; the accused has the

full and equal ability to obtain evidence and witnesses; and members of the court-martial are free to decide the case based on the evidence presented and the law as instructed by the military judge. When the actions or statements of civilian or military leaders impede the exercise of this discretion, it can have a widespread detrimental effect. If confirmed, I will work with the Judge Advocate of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps to ensure that there are appropriate policies and training to promote public confidence in the military justice system, and to ensure that the military justice system operates in a fair and efficient manner.

Question. In your view, would the placement of the special victim prosecutions office in the Office of the Secretary of the Navy raise any particular concerns with regard to the unlawful command influence or the appearance of same with regard to the conduct of special victim prosecutions? If so, what steps would you take to eliminate or mitigate such concerns?

Answer. As previously stated, unlawful command influence and the appearance of unlawful command influence can have a detrimental impact on the military justice system. The public should be able to rely on a properly functioning military justice system. If confirmed, I will work with the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps to establish training and policies to ensure placement of the special victim prosecutions office in the Office of the Secretary of the Navy does not erode public confidence in the military justice system.

Question. What role should the Navy General Counsel play, in your perspective, in ensuring that all sailors and marines accused of a criminal offense receive a fair trial and due process?

Answer. While the General Counsel of the Navy is the principal legal advisor to the Secretary and the Chief Legal Officer of the Department of the Navy, the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant are primarily responsible for providing independent legal advice on military justice matters. If I am confirmed, I will work with the Judge Advocate General and the Staff Judge Advocate to the Commandant to ensure appropriate policies and training to guarantee that all sailors and marines accused of a criminal offense receive a fair trial and due process.

Question. What is your assessment of the potential impact, if any, of proposals to remove from military commanders case disposition authority over most felony violations of the Uniform Code of Military Justice?

Answer. The Secretary of Defense has committed to doing more to counter sexual assault and sexual harassment, and I am fully supportive of these efforts. Commanders must be held accountable for both the good and the bad in their commands. Commanders must have the tools needed to promote mission readiness, good order and discipline, and unit morale, and must be held accountable. The ability to refer cases for trial by court-martial is one of those tools. The commander's case disposition authority is a vital tool to establish good order and discipline, and to demonstrate acceptable behaviors. If confirmed, I will work with Department leadership to assess the impact of any proposals to remove case disposition authority over felony violations of the Uniform Code of Military Justice from military commanders.

Question. The Government Accountability Office (GAO) recently found that the timing, amount, and mix of legal training provided to commanders may not be meeting their needs.

If confirmed, what role would you establish for yourself in ensuring that military commanders receive the legal training they need properly to effectuate their role in the military justice system?

Answer. I am not familiar with the legal training that is currently provided to commanders to effectuate their role in the military justice system. If confirmed, I will work collaboratively with the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps to determine the most effective means of meeting the training needs for the Department's military commanders.

Question. In your view, does the Department of the Navy have a sufficient number of military and civilian attorneys to meet mission requirements?

Answer. At this time, I do not have the information needed to assess whether the Department has a sufficient number of attorneys to perform its ongoing missions. If confirmed, I will review the civilian staffing of the Office of General Counsel and work with the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant to ensure that the Department has a sufficient number of highly talented and efficient military and civilian attorneys to meet the Department's requirements while reducing any redundancies.

Question. Judge Advocates in the Navy and Marine Corps benefit from an established career progression, substantial mentoring and training opportunities, and exposure to a broad spectrum of legal practice areas and leadership responsibilities. By contrast, civilian attorneys in the Military Departments normally do not have established career programs and may do the same work for many years, with promotions based solely upon longevity and vacancies.

If confirmed, what specific actions would you take to recruit, hire, and retain high quality civilian attorneys and provide sufficient opportunities for their development and advancement through positions of increasing responsibility and leadership in the career civilian component of the Navy and Marine Corps legal community?

Answer. I understand that the Department has a robust recruiting program and hires outstanding civilian attorneys. If I am confirmed, I will work closely with the senior leadership of the Office of the General Counsel to ensure that the Office continues its efforts to recruit, hire, retain, and develop highly skilled and effective attorneys to satisfy the Department's needs.

Question. Do you foresee that in the coming years, the Department of the Navy's demand for civilian attorneys in particular low-density legal specialties or areas of technical legal expertise (e.g., cyber law, the space domain, intellectual property) will increase, commensurate with the Department's evolving missions? If so, in what legal specialties would you expect the Navy and Marine Corps' requirements for legal services to increase, and why?

Answer. At this time, I do not have specific information about the number of types of attorneys assigned to each of the Office of General Counsel's practice areas. If confirmed, I will endeavor to ensure that the Department recruits, retains, and develops the right number of attorneys in the appropriate technical practice areas required to support the Department's changing legal needs.

Question. Do you believe the Office of the Navy General Counsel needs additional recruitment incentives and talent management tools to recruit, develop, sustain, and retain highly competent career civilian attorney workforce capable of meeting current and future mission requirements? If so, what sort of incentives and tools would be helpful?

Answer. It is my understanding that the Office of the General Counsel has successful recruiting and retention programs. I am not aware that any new recruitment incentives or talent management tools are needed.

DETAINEE MATTERS

Question. What role do you expect to play, if confirmed, in addressing legal issues regarding detention under the law of armed conflict?

Answer. My understanding is that the Department of Defense Office of General Counsel is primarily responsible for addressing this issue. If confirmed, I will work closely and collaboratively with the General Counsel of the Department of Defense, the Judge Advocate General of the Navy, and the Staff Judge Advocate to the Commandant to address legal issues regarding detention under the law of armed conflict that arise within the Department of the Navy.

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. I support the standards for detainee treatment set forth in these documents and compliance with applicable legal obligations regarding detention and treatment of detainees.

Question. What role, if any, do you believe the Navy General Counsel should play in the interpretation of international and domestic law and DOD policy governing the treatment and interrogation of detainees? What role, if any, should the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps play in the interpretation of laws and policies pertaining to detainees?

Answer. My understanding is that the Department of Defense Office of General Counsel is primarily responsible for addressing this issue. If confirmed and called upon to give legal advice on this issue, I will work closely with the General Counsel of the Department of Defense, the Judge Advocate General of the Navy, and the Staff Judge Advocate to the Commandant of the Marine Corps on the interpretation of law and policy applicable to detainees, to ensure that the Department of the Navy adheres to all of its legal obligations under the Constitution, treaties, and laws of the United States.

Question. What are your views on the continued use of the detention facility at Guantanamo?

Answer. The United States should ensure the continued safe, humane, and legal care and treatment of detainees. If the Guantanamo detention facility is identified for closure, I will work the Secretary of the Navy and Department of Defense leadership to carry out this intent.

Question. In your view, does the United States have the legal authority to continue detaining alleged members and supporters of Al Qaeda and the Taliban as enemy combatants, without charges or prosecution?

Answer. Yes. The 2001 Authorization for the Use of Military Force (AUMF), along with the 2002 AUMF and the President's constitutional authorities, provide the United States with the legal authority to detain members and associated forces of al-Qaeda and the Taliban as enemy combatants. Congress and the Federal courts have confirmed that the executive branch has the authority to detain individuals who were part of, or substantially supported, al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners. This authority includes the power to detain any person who has committed a belligerent act, or has directly supported hostilities, in aid of such enemy forces.

Question. How does the withdrawal of United States forces from Afghanistan affect the Department's authority to detain unlawful enemy combatants at Guantanamo? Please explain your answer.

Answer. It does not. The 2001 Authorization for the Use of Military Force (AUMF) and the President's constitutional authority is not impacted by the withdrawal of United States forces from Afghanistan. The Department still maintains authority to detain unlawful enemy combatants at Guantanamo under the 2001 AUMF regardless of the status of forces in Afghanistan.

Question. In your view, does the United States have the legal authority to detain ISIS fighters as enemy combatants?

Answer. It is my understanding that ISIS fighters are considered "associated forces" pursuant to the 2001 AUMF, and, as described above, could therefore be detained as enemy combatants.

Question. As the Guantanamo detainee population ages, detainees are increasingly subject to chronic, age-related illnesses and injuries. In addition, it is asserted that many detainees show signs of mental health conditions.

In your view, what standard should the United States apply to the medical care, including mental and behavioral health care, provided to detainees?

Answer. Adequate and humane care for the detainees at Guantanamo that complies with the standards of Common Article 3 of the Geneva Conventions of 1949 is an important part of the mission. As the detainee population ages and detainees experience chronic medical conditions, we will continue to apply Department policy and relevant laws to protect the health and well-being of Guantanamo detainees.

Question. The Periodic Review Board (PRB) process, enacted in law by Section 1023 of the Fiscal Year 2012 National Defense Authorization Act (NDAA), is conducted "to determine whether certain individuals detained at [Guantanamo] represent a continuing significant threat to the security of the United States such that their continued detention is warranted".

Do you support continuing the process of PRB determinations, and the transfer of detainees based on those determinations, subject to restrictions currently in law?

Answer. The Periodic Review Board (PRB) process, enacted in law by section 1023 of the Fiscal Year 2012 National Defense Authorization Act (NDAA), is conducted "to determine whether certain individuals detained at [Guantanamo] represent a continuing significant threat to the security of the United States such that their continued detention is warranted." I support this process.

AUTHORIZATION FOR THE USE OF MILITARY FORCE (AUMF)

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

Answer. The War Powers Resolution states that "the President in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and after every such introduction shall consult regularly with the Congress until United States Armed Forces are no longer engaged in hostilities or have been removed from such situations." If I am confirmed and called upon to provide legal advice on the issue, I would support following the procedures and standards laid out in the War Powers Resolution.

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. I believe the American public should have access to explanations of frameworks under which military force can be used abroad, as well as specific cases in which the President authorizes such use, when in the national security interests of the United States, and when following Department of Defense policies, as well as any other applicable policies and statutes.

Congress enacted the 2001 AUMF shortly after 9/11 to provide the President authority to take action against al Qaeda, the Taliban, and their associated forces, and to detain enemy personnel captured during the course of the armed conflict.

Question. What is your understanding of the current interpretation and application of the 2001 AUMF?

Answer. My understanding is that current interpretation of the 2001 AUMF provides the President with the legal authority to use force against al Qaeda, the Taliban, and associated forces, including the Islamic State of Iraq and Syria.

Question. How is the application of that authorization affected by the withdrawal of United States forces from Afghanistan? Please explain your answer.

Answer. The authorization remains in effect regardless of the status of United States forces in Afghanistan. The use of force in Afghanistan relied on the 2001 Authorization for the Use of Military Force (AUMF).

Question. 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. The Administration has stated that it does not rely solely on the 2002 AUMF as the legal basis for any ongoing military operations.

Do you share the view that the 2002 AUMF does not provide the sole legal basis for any ongoing military operation?

Answer. My understanding is that the United States does not currently rely on the 2002 AUMF as the sole domestic legal basis for any ongoing operations, and that administrations have cited the statute as additional authority to support counterterrorism operations for at least the last 10 years. If confirmed and called upon to do so, I will evaluate this issue.

Question. In your view, can the 2002 AUMF be rescinded without significantly affecting ongoing DOD operations? Should it be rescinded? Please explain your answers.

Answer. The 2001 and 2002 Authorizations for the Use of Military Force and the President's constitutional authority provide the domestic authority to conduct counter-terrorism operations. I am not familiar with all aspects of ongoing DOD operations or the impact of rescinding the 2002 AUMF. If confirmed and called upon to do so, I will review the issue.

MILITARY COMMISSIONS ACT

Question. In your view, have the military commissions constituted pursuant to the Military Commissions Act of 2009 provided an effective forum for trying violations of the law of armed conflict in the context of the global war on terrorism?

Answer. In my view, the Military Commissions Act provides appropriate standards and processes for trials of alien unprivileged enemy belligerents for offenses against the law of armed conflict and others traditionally triable by military commission.

Question. In your view, what are the advantages, if any, of prosecuting alleged terrorists by military commission?

Answer. Military commission procedures comply with U.S. and international law. They provide a just forum for trying alleged terrorists for terrorism-related offenses. However, there are legal and procedural challenges due to the number of unsettled legal and procedural issues.

Question. What changes, if any, to the Military Commissions Act of 2009 would you propose, if confirmed?

Answer. If confirmed, I will review and evaluate any proposed amendments to the Military Commissions Act of 2009. Presently, I do not have any specific proposals.

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Question. Military and civilian leaders in the Department of Defense have advocated for accession to the United Nations Convention on the Law of the Sea, stressing the benefits to U.S. national security.

Do you support U.S. accession to the United Nations Convention on the Law of the Sea?

Answer. It is my understanding that the U.S. Navy already acts in a manner consistent with the principles of navigation and overflight outlined in the United Nations Convention on the Law of the Sea. If confirmed, I will take a closer look at

the Convention and work with my colleagues within the Department and inter-agency to consider the issue.

Question. From a national security standpoint, what are the advantages and disadvantages to being a party to the Convention?

Answer. While I have not worked on the issue closely in the past, it is my understanding that acceding to the Convention would strengthen our global security posture and put us on a more equal footing with States that are party to it, such as China and Russia. Accession would enable the United States to reinforce all of the rights, freedoms, and uses of the sea and airspace recognized in the Convention, including the navigational and overflight rights that are critical to the global mobility of U.S. forces.

Question. In your view, what impact, if any, would United States accession to the Law of the Sea Convention have on ongoing and emerging maritime disputes, such as in the South China Sea and in the Arctic?

Answer. It is my understanding that acceding to the Convention would improve our ability to maintain freedom of navigation and challenge excessive maritime claims made by our adversaries in regions like the South China Sea and the Arctic, and allow us to avail ourselves of all the tools and mechanisms available to parties to the Convention.

Question. What do you view as the role of the General Counsel of the Department of the Navy in providing advice regarding the law of the sea and accession to the Convention?

Answer. It is my understanding that the Department of Defense Office of General Counsel is primarily responsible for addressing issues related to accession, and the Judge Advocate General of the Navy is the Department of Defense Representative for Ocean Policy Affairs. If confirmed, I will work closely with the Secretary of the Navy, the Department of Defense Office of General Counsel, and the Judge Advocate General of the Navy to address this issue.

CRIMINAL JURISDICTION OVER CONTRACTORS ON THE BATTLEFIELD

Question. The Military Extraterritorial Jurisdiction Act (MEJA) was enacted in 2000 to extend the criminal jurisdiction of U.S. courts to persons employed by or accompanying United States Armed Forces outside the United States.

In your view, does MEJA provide appropriate jurisdiction over the alleged criminal actions of private contractor employees in nations in which U.S. armed forces are engaged in combat operations?

Answer. Yes, it is important to have a mechanism whereby everyone associated with the United States military overseas, including servicemembers' family members and civilian personnel, may be held appropriately accountable for any criminal misconduct. I am generally familiar with MEJA, but I have not studied its application in particular circumstances in depth. If confirmed, I would evaluate this issue.

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

Answer. I do not currently have an opinion as to whether it should be amended. If confirmed, I would examine this issue, if called upon to do so, and recommend any appropriate modifications.

Question. Section 552 of the NDAA for fiscal year 2007 extended to military courts jurisdiction under the Uniform Code of Military Justice (UCMJ) over persons serving with, or accompanying an armed force in the field during time of declared war or a contingency operation.

In your view, does a military court, applying the UCMJ, provide an appropriate forum for the disposition of the alleged criminal acts of private contractor employees serving in areas in which United States Armed Forces are engaged in contingency operations?

Answer. The United States must ensure that all of those accompanying the U.S. military in the field can be held appropriately accountable for any criminal misconduct. I am aware of the fiscal year 2007 extension of court-martial jurisdiction to include civilians accompanying the U.S. military in the field during contingency operations. If confirmed, I would study whether any further modifications should be made concerning alleged criminal misconduct by contractor employees engaged in contingency operations.

Question. What is your view of the procedures to which the Department of Defense and the Department of Justice have agreed to reconcile jurisdictional responsibilities under MEJA and the UCMJ?

Answer. I am generally familiar with the memorandum of understanding between the Department of Defense and the Department of Justice concerning investigation and prosecution of certain crimes, but I would need to examine the operation of that

Memorandum of Understanding to determine whether I should recommend any adjustments.

Question. What changes, if any, would you recommend to the UCMJ to perfect its jurisdiction over the alleged criminal conduct of private contractor employees, in appropriate cases?

Answer. I do not now have any recommendations to amend the UCMJ concerning its application to contractor employees. If confirmed, I would consider whether any such amendments are appropriate.

RELIGIOUS ACCOMMODATION

Question. In your view, do Navy and Marine Corps policies and processes appropriately accommodate the religious practices of individual servicemembers as mandated by the Religious Freedom Restoration Act and the NDAA's for fiscal years 2013 and 2014?

Answer. It is my understanding that the Department respects the rights of individuals to express their religious beliefs or no religious beliefs at all. I also understand that current Navy and Marine Corps policies and processes appropriately accommodate the religious practices of servicemembers pursuant to the Free Exercise Clause of the First Amendment to the U.S. Constitution, the Religious Freedom Restoration Act, the National Defense Authorization Acts for fiscal years 2013 and 2014, and Department of Defense Instruction 1300.17, "Religious Liberty in the Military Services."

Question. Under current law and policy, do you believe individual sailors' and marines' expressions of religious belief are accommodated, provided they do not impact unit cohesion and good order and discipline?

Answer. Yes. It is my understanding is that the Department of the Navy complies with all laws requiring the Department to accommodate sailors' and marines' expressions of religious belief unless, consistent with the law, such accommodation could have an adverse impact on military readiness, unit cohesion, and good order and discipline.

Question. Do you support a policy that allows a prospective recruit to request and receive an accommodation of religious practices prior to enlisting or accepting a commission in the Navy or in the Marine Corps?

Answer. Yes, both the Navy and Marine Corps have processes for review and action on pre-accession requests for the accommodation of religious practices. Applicants have the opportunity to submit a request for religious accommodation and receive a final decision on that request prior to enlistment, participation in a commissioning program or warrant officer program, or enrollment at a Service Academy.

Question. Do you support a policy that allows a sailor's or Marine's religious accommodation, once granted, to follow the member throughout his/her military career—no matter where he/she is stationed or the nature of his/her specific duties—unless it can be demonstrated that the accommodation adversely affects military mission accomplishment?

Answer. Yes.

Question. In your view, how should the Navy and Marine Corps' religious accommodation policies and processes be applied to sailors and marines who decline to receive the COVID-19 vaccination on the basis of their religious beliefs?

Answer. It is my understanding that the Navy and Marine Corps policies and procedures for mandatory vaccination of all sailors, marines, and civilians include procedures by which individuals may seek and receive accommodation based upon religious beliefs to forego vaccination for COVID-19. I believe that process is appropriate.

ROLE IN THE OFFICER PROMOTION AND CONFIRMATION PROCESS

Question. What is your understanding of the role of the General Counsel of the Department of the Navy in ensuring the integrity and propriety of the statutory officer promotion selection board process?

Answer. The Secretary of the Navy convenes promotion selection boards as authorized by 10 U.S.C. § 611 and issues precepts to ensure those boards comply with statutes and regulations. The uniformed, service Judge Advocates assume primary responsibility for military personnel matters, and 10 U.S.C. § 8088 requires the Navy Judge Advocate General conduct a compliance review of promotion boards. Ultimately, the Secretary exercises 10 U.S.C. § 618 approval authority for promotion boards. As the General Counsel, I will support the Secretary by working with both the Judge Advocate General of the Navy and Staff Judge Advocate to the Commandant of the Marine Corps on officer promotion matters.

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

Answer. I am not aware of any changes that are needed in this role.

Question. In your view, are the current policies and procedures governing review of the records of military 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 Navy, the Secretary of Defense, the President, and the Senate? Please explain your answer.

Answer. Congress mandated changes to the officer promotion process in both the 2020 and 2021 NDAA's to ensure promotion boards review adverse material in an officer's record. It is my understanding that those recent requirements, coupled with pre-existing policies and procedures provide the Military Departments the means to gather records that are as complete and accurate as possible, and provide military officers the opportunity to address matters in their records, including adverse or allegedly adverse information, prior to review. Accordingly, it is my belief that the Secretaries of the Military Departments, the Secretary of Defense, the President, and the Senate can engage in informed decisionmaking.

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

Answer. Yes. It is my belief that the promotion and assignment policies and procedures adequately balance the need for legal compliance and procedural efficiency, while ensuring consideration of the equities of the individual officers.

Question. What is the role, if any, of the General Counsel of the Department of the Navy in advising senior Navy, Marine Corps, and DOD officials on the implications of adverse or reportable information pertaining to a military officer nominated for promotion to General/Flag grade or for appointment to a position of "importance and responsibility"? Do you believe this role should be changed in any way?

Answer. In accordance with Title 10, applicable regulations, and the direction of the Secretary, the General Counsel must support the integrity of all Department activities. With respect to Department of the Navy nominees, the General Counsel provides advice on cases with adverse or potentially adverse information to ensure that the information is properly evaluated and timely reported to the Office of the Secretary of Defense and the Senate Armed Services Committee.

NON-DEPLOYABLE SERVICEMEMBERS

Question. DODI 1332.45, Retention Determinations for Non-Deployable Servicemembers, provides that the Secretaries of the Military Departments may "retain . . . those servicemembers whose period of non-deployability exceeds the 12 consecutive month limit . . . if determined to be in the best interest of the Military Service."

Do you agree that sailors and marines who are non-deployable for more than 12 consecutive months should be subject either to separation from the Service or referral into the Disability Evaluation System?

Answer. Generally, Servicemembers identified as non-deployable for 12 consecutive months should be evaluated for continued service. However, each case must be evaluated individually based on the facts presented. I believe that the Department of Defense policy appropriately balances mission and individual equities.

Question. In your view, under what circumstances might the retention of a sailor or Marine who has been non-deployable for more than 12 months be "in the best interest of the Service"?

Answer. Each case must be evaluated individually based on the facts presented. What is in the best interest of the Service depends on whether the Servicemember can perform their military duties and the needs of the Service at the time of the review. An example may be a Servicemember whose skill set is in high demand and who can perform their duties from a non-deployed environment. Moreover, pregnant and combat wounded Servicemembers are exempt from the 12-month non-deployability determination requirements.

Question. In your view, how should this policy be applied to sailors and marines with HIV? To those who identify as transgender?

Answer. Readiness is vital to an effective military, and all Servicemembers must be treated with dignity and respect. It is my understanding that DODI 6485.01, "Human Immunodeficiency Virus (HIV) in Military Service Members" sets forth the procedures for managing servicemembers with HIV. These procedures include referring servicemembers with HIV for appropriate medical treatment and evaluation of fitness for continued service in the same manner as a servicemember with other chronic or progressive illnesses. Further, I understand that DODI 1300.28, "In-Serv-

ice Transition for Transgender Service Members” sets forth the procedures by which Servicemembers may transition gender and requires determinations regarding deployability to be effected the same way as would be for any servicemember undergoing comparable medical procedures or treatment unrelated to transition.

Question. Has the Navy or Marine Corps established any class or group of personnel deemed “deployable with limitations,” such that the class or group is exempt from the 12-month non-deployable retention determination requirement?

Answer. It is my understanding that, in accordance with current policy, the Navy and Marine Corps characterize servicemembers with a medical condition that required medical screening or Combatant Commander approval prior to deployment outside the continental United States as Deployable with Limitations. This characterization includes conditions referenced in DODI 6490.07, Deployment-Limiting Medical Conditions for Service Members and DOD Civilian Employees. The list of conditions includes pregnant and combat wounded Servicemembers.

Question. DODI 1332.45 also establishes categories and criteria to be applied in determining and tracking whether or not a servicemember is deployable.

In your view, should a sailor or Marine’s readiness to perform the specific missions, functions, and tasks required of him/her in the context of a particular deployment also be considered in determining whether a servicemember is deployable?

Answer. Yes, but each case must be evaluated individually based on the facts presented. If confirmed, I will review current policies and work with Department leadership to ensure commanders have the legal authorities needed to accomplish mission while maintaining readiness.

Question. If confirmed, what would be your role in improving the timeliness of the Navy’s Disability Evaluation System process as it applies to both Active and Reserve component sailors and marines?

Answer. Sailors, marines, and their families need to rely on accurate and efficient processes, including the Disability Evaluation System process. If confirmed, I will review the Navy’s Disability Evaluation System processes and work with Department leadership to look for ways to improve those processes.

EMERGING CONTAMINANTS

Question. Environmental and health effects associated with exposure to Perfluorooctane sulfonate (PFOS) and Perfluorooctanoic acid (PFOA) have long been a major concern for DOD, Congress, military families, and communities in the vicinity of military installations. According to GAO, the Navy has identified 127 installations with known or suspected releases of PFOS and PFOA.

If confirmed, what would be your role in efforts to address PFOS/PFOA contamination at Navy or Marine Corps installations?

Answer. The health and safety of sailors, marines, their families, and the communities surrounding military installations is a top priority. If confirmed, I will work with senior leaders to ensure the Department of the Navy complies with applicable laws, regulations, and guidance from the U.S. Environmental Protection Agency to address PFOS/PFOA resulting from Navy or Marine Corps activities. I will also ensure the Department of the Navy remains committed to supporting Department of Defense efforts concerning this important issue.

Question. If confirmed, how would you advise the Secretary of the Navy on his approach to addressing the health concerns of servicemembers and their families who may have been exposed to potentially harmful contaminants on Navy or Marine Corps bases and in the context of performing military duties?

Answer. The health and safety of servicemembers and their families is of paramount concern. If confirmed, I will advise the Secretary of the Navy on the legal options available to promote the continued well-being of sailors, marines, and their families.

SUICIDE PREVENTION

Question. If confirmed, specifically what would you do to assist the Secretary of the Navy in maintaining a strong focus on preventing suicides in the Active Navy and Marine Corps, the Navy and Marine Corps Reserve, and in the families of sailors and marines?

Answer. If confirmed, I will work with Department leadership to ensure the health and safety of sailors, marines, civilians, and their family members remain a high priority. I will advise the Secretary on legal options to enhance the health and safety of the force and their families. The Department must ensure that resources are available to address this issue and that support is available to help Servicemembers, their families, and our civilian workforce.

Question. Mindful of the U.S. Constitution, Amendment II, and related statutes, what are your ideas for preventing suicides by curtailing the misuse of lethal means by servicemembers and their families?

Answer. If confirmed, I will work with Department leadership to support efforts to prevent suicides. It is my understanding that the Department has worked with the Defense Suicide Prevention office (DSPO) to offer free gun locks at medical facilities, Fleet & Family Support Centers (FFSCs), and other locations throughout the Fleet. Training, policies, and outreach materials encourage sailors, marines, and their families to use gun locks and to practice other forms of safety, including voluntary storage of personally owned firearms during periods of increased stress and proactively disposing of unused prescription medications.

MENTAL AND BEHAVIORAL HEALTH CARE

Question. Although the Department has made some progress in reducing the stigma associated with help-seeking behaviors, many servicemembers remain concerned that their military careers will be adversely affected should their chain of command become aware that they are seeking mental or behavioral health care. At the same time, the military chain of command has a legitimate need to be aware of physical and mental health conditions that may affect the readiness of servicemembers under their command.

In your view, how can the Navy and Marine Corps bridge the gap between a sailor or Marine's desire for confidentiality and the chain of command's legitimate need to know about matters that may affect the readiness of the servicemember and the unit?

Answer. The Department is dedicated to ensuring the health and well-being of sailors, marines, civilians, and family members. If confirmed, I will advise Department leadership on navigating the legal and regulatory impacts that may arise from the Department's efforts to bridge the gap between a sailor or marine's desire for confidentiality and the chain of command's need to know about matters that may affect the readiness of the Servicemember and the unit.

MILITARY SEXUAL ASSAULT AND HARASSMENT PREVENTION AND RESPONSE

Question. Have you reviewed the report of the Independent Review Commission on Sexual Assault in the Military? If so, what were your impressions of the Commission's recommendations in regard to the prevention of sexual assault in the military?

Answer. There is no place in any workplace especially in the Department of the Navy for sexual assault and harassment. I have reviewed the Independent Review Commission and its recommendations. I am also aware that Secretary of Defense Austin has accepted the IRC's recommendations with some adjustments made to ensure effective implementation. My initial impressions of the IRC recommendations are positive in that it sets forth a comprehensive approach across multiple lines of effort. If confirmed, I will provide my best legal advice in support of Secretary Austin's efforts to effectuate the recommendations across the Department of the Navy.

Question. If confirmed, specifically what would you do to increase the Navy and Marine Corps' focus on the prevention of sexual assaults?

Answer. It is my understanding that the Department always strives to find better ways to prevent and, where prevention fails, respond to sexual assault, and that the Department of the Navy has made comprehensive efforts to support survivors, promote reporting, and encourage participation in the military justice process. If confirmed, I will work with the Department's leadership to ensure that sexual assault prevention and response is a high priority, including by effectuating the prevention and cultural reforms proposed by the Independent Review Commission and accepted by Secretary Austin. Sexual harassment and assault do not have a place in the Services. I will provide the legal support needed to ensure that the Department's SAPR programs are implemented.

Question. What is your assessment of the Navy and Marine Corps' implementation of protections against retaliation—most notably social ostracism—against sailors and marines who report sexual assault?

Answer. Retaliation and reprisal do not belong in the Services. I understand that the Department of the Navy is focused on ensuring sexual assault reporting does not result in reprisal, and is training servicemembers on recognizing and preventing retaliation and social ostracism. The Naval Inspector General and Deputy Naval Inspector General for Marine Corps Matters have responsibility for assisting the Secretary in implementing section 1034 of title 10, United States Code. If confirmed, as the principal legal advisor to the Secretary, I will work with Department leadership to ensure that reprisal investigations are thorough and conducted in accordance

with statute, regulation, and policy. I will provide comprehensive legal advice to ensure that appropriate administrative or disciplinary action is taken against Servicemembers or civilian personnel who engage in illegal reprisal or retaliation.

Question. Do the Navy and Marine Corps' methods for recording the outcomes of informal complaints of harassment or discrimination provide Navy and Corps' leaders, supervisors, and managers with a means of identifying repeat perpetrators in the military force?

Answer. It is my understanding that the Department of the Navy does not tolerate harassment of any kind or unlawful discrimination. Such acts are contrary to the Department's core values of honor, courage, and commitment. The Department maintains an equal opportunity program in accordance with all statutory and regulatory requirements but seeks to exceed the minimum requirements. An important part of this program is to regularly inform senior leaders to ensure consistent and effective program execution. While I have some familiarity with the equal opportunity processes, I have not had the opportunity to review the specific processes used in the Department. If confirmed, I will review the Department's program to ensure that it utilizes all legal means to track repeat offenders, prevent sexual harassment, and protect victims from such acts.

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 and gender discrimination in the office of the General Counsel of the Navy?

Answer. I have not had any opportunity to review any data or discuss this matter with any current or former members of the Office of General Counsel. If confirmed, I can assure you that I will promote a climate that treats all the members of the Office of General Counsel with dignity and respect and does not tolerate any form of harassment or illegal discrimination.

Question. If confirmed, what actions would you take were you to receive or become aware of a complaint of sexual harassment or discrimination from a civilian employee of the Office of the Navy General Counsel?

Answer. If confirmed, I would take any complaint of sexual harassment or discrimination seriously, and I would ensure that the Office of the General Counsel followed all existing policies and procedures to include the conduct of an inquiry by appropriate authority and, if necessary, taking action to resolve the matter in an efficient and expeditious manner.

Question. In your view, do Navy and Marine Corps' methods for tracking the submission and monitoring the resolution of complaints of harassment or discrimination provide appropriate leaders, supervisors, and managers with an accurate picture of the systemic prevalence of these adverse behaviors in the civilian workforces of the Navy and in the Corps?

Answer. The Department of the Navy (DON) policy is clear that harassment of any kind or unlawful discrimination will not be tolerated. Such acts are contrary to the DON's core values of honor, courage, and commitment. The Department maintains an equal employment opportunity program in accordance with all statutory and regulatory requirements, but seeks to exceed the minimum requirements. I have not had the opportunity to review all the methods used in the DON to track and monitor complaints and resolutions to express an opinion on their adequacy in providing an accurate assessment upon which leaders can rely. If confirmed, I would review these systems with the appropriate officials to identify areas in which they may be improved.

Question. What actions has the Department of the Navy taken to establish a modern, comprehensive harassment prevention and response policy and program for the Navy and Marine Corps' civilian workforces?

Answer. The Department of the Navy (DON) is committed to maintaining a positive and healthy culture where sexual harassment, sexual assault and other harmful behaviors are not tolerated, offenders are held accountable, and all personnel receive the support they need. I understand that the Secretary of the Navy has issued a Department-wide anti-harassment statement informing all employees, supervisors, managers, and leaders that harassment is illegal and will not be tolerated, and that the DON has established education and training programs and a complaint resolution process to prevent and respond to harassment and discrimination claims. These programs address the identification, prevention, and resolution of sexual harass-

ment and prevention of reprisals, and are directed at personnel of all levels and occupations.

Question. In your view, is civilian workforce harassment prevention and response training across the Navy and Marine Corps adequate and useful to employees?

Answer. I have some familiarity with the processes applicable to the civilian workforce; however, I have not had the opportunity to review the specific processes used in the Department of the Navy. If confirmed, I will ensure that the Department uses all appropriate options to proactively prevent and respond to complaints of harassment and discrimination.

Question. How does the Department of the Navy confirm that civilian employees across the Navy and the Corps have completed such training at the appropriate periodicity, and what metric does the Navy apply to measure the efficacy of such training?

Answer. While I am somewhat familiar with the Government-wide equal employment opportunity processes applicable to the civilian workforce, I have not had the opportunity to review the specific processes used within the Department of the Navy or the metrics tracked by the Department. If confirmed, I am committed to working with Department leaders to ensure that appropriate and effective training is provided to all employees so that they understand the responsibility to prevent, report, and respond to complaints of harassment and discrimination.

Question. Do the Navy and Marine Corps' methods for responding to complaints of harassment or discrimination in their civilian workforces provide appropriate care and services for victims?

Answer. I have some familiarity with the Government-wide equal employment opportunity processes available to the civilian workforce as well as the existence of civilian employee assistance programs. I also understand that the Department of the Navy has a comprehensive and multi-faceted response system for victims, which continues to evolve. If confirmed, I will emphasize the high priority for support of all victims, including those within our civilian workforce.

US NAVAL ACADEMY

Question. What is your assessment of the efficacy of the policies and processes in place at the U.S. Naval Academy to prevent and respond to sexual harassment and sexual assault, and to ensure that those who report harassment or assault are not subject to retaliation (including reprisal and social ostracism)?

Answer. I strongly believe that sexual assault and harassment at the Naval Academy, my alma mater, are unacceptable. I believe the Department is committed to ensuring that all Servicemembers, including Midshipmen at the Academy, are treated with respect and dignity. If confirmed, I will work with Department leadership to continue improving the Department's efforts to prevent and respond to these issues, including at the Academy.

Question. What is your assessment of the efficacy of the policies and processes in place at the U.S. Naval Academy to ensure the free exercise of religion and the accommodation of religious practices?

Answer. I have not had an opportunity to review the most current policies and processes at the Naval Academy, and do not have an opinion on the efficacy of them. If confirmed, I will provide the Department and Academy leadership the legal support they need on this issue. As a Naval Academy graduate, I know that the Academy's policies reflect the value the Department places on the rights of Servicemembers to observe their religion or no religion. I also know that the Naval Academy has a command religious program (CRP) that supports the diverse religious beliefs of the Brigade of Midshipman and that can adapt to new requirements.

Question. What is your assessment of the efficacy of suicide prevention programs at the U.S. Naval Academy?

Answer. I have not had an opportunity to review the most current policies and processes at the Naval Academy. In my view, suicide can be prevented and any loss to suicide is avoidable. As a Naval Academy graduate, I am committed to working with Department leadership to ensure the health and safety of our Midshipmen. If confirmed, I will work with Department and Academy leadership to examine the Academy's current policies and to assess whether improvements can be made.

Question. Given the provisions of title 10, U.S. Code, under what conditions would you deem it appropriate, if confirmed, to permit a military officer to play professional sports prior to completing two consecutive years of commissioned service following graduation from the U.S. Naval Academy?

Answer. Pursuant to 10 U.S.C. § 8459, a midshipman may not seek release from their commissioned service obligation to play professional sports until they complete at least two consecutive years of commissioned service. If confirmed, I will work

with Department leadership to ascertain whether and how a policy can be formulated that is consistent with title 10.

OFFICER PERSONNEL MANAGEMENT SYSTEM REFORMS

Question. The John S. McCain NDAA for fiscal year 2019 contained several provisions to modernize the officer personnel management system. These reforms were designed to align officer career management with the priorities outlined in the 2018 NDS.

How are the Navy and Marine Corps implementing these authorities today and to what effect?

Answer. I understand the authorities granted by the fiscal year 2019 NDAA have given the Department of the Navy more flexibility to better manage its officer corps. I also understand that the Services have used the authority to merit-reorder promotion selection lists; that Navy has allowed officers to “opt out” of promotion screening to accommodate opportunities for career broadening assignments, instituted “up and stay” policies, and expanded its spot promotions in accordance with the fiscal year 2019 NDAA authorities. If confirmed, I intend to work with the Secretariat staff, Chief of Naval Operations, and the Commandant of the Marine Corps to understand the impact of these changes and to offer any necessary legal support to pursue additional authorities that would offer more flexibility for the Department of the Navy to manage its officers.

Question. If confirmed, what would be your role in advising and assisting the Navy and Marine Corps in further leveraging these new authorities?

Answer. If confirmed, I will advise the Department’s leadership regarding any issues related to these authorities and ensure that application of the authorities is consistent with Title 10, United States Code, and relevant Department of Defense and Department of Navy regulations.

Question. Are there other authorities that the Navy and Marine Corps need in order to modernize the management of its officer personnel?

Answer. I am unaware of whether the Navy and Marine Corps need other authorities to modernize officer management. If confirmed, I will work with the Secretariat staff, Chief of Naval Operations, and the Commandant of the Marine Corps to develop a full understanding of authorities available to the Department in managing its officer personnel. If needed, I would ensure the Office of the General Counsel supported the pursuit of any additional authorities that would provide more flexibility for the Department of the Navy to manage its officers.

Question. In your view, how can the scrolling and appointments processes be improved so as to improve permeability between the Active and Reserve components of the Navy and Marine Corps?

Answer. I have not had the opportunity to review the scrolling and appointments process and, therefore, I do not have enough information to provide an informed recommendation as to whether the process requires modification to improve permeability between the Active and Reserve Components of the Navy and Marine Corps. I do believe that the policies should allow greater permeability for officers to move between the active (regular) and Reserve components without excessive delays for administrative processing and, if confirmed, I will work with Department leadership to evaluate the needs of the Navy and Marine Corps and to propose legal solutions to satisfy those requirements.

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. By definition, protected communications include communications to certain individuals and organizations outside of the chain of command, including the Congress.

If confirmed, what actions would you take to ensure that sailors, marines, and civilian employees of the Department of the Navy who report fraud, waste, and abuse, or gross mismanagement to appropriate authorities within or outside the chain of command, are protected from reprisal and retaliation, including from the very highest levels of the Navy, DOD, and the executive branch?

Answer. In my view, whistleblower protections are critical to maintaining the confidence of the workforce when sailors, marines or civilian employees make protected disclosures of wrongdoing within the Government. If confirmed, I will advise Department leadership and those individuals who are responsible for ensuring reprisal investigations are conducted thoroughly, on issues including taking appropriate ad-

ministrative or disciplinary action against personnel who have engaged in illegal reprisal or retaliation.

Question. If confirmed, what role would you play in ensuring consistency in the application and interpretation of whistleblower protections across the Department of the Navy and in the Department of Defense?

Answer. If confirmed as General Counsel, it would be my duty to maintain uniformity in applying legal principles with regard to matters for which I am responsible, including ensuring consistency in applying and interpreting whistleblower protections across the Department of the Navy. As General Counsel, I would work with the Office of Special Counsel, the DOD General Counsel, the DOD Inspector General, the DOD General Counsel, the Judge Advocate General of the Navy, the Staff Judge Advocate to the Commandant of the Marine Corps, the Naval Inspector General, and the Deputy Naval Inspector General for Marine Corps matters to ensure consistency in the application and interpretation of whistleblower protection laws and regulations.

SUPPORT TO THE NAVY AND MARINE CORPS INSPECTORS GENERAL

Question. In your view, what role, if any, should the Navy General Counsel have in reviewing and rendering opinions on the legal sufficiency of the investigations and recommendations of the Navy and Marine Corps Inspectors General?

Answer. The General Counsel plays an important role in reviewing and rendering opinions on the legal sufficiency of investigations and recommendations of the Naval Inspector General. If confirmed, I will advise and assist the Secretary in the oversight of the Department of the Navy law enforcement and investigative activities, including those conducted by the Naval Inspector General and the Deputy Naval Inspector General for Marine Corps Matters. If confirmed, I intend to provide my independent and objective legal advice concerning the duties and responsibilities of the Naval Inspector General and the Deputy Naval Inspector General for Marine Corps Matters, but will respect the independence of these officers and not infringe upon their statutory authority. To accomplish this goal, I intend, if confirmed, to establish a collaborative and productive working relationship with the Naval Inspector General and the Deputy Naval Inspector General for Marine Corps Matters.

DEPARTMENT OF DEFENSE ACQUISITION REFORMS

Question. In successive NDAAs beginning in fiscal year 2013, Congress enacted sweeping reforms of the defense acquisition system and organizational structure. These reforms included expansion in acquisition-related functions of the Service Chiefs and measures designed to reduce the cost and development timelines of major systems. Further, 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.

What is your understanding of the role of the Navy General Counsel in ensuring that Navy and Marine Corps acquisition programs are executed in accordance with the law and DOD and Navy acquisition policy?

Answer. The General Counsel plays a leading role in ensuring that the Department’s acquisition programs and procurement activities comply both with statute and regulation, and with Department of Defense and Department of the Navy acquisition policy. Complying with statute and regulation and preserving acquisition integrity are vital to the Department’s ability to meet the needs of the warfighter, including the need to maintain a robust and secure industrial base. The General Counsel must actively ensure compliance and integrity at all levels of the acquisition enterprise.

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

Answer. It is my understanding that the effects of acquisition reform have been positive overall. Specifically, enacting additional acquisition pathways, such as the middle-tier acquisition and software acquisition pathways, and increasing the Department’s acquisition decisionmaking authority have been helpful and are enabling a more agile and adaptive acquisition system. The Department must continue to focus on effective implementation and execution of the reforms that have been enacted.

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

Answer. The General Counsel must proactively identify legal authorities and flexibilities that will help acquisition officials successfully and efficiently execute program requirements and objectives. The General Counsel must inform acquisition officials of new authorities and flexibilities, and assist the officials to identify specific authorities and flexibilities that will benefit specific programs or projects. The General Counsel also must support development of effective guidance, policy, and training to implement new authorities and flexibilities.

Question. If confirmed, how would you assist the Chief of Naval Operations and the Commandant of the Marine Corps in the performance of certain acquisition-related functions, while ensuring their actions remain compatible with the duties and responsibilities of the Assistant Secretary of the Navy for Research, Development, and Acquisition (as established in title 10, U.S. Code, sections 8014 and 8016)?

Answer. If confirmed, I will work with the Chief of Naval Operations and the Commandant of the Marine Corps to ensure they fully understand their role in the acquisition process outlined in 10 U.S.C. § 2547, as well as the enhanced acquisition roles for the Service Chiefs enacted in previous National Defense Authorization Acts. I will work with the Chief of Naval Operations and the Commandant of the Marine Corps to ensure they understand the relationship between these roles and functions and the statutory duties and responsibilities of the Assistant Secretary of the Navy for Research, Development and Acquisition, including such duties with respect to sustainment of DON systems.

Question. Are there any additional acquisition reforms you would endorse, in light of the recommendations of the 809 Panel?

Answer. I do not have any specific recommendations for further acquisition reform at this time.

IDENTIFYING AND ADDRESSING CONFLICTS OF INTEREST

Question. In the fallout of the Glenn Defense Marine Asia (GDMA) scandal, a significant number of Navy admirals and numerous other Service personnel were investigated for bribery, corruption, and violations of criminal conflict of interest laws and executive branch ethics regulations. Some were prosecuted and convicted in Federal or military courts, and many more were subject to public censure and forced into early retirement from the Service.

In your view, has the Navy taken sufficient actions in response to the GDMA scandal to ensure that its officers and other personnel are trained—throughout their careers—on objective ethics and the Navy’s core values?

Answer. My understanding is that, following the GDMA scandal, the Department of the Navy conducted a thorough review of its ethics and professionalism programs to ensure it maximizes all available resources to place an emphasis on ethics training of all personnel throughout their careers. In addition to training requirements identified in 5 C.F.R. § 2638 Subpart C, the Department also provides in-depth ethics and professionalism training at the Senior Leaders Legal Course, which is required for all prospective commanding officers, executive officers, and command master chiefs, as well as the Senior Enlisted Academy and the Navy Supply Corps School. In 2018, the Naval War College established the College of Leadership and Ethics and the Chief of Naval Operations released an updated “Navy Leader Development Framework.” Flag officers, general officers, and senior executives receive ethics training at various executive symposiums that are held annually. Moreover, all flag and general officers and their staffs are required to receive in-person ethics training annually from a certified ethics counselor. If confirmed, I intend to work closely and collaboratively with the Judge Advocate General and the Staff Judge Advocate to the Commandant of the Marine Corps to provide the highest quality of legal services, including ethics and standards of conduct training and advice across the Department.

Furthermore, each employee or servicemember who is new to the Department receives initial ethics training that meets the Office of Government Ethics regulatory requirements. Additionally, any employee or servicemember who is required to file an Office of Government Ethics financial disclosure report, OGE form 278e or OGE form 450, must complete interactive annual ethics training. Annually, the Office of the Assistant General Counsel for Ethics develops interactive on-line training that is available to all Department employees and meets the Office of Government Ethics annual training regulatory requirements. Also many commands require annual in-person ethics training for all employees regardless of whether the employee is a financial disclosure filer. In addition to initial and annual ethics training, the Navy offers specialized ethics training for specific groups, when requested.

Additionally, the Secretary of the Navy issues an annual ethics message emphasizing values-based decisionmaking rather than merely complying with minimum

rules, and reinforcing the expectation that Department of the Navy personnel act with integrity and correctly apply the ethics and standards of conduct rules. Emphasis is placed on ethical leadership from the top down and requires senior leaders take ownership of the ethics program within their respective command or organization.

A number of officers investigated were able to rely on the “safe harbor” of having consulted a Navy ethics official or a Navy lawyer prior to accepting a gift from a prohibited source.

Question. What training do Navy and Marine Corps lawyers receive to ensure they are competent to provide effective, accurate, and timely guidance to personnel in need of such counsel? In your view, what is the appropriate role of the Navy General Counsel in providing such training to Navy and Marine Corps lawyers?

Answer. As the Designated Agency Ethics Official and senior legal official in the Department of the Navy, the Navy General Counsel has an important role in providing training and legal practice resources to Department of the Navy legal professionals. My understanding is that the Office of the General Counsel provides in-person and web-based training and legal practice products to the legal community. Additionally, in order to be certified as an ethics counselor, a Department of the Navy uniformed or civilian attorney must complete a comprehensive course on ethics and standards of conduct training for ethics counselors and satisfy the requirement to take annual refresher training in order to retain the ethics counselor designation. Furthermore, Department of the Navy uniformed and civilian attorneys regularly participate in a host of multi-day ethics courses offered by the Navy, other Services, and the Department of Defense Office of General Counsel. If confirmed, I will work closely and collaboratively with the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps to address training needs for all uniformed and civilian attorneys and legal support personnel within the Department and continue to strengthen the Navy’s ethical climate and culture.

Question. What resources has the Department of the Navy made available to provide General/Flag Officers and other Military Service personnel the training, advice, and assistance they need to adhere to ethical and legal standards of conduct? Please explain your answer.

Answer. It is my understanding that the Department has several avenues by which flag officers and servicemembers receive ethics and professionalism training throughout their careers. Specifically, new Navy flag officers are required to attend the New Flag Training and, as follow-on training, flag officers and members of the Senior Executive Service attend an annual Flag Officers and Senior Executives Symposium during which they receive additional training on ethics and standards of conduct. Furthermore, the Vice Chief of Naval Operations issues an annual ethics and standards of conduct memo for flag officers. In 2012, the VCNO established a requirement that all flag officers and their staff must receive in-person ethics and standards of conduct training and this requirement remains in effect. The Marine Corps offers similar training for its general officers and senior executives. Specifically, the Marine Corps hosts a General Officer Offsite and an Executive Offsite at least once per fiscal year, where attendees receive annual ethics training presented by the Counsel for the Commandant of the Marine Corps and the Staff Judge Advocate to the Commandant of the Marine Corps. The Navy and Marine Corps provide in-depth ethics and professionalism training at various stages of career development, including to prospective commanding officers, executive officers, and senior enlisted leaders. In 2018 the Naval War College established the College of Leadership and Ethics as a venue for officers and senior civilians to continually learn and develop as leaders of character. Finally, as part of career transition, all flag and general officers attend a pre-separation ethics brief that includes a review of post-Government employment conflict of interest restrictions on their future employment.

Question. What role should the Navy General Counsel play in ensuring that Department of the Navy personnel identify personal and organizational conflicts of interest and take all appropriate steps to avoid or mitigate them?

Answer. The General Counsel, as the Designated Agency Ethics Official, is responsible for the Department of the Navy’s ethics program to prevent conflicts of interest in order to maintain the public trust. Therefore, ensuring that the Department’s business practices are designed to prevent personal and organizational conflicts of interest should be one of the Navy’s highest priorities. If confirmed, I will work closely with senior Departmental officials to promote an organizational climate that is vigilant about preventing conflicts of interest and reacts appropriately when specific issues arise. I believe that Department attorneys play a significant role in this area by providing training and advice on acquisition and the Standards of Conduct for Employees of the executive branch (5 CFR 2635). Furthermore, my expectation is that the Department attorneys will engage in all phases of the acquisition

and contracting process to assist the decisionmakers and to help identify and resolve conflicts of interest.

Question. What is your understanding of the actions required of a Department of the Navy attorney or judge advocate who becomes aware of improper activities by a Department of the Navy official who has sought, but failed to follow that attorney's legal advice in the domain of ethics?

Answer. Department of the Navy attorneys are obligated to comply with all applicable laws, rules, and regulations. If an attorney believes that a Department official will act contrary to his/her advice and the action will violate or has violated a law or regulation, the attorney must take appropriate action, including immediately notifying his/her supervisory attorney. If the allegation is against a senior official, per DOD Directive 5505.06, "Investigations of Allegations Against Senior Officials of the Department of Defense," the alleged violation must be reported to the DOD Inspector General within five working days.

LITIGATION INVOLVING THE DEPARTMENT OF THE NAVY

Question. What is your understanding of the relationship between the Department of the Navy and the Department of Justice with respect to litigation involving the Department of Defense?

Answer. The Department of Justice (DOJ) has the statutory responsibility to represent the United States, its agencies, including the Department of Defense, and its officers in litigation before Federal courts. The Department of the Navy (DON) attorneys assist DOJ attorneys in Federal court cases where the DON is a party or has an interest. If confirmed, I will continue the DON's well established collaborative relationship with the DOJ and advocate the Department's interests.

Question. In your view, should the Department of the Navy have the independence and resources to conduct its own litigation?

Answer. The Navy Office of the General Counsel has a well-established, productive relationship with the Department of Justice. I am unaware of a need for more independence or resources to conduct litigation. If confirmed, I will evaluate this issue to determine if more independence or resources are needed.

Question. In your view, should the Feres Doctrine be repealed in whole—or in particular types of cases—to permit sailors and marines to sue the U.S. Government and collect damages for personal injuries sustained in the performance of their duties?

Answer. The Feres Doctrine should not be repealed. It is my understanding that DOD has a benefits framework that has been designed to maximize the benefits to be provided injured Servicemembers or surviving family members without regard to the circumstances surrounding the death or injury. The existing scheme of benefits and no-fault compensation established by Congress for Servicemembers and their families ensures they are fairly compensated for injuries suffered incident to service in a consistent manner.

Question. How many administrative claims has the Department of the Navy processed under the authority of title 10, U.S. Code, section 2733a, as added by the National Defense Authorization Act for Fiscal Year 2020?

Answer. It is my understanding that the DON Tort Claims Unit (TCU) began receiving claims in January 2020. All tort claims involving Navy and Marine Corps personnel are adjudicated by the TCU. I am not aware of the number of claims processed by the DON; however, if confirmed, I will familiarize myself with the number and amounts claimed.

Question. What is the total value of the claims paid to date pursuant to section 2733a?

Answer. I am not aware of the number of claims processed by the DON; however, if confirmed, I will familiarize myself with the number and amounts claimed.

Question. If confirmed, what role would you establish for yourself in mitigating the risks leading to claims under section 2733a?

Answer. If confirmed, I will become familiar with the types and value of claims brought against the Department of the Navy (DON). As General Counsel, I will work with Department leadership to ensure that the DON takes all appropriate action to avoid personal injury or deaths caused by medical malpractice of a Department of Defense health care provider and to mitigate any impact to our Servicemembers.

THE DOD AND NAVY CIVILIAN WORKFORCE

Question. DOD is the Federal Government's largest employer of civilian personnel. The vast majority of DOD and Navy civilian personnel policies comport with requirements set forth in title 5 of the U.S. Code, and corresponding regulations under

the purview of the Office of Personnel Management. Over the years, Congress has provided numerous extraordinary hiring and management authorities applicable to specific segments of the DOD and Navy civilian workforces.

In your judgment, what is the biggest challenge facing the Navy in effectively and efficiently managing its civilian workforce?

Answer. I believe that the Department's biggest challenge is competing for talent, especially in cutting-edge technical fields. If confirmed, I will work with Department leadership to examine ways and provide advice to enable the Department to eliminate obstacles and promote opportunities to attract individuals with the necessary critical skills to allow the Department to compete and meet its missions.

Question. In your view, do Navy and Marine Corps supervisors have adequate authorities and access to the expert human resources and legal support required to address and remediate employee misconduct and poor duty performance?

Answer. I believe that the Department generally has the authorities needed to hold the civilian workforce accountable for misconduct and poor performance. If confirmed, I will work with Department leadership to ensure that all civilian and military supervisors have adequate training to supervise and lead the workforce. If confirmed, I will ensure that Office of General Counsel attorneys proactively assist with providing this training and advice to clients if or when these issues arise.

Question. Are Navy and Marine Corps attorneys adequately trained to advise and assist civilian and military supervisors in the appropriate exercise of such authorities? If not, what additional authorities or training do Navy and Marine Corps attorneys require?

Answer. If confirmed, I will review the resources, organization, and operation of the Office of General Counsel attorneys to ensure that they are adequately trained to proactively advise and assist clients if or when these issues arise.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise legislative and oversight responsibilities, it is important that this committee, its subcommittees, and other appropriate committees of Congress receive timely testimony, briefings, reports, records—including documents and electronic communications, and other information from the executive branch.

Do you agree, if confirmed, and on request, to appear and testify before this committee, its subcommittees, and other appropriate committees of Congress?

Answer. Yes.

Question. 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 in a timely manner?

Answer. Yes.

Question. 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?

Answer. Yes.

Question. 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?

Answer. Yes.

Question. 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?

Answer. Yes.

Question. 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?

Answer. Yes.

Question. 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?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

POLITICAL DONATIONS

1. Senator INHOFE. Mr. Coffey, in 2010, the “New York Daily News” published an article that questioned whether you and your former law firm had used political donations to the State comptroller as a way to secure legal business representing the New York State pension fund. Could you please address these allegations?

Mr. COFFEY. I regret that this article has become an issue, as I understand the importance of my being perceived as having conducted myself ethically given the position for which I am nominated. Let me reassure you and the Committee that the allegations in this article are false and that throughout my career I have abided by the highest ethical standards. These claims surfaced while I was running for office in New York State and faded from view as the facts came to light. My firm was retained in the case in question solely due to our reputation and ability to achieve results. I understand the committee is in receipt of a letter from the good government activist quoted in the article, who looked into the facts, determined the accusation did not hold merit, and subsequently asked me to join the board of her watchdog organization.

DRUG INTERDICTIONS

2. Senator INHOFE. Mr. Coffey, in an article you authored in 1987 in “The Georgetown Law Journal”, you questioned the legality of the use of Navy ships to transport Coast Guard teams interdicting suspected drug smugglers and seizing their drug caches. Yet the use of the Navy for this purpose has been sanctioned by the Department of Defense and Navy lawyers. I understand you’ve served in the Navy and participated in these operations. Have your views changed?

Mr. COFFEY. Thank you for the opportunity to address this article. The article called into question the legality of using Navy ships to participate in drug interdictions under the then-prevailing statute, 10 USC 375, which expressly prohibited Navy involvement in the interdiction of ships or aircraft. Congress amended Sec. 375 in 1988, the year after my article was published, to remove that prohibition, mooted my concerns. As you note, I participated in counter-narcotics operations while in the Navy and believe that they serve an important purpose.

QUESTIONS SUBMITTED BY SENATOR MARSHA BLACKBURN

DEPARTMENT OF THE NAVY COVID POLICY (NAVADMIN 225/21)

3. Senator BLACKBURN. Mr. Coffey, based on the guidance provided in NAVADMIN 225/21, is it correct to say that sailors who are separated only for refusing the vaccine will, in the least favorable outcome, receive a discharge no lower than “general under honorable conditions”?

Mr. COFFEY. Having read NAVADMIN 225/221 that is my understanding of the Navy’s proposed policy.

4. Senator BLACKBURN. Mr. Coffey, according to NAVADMIN 225/21, enlisted servicemembers separated for vaccine refusal will be “subject to recoupment of any unearned special or incentive pays”. Will you please articulate what the “recoupment of any unearned special or incentive pays” means—providing a tangible example?

Mr. COFFEY. Sailors may receive special and incentive pay in return for performing a specific duty over a period of time. For example, the Navy pays sailors who serve in the nuclear propulsion community bonuses to remain in that community for a fixed period of time. Similar bonuses incentivize medical personnel, aviation personnel, or other sailors with specialized skills and training to remain in the Navy. It is my understanding that, by longstanding practice within the Navy, sailors who do not complete an enlistment must repay unearned special or incentive pays such as the nuclear propulsion community bonus.

5. Senator BLACKBURN. Mr. Coffey, will sailors who are separated only for refusing the vaccine be deemed ineligible from future military service?

Mr. COFFEY. I am aware that a sailor’s eligibility for future service is dependent on the facts and circumstances of their individual service and the nature of the dis-

charge received. It would be speculative for me to offer a view on the outcome of what are individual determinations.

6. Senator BLACKBURN. Mr. Coffey, will sailors discharged for only for refusing the vaccine be entitled to their Post-9/11 GI Bill Benefit?

Mr. COFFEY. Any separation and characterization of service decision will be made on the individual circumstances of a sailor’s military record and I cannot speculate about the outcome of any individual decision. A sailor receiving a “general under honorable conditions” characterization is not eligible for the Post-9/11 GI Bill. A sailor receiving an “honorable” characterization is eligible for this benefit.

7. Senator BLACKBURN. Mr. Coffey, what is the protocol for personnel, originating from the other military branches, who are assigned to Navy commands and refuse the vaccine?

Mr. COFFEY. I understand that cases involving soldiers, airmen, guardians, marines, or coast guardsmen assigned to Navy commands are reported to the Chief of Naval Personnel who will refer those cases to the applicable service for disposition.

8. Senator BLACKBURN. Mr. Coffey, how will the Navy address foreign military personnel—such as those studying U.S. professional military education courses—if they refuse the vaccine for religious reasons?

Mr. COFFEY. I am not familiar with the terms of the Department of Defense’s foreign military assistance programs and must defer to the Department of Defense for an answer. As a general matter, I understand that foreign military personnel are not subject to Department of the Navy adverse administrative proceedings.

[The nomination reference of Mr. John P. Coffey, follows:]

NOMINATION REFERENCE AND REPORT

PN1018

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
August 10, 2021.

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

John Patrick Coffey, of New York, to be General Counsel of the Department of the Navy,
vice Robert John Sander.

_____, 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 Mr. John P. Coffey, which was transmitted to the Committee at the time the nomination was referred, follows:]

John P. Coffey

Education

United States Naval Academy (1974-78). Graduated *with merit* in June 1978 with a B.S. in Ocean Engineering.

Georgetown University Law Center (1983-87). Graduated *magna cum laude* in May 1987 with a J.D.

Employment Record

United States Navy (active duty: 1978-1986). Assignments:

- Sailing instructor, USNA (1978). Awaiting flight school start date.
- Student Naval Flight Officer, Pensacola, FL (1978-79). Primary training.
- Student Naval Flight Officer, Sacramento, CA (1979). Advanced training.
- VP-30, Jacksonville, FL (1979-80). P-3C training.
- VP-44, Brunswick, ME (1980-83). P-3C Navigator/Communicator, Tactical Coordinator, Mission Commander, Electronic Warfare Officer, Public Affairs Officer, Aircraft Division Officer.
- Organization of the Joint Chiefs of Staff, Pentagon (1983-84). Junior officer intern in Strategy Division of J-5, Plans and Policy Directorate.
- The White House, Washington D.C. (1984-86). Personal aide and staff assistant to Vice President George H.W. Bush.

United States Navy Reserve (reserve duty: 1986-2004). Assignments:

- Patrol Squadron Master Augment Unit, NAS Brunswick, ME (1986-91). P-3C Navigator/Communicator, Tactical Coordinator, Mission Commander.
- VP-92, NAS South Weymouth, MA (1991-96) and NAS Brunswick, ME (1996-98). P-3C Tactical Coordinator, Mission Commander, Executive Officer (1994-96), and Commanding Officer (1996-98).
- Volunteer Training Unit, Brooklyn, NY (1998).
- Battle Group-12 (1998-2000). Commanding Officer of reserve component of *Enterprise* battle group staff.
- Office of Secretary of Defense, Reserve Affairs (2000-04). Staff officer.

Paul, Weiss, Rifkind, Wharton & Garrison New York, NY (1987-91). Litigation associate.

Assistant United State Attorney New York, NY (1991-95). Criminal prosecutor in Criminal Division of U.S. Attorney's Office, SDNY.

Fordham University Law School New York, NY (1993-94). Adjunct professor.

Latham & Watkins New York, NY (1995-98). Litigation counsel, then litigation partner.

Bernstein Litowitz Berger & Grossmann New York, NY (1998-2009). Litigation partner. Co-Managing Partner (2006-09).

Candidate for Democratic nomination for NY Attorney General New York (2009-10).

BlackRobe Capital Partners New York (April 2011 – Present). Co-founder and managing director.

Georgetown University Law Center Washington, D.C. (each Fall semester from 2011 through 2016). Adjunct professor.

Law Office of John P. Coffey New York (April 2013 – November 2013). Solo litigation practitioner's office.

Kramer Levin Naftalis & Frankel New York (December 2013 – present). Litigation partner and Chair of the Complex Litigation Group.

Honors and Awards

Military:

- Meritorious Service Medal
- Command-at-Sea Badge
- Vice Presidential Service Badge
- Joint Commendation Medal
- Navy Expeditionary Medal
- National Defense Service Medal
- Sea Service Deployment Medal
- Pistol Expert Medal
- Honor Graduate, Naval Flight Officer Training

Academic:

- Charles A. Keigwin Award (highest grades by a first-year evening student at Georgetown University Law Center (1984))
- American Jurisprudence Award (highest grade in evening division's Constitutional Law class at Georgetown University Law Center (1984))
- American Jurisprudence Award (highest grade in evening division's Torts class at Georgetown University Law Center (1985))
- Order of the Coif

Other Awards:

- Thurgood Marshall Award (Association of the City of New York (1998))
- Top Ten Trial Lawyers (*National Law Journal* (2005))
- Champions of Children Award (Council for Unity (with wife Anne) (2011))
- Paul R. Dean Award (outstanding alumnus of Georgetown University Law Center (2012))
- Learned Hand Award (American Jewish Committee-Westchester (2012))

- Bernard J. Rosenshein Courage to Care Award (Holocaust & Human Rights Education Center (2013))
- Litigation Trailblazer (*National Law Journal* (2017))
- John Gardner Lifetime Achievement Award (Common Cause New York (2019))

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Mr. John P. Coffey 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):**
John Patrick Coffey
Nickname: Sean
2. **Position to which nominated:**
General Counsel, Navy
3. **Date of nomination:**
10 August 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):

Chaminade High School, Mineola NY (high school, 1970-74)

U.S. Naval Academy, Annapolis, MD (military college, 1974-78, B.S. in Ocean Engineering granted on June 7, 1978)

Georgetown University Law Center, Washington, D.C. (law school, 1983-87, J.D. granted on May 27, 1987)

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):**

BlackRobe Capital Partners, New York (April 2011 – Present). Co-founder and managing director of commercial litigation finance boutique.

Georgetown University Law Center, Washington, D.C. (Each Fall semester from 2011 through 2016). Part-time adjunct professor, teaching Trial Practice to 3rd year law students.

Law Office of John P. Coffey, New York (April 2013 – November 2013). Solo litigation practitioner's office.

Kramer Levin Naftalis & Frankel, New York (December 2013 – present). Litigation partner and Chair of the Complex Litigation Group.

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):**

Midshipman, U.S. Naval Academy, Annapolis MD (1974-78). Student.

Active Duty Naval Officer:

- Sailing instructor, USNA (1978). Awaiting flight school start date.
- Student Naval Flight Officer, Pensacola, FL (1978-79) Primary training.
- Student Naval Flight Officer, Sacramento, CA (1979) Advanced

training.

- VP-30, Jacksonville, FL (1979-80). P-3C training.
- VP-44, Brunswick, ME (1980-83). P-3C Navigator/Communicator, Tactical Coordinator, Mission Commander.
- Organization of the Joint Chiefs of Staff, Pentagon (1983-84). Junior officer intern in J-5, Plans and Policy Directorate.
- The White House, Washington D.C. (1984-86). Personal aide and staff assistant to Vice President George H.W. Bush.

Reserve Naval Officer:

- Patrol Squadron Master Augment Unit, NAS Brunswick, ME (1986-91). P-3C Navigator/Communicator, Tactical Coordinator, Mission Commander.
- VP-92, NAS South Weymouth, MA (1991-96) and NAS Brunswick, ME (1996-98). P-3C Tactical Coordinator, Mission Commander, Executive Officer (1994-96), and Commanding Officer (1996-98).
- Volunteer Training Unit, Brooklyn, NY (1998).
- Battle Group-12 (1998-2000). Commanding Officer of reserve component of *Enterprise* battle group staff.
- Office of Secretary of Defense, Reserve Affairs (2000-04). Staff officer.

Assistant United State Attorney, New York, NY (1991-95). Criminal prosecutor in Criminal Division of U.S. Attorney's Office, SDNY.

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):**

Barryroe LLC. Manager.

BlackRobe Capital Partners LLC. Manager.

Common Cause New York. Director.

Equal Justice Works. Member of Board of Counselors.

Federal Bar Council. Member of Executive Committee.

Federal Bar Foundation. President.

Georgetown University Law Center. Member of Board of Visitors.

Holocaust & Human Rights Education Center. Director.

Kramer Levin Naftalis & Frankel LLP. Partner.

Sun Valley Music Festival. Director.

ThanksUSA. Director.

U.S. Naval Academy Class of 1978. Vice President.

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):**

Current memberships (in addition to those identified in Response to Question 7 above):

American Bar Association. Member. From 2012-18, I was a member of the ABA's Corporate Laws Committee.

Association of the U.S. Navy. Member.

Bronxville Field Club. Member.

Citizens Crime Commission. Member of advisory Lawyers Council.

Fifth Avenue Presbyterian Church. Member.

Friendly Sons of Saint Patrick. Member.

Maritime Patrol Association. Member.

Military Officers Association of America. Member.

NAACP. Member.

Navy League of the United States, New York Council. Member.

New York Irish-American Bar

New York State Bar Association. Member

U.S. Naval Institute. Member.

University Club of New York. Member.

Veterans of Foreign Wars. Member.

Organizations in which I had been a member during the past 10 years):

Council for Unity. Director.

Greenhope Services for Women. Director.

New York International Arbitration Center. Director.

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):**

I ran for the 2010 Democratic nomination for New York Attorney General. I finished third in a five-way primary.

- b. List all memberships and offices held in, and services rendered to, all political parties or election committees during the last 5 years:**

I am enrolled in the Democratic Party.

- 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:**

A list of these contributions is attached at Exhibit 9-c.

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

Charles A. Keigwin Award, for highest grades by a first-year evening student at Georgetown University Law Center (1984)

American Jurisprudence Award, for highest grade in evening division's Constitutional Law class at Georgetown University Law Center (1984)

American Jurisprudence Award, for highest grade in evening division's Torts class at Georgetown University Law Center (1985)

Thurgood Marshall Award, from the Association of the City of New York (1998)

Top Ten Trial Lawyers, from the *National Law Journal* (2005)

Champions of Children Award (with wife Anne), from Council for Unity (2011)

Paul R. Dean Award as outstanding alumnus of Georgetown University Law Center (2012)

Learned Hand Award, from the American Jewish Committee-Westchester (2012)

Bernard J. Rosenshein Courage to Care Award, from the Holocaust & Human Rights Education Center (2013)

Litigation Trailblazer, from *National Law Journal* (2017)

John Gardner Lifetime Achievement Award, from Common Cause New York (2019)

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):**

"Ordering troops to police the border is unnecessary – and illegal", (*Washington Post*, 2018).

Here are links to various law-related analysis pieces published by my law firm Kramer Levin, where I am listed as a co-author:

- <https://www.kramerlevin.com/en/perspectives-search/california-federal-court-enforces-delaware-forum-bylaw-and-dismisses-derivative-shareholder-suit-including-exchange-act-proxy-claims.html>
 - <https://www.kramerlevin.com/en/perspectives-search/two-additional-california-courts-dismiss-securities-act-claims-in-favor-of-federal-forum-selection-provisions.html>
 - <https://www.kramerlevin.com/en/perspectives-search/delaware-supreme-court-holds-that-stockholders-need-ordinarily-only-identify-a-credible-basis-for-possible-wrongdoing-not-actionable-misconduct-to.html>
 - <https://www.kramerlevin.com/en/perspectives-search/supreme-court-grants-certiorari-in-long-running-securities-class-certification-dispute.html>
 - <https://www.kramerlevin.com/en/perspectives-search/california-superior-court-dismisses-securities-act-claims-in-favor-of-federal-forum-selection-provision-in-companys-charter.html>
 - <https://www.kramerlevin.com/en/perspectives-search/delaware-court-of-chancery-confirms-directors-right-to-access-companys-privileged-information.html>
 - <https://www.kramerlevin.com/en/perspectives-search/update-massachusetts-and-ohio-join-new-jersey-in-considering-expanded-business-interruption-insurance-coverage.html>
 - <https://www.kramerlevin.com/en/perspectives-search/covid-19-update-litigation-issues-in-the-midst-of-covid-19.html>
 - <https://www.kramerlevin.com/en/perspectives-search/interview-corporate-crime-reporter-kramer-levin-partner-sean-coffey-on-working-both-sides-of-the-aisle.html>
 - <https://www.kramerlevin.com/en/perspectives-search/supreme-court-to-resolve-recent-circuit-split-over-whether-section-14e-of-the-exchange-act-requires-proof-of-science.html>
- Op ed re New York public campaign finance, *Buffalo News* (July 2012)

I do not presently have access to these other pieces that I recall authoring:

- Op ed in the *New York Post* regarding redistricting in New York State (2012 (est.))
- Op ed re New York redistricting, *Albany Times Union* (Sept 2011)
- Submission to the Treasury Department's Advisory Committee on the Auditing Profession (2008 (est.))
- Several client alerts and articles while a plaintiffs' lawyer at Bernstein Litowitz Berger & Grossmann between 1998 and 2009. That firm no longer lists those on its website and I do not have copies of them. The pieces generally dealt with securities laws, corporate accountability, and the role of institutional investors in policing Wall Street.
- "The Navy's Role in Interdicting Narcotics Traffic: War on Drugs or Ambush on the Constitution?" 75 *Georgetown Law Journal* 1947 (1987).

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.

This 24th day of August, 2021



[The nomination of Mr. John P. Coffey was reported to the Senate by Chairman Reed on October 28, 2021, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on February 9, 2022.]

[Prepared questions submitted to Mr. Douglas R. Bush by Chairman Reed prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES**DUTIES**

Question. Section 7016(b)(5)(A) of title 10, United States Code, provides that the principal duty of the Assistant Secretary of the Army for Acquisition, Logistics, and Technology (ASA(ALT)) shall be the overall supervision of acquisition, technology, and logistics matters of the Department of the Army.

What is your understanding of the duties and functions of the ASA(ALT)?

Answer. The ASA(ALT) is the principal advisor to the Secretary of the Army on all matters related to acquisition, logistics, and technology. The ASA(ALT) serves, when delegated, as the Army Acquisition Executive (AAE), the Senior Procurement Executive, the Science Advisor to the Secretary of the Army and the Army's senior research and development official. The ASA(ALT) sets the strategic direction for Army programs and policies related to acquisition, logistics, and technology, including: acquisition management, procurement, the industrial base, security cooperation and assistance, sustainment, and science and technology (S&T). Importantly, the ASA(ALT) also appoints, manages, and evaluates Program Executive Officers (PEOs) and direct-reporting Program Managers (PMs), and is responsible for managing the Army Acquisition Corps and the Army Acquisition Workforce.

Question. What recommendations, if any, do you have for changes in the duties and functions of the ASA(ALT), as set forth in statute or in Department of Defense regulations?

Answer. I have no specific recommendations to change the duties or functions of the ASA(ALT) at this time. If confirmed, I look forward to the opportunity to serve in the position before recommending any potential changes that may be appropriate.

Question. If confirmed, what duties and functions would you expect the Secretary of the Army to prescribe for you?

Answer. If confirmed, I would expect the Secretary of the Army to prescribe the duties currently specified in HQDA General Orders No. 2020-01 for the ASA(ALT) position, which includes:

- (1) Developing and overseeing policies and programs for:
 - (a) Logistics, including acquisition fielding, sustainment, and disposal logistics management, and administering lifecycle logistics support planning and execution.
 - (b) Security cooperation, foreign military and foreign government sales, and other related activities and general export matters.

- (c) The Defense Industrial Base, including the Army's Organic Industrial Base.
- (d) Aspects of the PPBE process within the ASA (ALT)'s assigned functions and responsibilities and, when appropriate, coordinating and integrating that direction with the ASA (FM&C) and Chief Information Officer (CIO)/G-6.
- (e) The acquisition function and the acquisition management system and chairing the Army Systems Acquisition Review Council and Configuration Steering Board.
- (f) Execution of the authorities of the agency head for procurement matters pursuant to laws and regulations, and execution of the authorities of the SEC.ARMY for matters concerning grants, cooperative agreements, and other non-procurement transactions under the Defense Grant and Agreement Regulatory System (DOD Directive 3210.06), as well as other transactions under sections 2371 and 2371b of Title 10, United States Code.
- (g) Intellectual property, technical data, and computer software management.
- (2) Providing materiel solutions to equipment modernization as part of the future force modernization enterprise.
- (3) Managing the Army Acquisition Corps and Army Acquisition Workforce; appointing those personnel below the executive level; and evaluating acquisition program executive officers and direct reporting program, project, and product managers.
- (4) Representing the Army in ALT matters to DOD and non-DOD partners

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges you would confront if confirmed and appointed to be the ASA(ALT)?

Answer. The central challenge I expect to confront, if confirmed, is the successful execution of the Army's top modernization priority programs. Many of these programs are reaching a point where they will soon transition from prototyping and development to production, testing, and fielding. This process is likely to be challenging in many cases due to the aggressive timelines currently assumed for these programs. It is also likely to be challenging because of the normal friction points that occur when a complex system moves to this more detailed stage of development and production. Testing will reveal things that need to be fixed. Early production efforts will likely reveal currently unforeseen difficulties in ramping up production at scale. The Army's needs may shift, which could disrupt fielding schedules. And finally, delays or difficulties with some programs may lead to cost growth. While these issues are expected when developing and deploying new systems, they will require careful management, balancing various risk factors, and constant communications across the Army and with Congress to be overcome.

MAJOR CHALLENGES AND PROBLEMS

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

If confirmed, what management actions would you direct and what timelines would you establish for addressing each of these challenges?

Answer. I am confident that the Army has an acquisition workforce with the talent and skills to successfully overcome the challenges listed in question #3. If confirmed, I will allow the PEOs and PMs maximum flexibility to navigate any difficulties, and provide them an environment in which they can succeed. At the same time, I will maintain close oversight of their efforts and ensure that all the appropriate Army elements, such as requirements, testing, contracting, and financial are arranged to support them. I will also seek to protect the funding for these efforts to maintain program schedules and help ensure success. Finally, I will work closely with Congress to ensure members have full visibility of the Army's efforts, especially on programs that run into difficulties.

MAJOR CHALLENGES AND PROBLEMS

Question. If confirmed, what broad priorities would you establish and how would you measure progress in achieving these priorities?

Answer. If confirmed, I will prioritize five aspects within the Army's acquisition enterprise:

My first priority would be to intensely focus on acquisition program execution that ensures rapid delivery of equipment to the Army's soldiers. For many years, Congress has directed acquisition reforms on accelerating the pace of the system. I will

bias my decisions toward taking actions that prioritize speed in a responsible manner.

My second priority would be to improve the Army's policies and practices regarding the acquisition of software. With strong congressional support, the Army now has more tools and authorities than ever to pursue software in a fundamentally different way and many promising efforts are proceeding. If confirmed, I intend to accelerate and expand those efforts.

My third priority would be to return the Army to a focus on security in acquisition, with a special focus on cyber and supply chain security. The Army faces a fundamentally different threat in this regard as compared to the post-cold war era and must adapt its policies and practices to enable delivery of systems and capabilities uncompromised by aggressive efforts by China, Russia, and others to disrupt them before they are fielded.

A fourth priority would be to ensure realistic operational testing is integrated into Army programs, including rigorous cyber testing. While testing can be expensive at times, more time spent doing effective testing up front can pay huge dividends later and more importantly allow us to find problems on test ranges rather than in combat.

A fifth priority will be working to ensure that the Army's modernization efforts are closely coordinated with Congress. The Army cannot achieve any of its modernization goals without the support of, and partnership with, Congress.

RELATIONS WITH CONGRESS

Question. What actions would you take to develop and sustain a productive and mutually beneficial relationship between Congress and the Office of the ASA(ALT)?

Answer. Based on my long experience as a staff member working on behalf of Members of Congress, and my 6 months as Acting Army Acquisition executive, I believe that trust, transparency, and constant communication are the most important aspects of ensuring productive relations with Congress. If confirmed as ASA(ALT), I would personally communicate extensively with members and staff to set the example. I would also direct my entire organization to provide all available information to members and staff so Congress can pursue its oversight and policymaking roles with full information. When there are differences of opinion, I will seek to engage directly to understand the different positions, and offer any additional information that members may need to make their independent decisions regarding Army acquisition programs.

BUDGET

Question. If confirmed, by what standards would you measure the adequacy of the Army's funding for the programs under your purview?

Answer. If confirmed, I will measure the adequacy of the Army's funding based upon the Service's ability to meet the Biden Administration's March 2021 Interim National Security Strategic Guidance and, when it is completed, by the Army's ability to meet the requirements laid out in the new National Defense Strategy required by Congress. Ultimately, the Army needs sufficient resources to fulfill its role as part of the Joint Force responsible for deterring, and if necessary, defeating military aggression that threatens vital U.S. interests with acceptable risk to force and mission. I plan to work within the Army's allocated funding to ensure the most modern, ready, and lethal soldiers possible. I will also work with the Secretary of the Army to ensure that the Army's priorities of People, Readiness, and Modernization align with the Secretary of Defense's priorities of defending our Nation, innovating and modernizing the Force, maintaining and enhancing readiness, taking care of our people, and succeeding through teamwork.

RELATIONS WITH THE OFFICE OF THE SECRETARY OF DEFENSE

Question. In your view, what is the optimum relationship between the Under Secretary of Defense for Research and Engineering (USD(R&E)) and the Military Department offices responsible for research and engineering activities?

Answer. In my view, the AAE, who is responsible for research and engineering in the Army, should have a very close relationship with the USD(R&E) in order to coordinate research efforts across the Department of Defense while still focusing Army efforts that provide capabilities for soldiers. A close working relationship between the AAE and USD(R&E) would afford the Army the ability to leverage work from the Army's sister services and Defense agencies, avoid duplication, and accelerate high risk technologies to advance warfighting capability. USD (R&E) also oversees numerous organizations that do innovative research and engineering work, such as DARPA, DIU, MDA, and SCO. A close and collaborative relationship be-

tween those entities and the Army could lead to significant efficiencies and the acceleration of new technologies into Army Science and Technology and acquisition programs.

RELATIONS WITH THE OFFICE OF THE SECRETARY OF DEFENSE

Question. In your view, what is the optimum relationship between the Under Secretary of Defense for Acquisition and Sustainment and the Military Department Service and Defense Agency offices responsible for acquisition and sustainment activities?

Answer. In my view, the Under Secretary of Defense for Acquisition and Sustainment (USD(A&S)) plays a significant role by establishing the policy that synchronizes the services and enables the department to operate effectively as an enterprise. The USD (A&S) also serves a critical role as the Defense Acquisition Executive, with the authority to retain, or delegate, milestone or decision authority for major defense acquisition programs or their equivalent middle-tier acquisition programs. A potential way to optimize the relationships would be establishing and resourcing data repositories to prevent inconsistent solutions and free the Services to focus on executing Weapon System and Ammunition programs. Another area for optimization is better coordination on cross-cutting issues such as supply chain risk management, sensitive technology policies, COVID-19 response activities, and cyber policies that relate to acquisition and sustainment issues.

RELATIONSHIPS WITHIN THE ARMY

Question. If confirmed, how would you work with the Army Chief of Staff to improve Army acquisition outcomes and the overall health of the Army research and engineering enterprise?

Answer. If confirmed, I will work with the Army Chief of Staff (CSA), and other Army leaders, to ensure the timely delivery of capabilities to soldiers. This includes advising the CSA regarding the proper balance of resources against priorities as it relates to acquisition programs, working with the CSA and Army Futures Command (AFC) to ensure requirements are validated and technically feasible, and to ensure that appropriate tradeoffs are made among cost, schedule, and performance before milestone or production decisions in order to avoid unnecessary costs or program risks. I would also work closely with the Army Chief of Staff to develop and manage appropriate career paths for military officers in the acquisition workforce.

RELATIONSHIPS WITHIN THE ARMY

Question. If confirmed, what actions would you take to develop and sustain a productive and mutually beneficial relationship between the Army Senior Acquisition Executive and the Commander of the U.S. Army Futures Command?

Answer. Success in Army modernization requires a collective effort from multiple stakeholders and organizations that contribute to the success of acquisition programs. A strong relationship between the Army Acquisition Executive and the Commanding General of AFC is essential to successful development of new warfighting capabilities. AFC plays a critical role in executing the Army's Science and Technology enterprise and in defining requirements for the Army's next generation capabilities. If confirmed, I would work closely and collaboratively with the AFC Commander to ensure the Army can effectively develop new capabilities, to include iterating on requirements to ensure they are well-informed and technically feasible, employing robust processes to obtain soldier feedback, developing sound acquisition strategies, and promoting the transition of S&T technology to formal programs of record. In addition, if confirmed, I would work collaboratively with the AFC Commander to prioritize resources within the Army's equipping program to promote successful fielding of critical warfighting capabilities.

RELATIONSHIPS WITHIN THE ARMY

Question. If confirmed, how will you work with the joint and Army requirements community to ensure that requirements are technically feasible and stable and will not result in programs that are likely to fail due to technical failures or cost or schedule growth?

Answer. If confirmed, I would continue to make use of the forums that bring the acquisition and requirements communities together to discuss those issues before acquisition programs are started, such as Materiel Development Decisions and Acquisition Shaping Panels; or when programs are underway, such as the Configuration Steering Board. It takes collaboration to balance what the user needs with what is technically feasible within cost and schedule goals.

ACQUISITION

Question. Over the past year alone, the Government Accountability Office (GAO), the Director of Operational Testing & Evaluation (DOT&E), and others have documented that multiple Army procurement programs have experienced cost growth, schedule delays, incomplete systems at delivery, and post-delivery problems.

If confirmed, what would be your plan for improving Army acquisition activities? Answer. Successful acquisition programs start with sound requirements. If confirmed, I would use multiple formal and informal decision forums to involve the Army acquisition enterprise as early as possible as requirements are formed. A process that occurs in parallel to requirements development is acquisition strategy development. If confirmed, I would work to ensure the Army develops sound acquisition strategies that identify and mitigate technical and program risks. Congress has provided many new authorities to tailor acquisition strategies to programs. I would seek to use these new authorities to accelerate the pace of programs while also mitigating cost and performance risks. Once a program begins, I would make effective use of program oversight processes, including various reviews and assessments, such as technical reviews, independent assessments and tests, program reviews, and milestone reviews and decisions. I would ensure the Army employs risk reduction strategies in programs, to include modeling and simulation, alternative design approaches, and contractor incentives, as needed to achieve program cost, schedule and performance objectives. A final critical aspect of achieving success in acquisition is close coordination with Congress, and in particular, the four defense committees. Without support from Congress, the Army cannot achieve success in any of its acquisition efforts. As such, improving coordination with Congress would be one of my top priorities.

ACQUISITION

Question. What do you perceive to be the recent successes and shortfalls in Army acquisition activities?

Answer. Based on my work for Congress conducting oversight and my 6 months as the Acting Army Acquisition Executive, I believe the Army is more likely to succeed when acquisition has Army Senior Leader involvement, stable and achievable requirements, accurate cost estimates, consistent funding, support from Congress, effective test plans, and a willingness to adapt as conditions change. The Army has failed in the past when any of these factors are not in place for a particular program.

The Army has over 700 programs, from very small ones to those of national-level importance. On a given day, most are doing well in terms of cost, schedule, and performance. However, many do have challenges. A notable recent success includes the Army's role in the Federal Government's response to the COVID-19 pandemic. Army acquisition and contracting professionals found ways to use a wide range of authorities to develop therapeutics, procure protective equipment, and provide vaccines at a highly accelerated pace compared to normal acquisition program timelines. Among other recent successes are efforts to develop early versions of hypersonic and long-range strike systems via a rapid-prototyping approach that builds on proven technologies to limit technical risk.

At the same time, the Army has struggled on some programs for a variety of reasons. For example, while the programs are now performing well, moving the Armored Multi-Purpose Fighting Vehicle (AMPV) and M109A7 self-propelled howitzer programs into large-scale production were plagued with manufacturing and supply challenges. What those programs went through is illustrative of the challenge of going from small-scale prototyping to large-scale manufacturing. In the area of software, the Army has struggled at times to keep programs on budget and on schedule, often due to unclear requirements work up front or requirements creep during software development. In all these cases, I have found that the Army can find a path to success when the problems are clearly understood and all the appropriate stakeholders, including Congress, are involved in finding solutions.

ACQUISITION

Question. If confirmed, what steps would you take to improve oversight in the requirements determination, resource allocation, or acquisition management processes?

Answer. If confirmed, I would work closely with Army Futures Command leadership to facilitate collaborative dialog with the Program Executive Offices (PEOs) and ASA(ALT) staff throughout the requirements determination process. This upfront collaboration allows for the Army's trained Acquisition professionals to provide cost,

schedule, and performance perspective for achievability of a requested capability. In the role of Co-Chair for the Strategic Portfolio Analysis Review and the development of the Program Objective Memorandum, I would provide oversight with an understanding that the Army works in a fiscally constrained environment. Managing risk, while considering the best capability for the warfighter, will always be first and foremost in my considerations for resource allocation during the budgetary process. As the Army's Acquisition Executive, I would reserve the right to withhold milestone decisionmaking authority for any program, and request the PEOs to provide regular program reviews to address risk areas, and bring potential issues to light as early in the development lifecycle as possible.

ACQUISITION

Question. What roles do you see for developmental planning, prototyping, and experimentation in the fielding of future Army capabilities?

Answer. Developmental planning, prototyping, and experimentation will always be key ingredients for the success of defense acquisitions. When used appropriately, they can reduce the length and expense of programs by gaining valuable insights early in a program. Experimentation in realistic conditions can reveal entirely new uses for systems and allow the Army to find innovative ways to solve military problems. Prototyping is also very useful, but not all prototypes are equal. Some are almost "handmade" demonstrators, while others are very mature after having gone through earlier development efforts, often in the private sector. Understanding where a program's prototyping effort lies on that spectrum is the most vital factor in putting a plan in place to get from prototype to production.

Question. How would you propose the Army better plan and prepare for weapon system sustainment as part of its acquisition activities?

Answer. I understand the importance of identifying sustainment costs and challenges early in the development cycle of a weapon system in order to control lifecycle sustainment costs. It is my understanding that the Army has several new efforts in this area underway. For example, gaining an understanding of a program's sustainment approach is directly related to the associated intellectual property (IP) approach. If the Army does not plan for IP well in advance, it is very difficult to do so later in a program, especially after production has begun. Another example is the need to identify early on in a program whether advanced manufacturing techniques, including additive manufacturing, should be integrated into a weapon system's design to enable more flexible sustainment options in the future. A final example would be understanding a system's supply chain to ensure that it is secure and dependable. If confirmed, I look forward to the opportunity to evaluate the sustainment plans that Army program managers and acquisition professionals develop before recommending any additional potential changes that may be appropriate.

Question. Given that Army acquisition failures have often resulted from technologically unachievable or conceptually flawed requirements, how could you help the Army avoid these pitfalls, if confirmed?

Answer. Army acquisition receives program requirements from many elements of the Army. If confirmed I would work closely with Army leaders, such as the CSA, VCSA, AFC Commander, AMC Commander, and the Army G-2, to facilitate collaborative dialog throughout the requirements determination process. Having trained acquisition professionals provide an early assessment of technological achievability would help ensure requirements are not written with apparent conceptual flaws. As a voting member of the Army Requirement Oversight Committee, I would ensure that all new requirements are vetted for cost, schedule and performance risks, from a materiel perspective. If a requirement is deemed improbable for long-term success, I would provide recommendations for change, or non-concur with the approval until the concept is modified for achievability.

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

Answer. If confirmed, how would you balance the need to undertake prototyping, experimentation, and rapid acquisition with the demands of managing the execution of the Army's programs using other acquisition pathways, such as major capability acquisition?

Answer. The Army's ability to modernize and maintain a decisive advantage over its adversaries requires the ability to effectively integrate innovative technologies, including those developed by the defense industrial base and those found in the commercial sector. If confirmed, I would look to leverage commercial innovation whenever appropriate, including in those instances where technologies already exist

in the private sector and can be adopted quickly by the Army either “off the shelf” or with minimal development. I would also work to focus the Army’s development efforts on military-unique capabilities that address gaps needed to enable soldiers to have a decisive advantage in combat.

Additionally, if confirmed, I would work to ensure that Army develops acquisition strategies that employ the full range of statutory authorities, as needed and as appropriate, to ensure the rapid development and delivery of capabilities. These strategies may also include employing a combination of multiple acquisition pathways to obtain value not otherwise available through use of a single pathway, or to address specific risks to program objectives. If confirmed, I would also work with program managers and PEOs to ensure that acquisition strategies successfully balance the need for rapid development of new capabilities with the need to ensure that such capabilities are effective and safe for soldiers.

COST AND SCHEDULE ESTIMATES

Question. GAO has reported that the Army’s use of unrealistically optimistic cost and schedule estimates is a major contributor to cost growth and program failure.

If confirmed, what specific steps would you take to ensure that cost and schedule estimates for Army programs are fair and independent, and that such estimates provide a sound basis for decisionmaking?

Answer. Gaining insight from a wide a range of cost estimating experts both in and outside the Army is essential to properly bounding cost risk for a program. In my experience, the ASA(ALT) staff and program offices have in recent years developed a positive and collaborative working relationship with both the Deputy Assistant Secretary of the Army for Cost and Economics office and the OSD Cost Assessment and Program Evaluation office to ensure that the fair and independent cost estimates they develop are based on the best available program data. I would continue to support those relationships and the resulting open dialog, if confirmed.

Question. If confirmed, what specific steps would you take to improve the estimation of life cycle sustainment costs for Army systems?

Answer. In my view, the Army has made great strides establishing Operational Sustainment Reviews (OSRs). While the Army has increased the capture of sustainment data in the Global Combat Support System-Army, if confirmed, I would look to improve the data quality by automating data capture and distributing soldier input using tablet computers at the soldier/mechanic-level to provide needed visibility in parts and equipment usage data (miles and hours), labor and failure data to improve reliability. If confirmed, I would work to improve tracking the visibility of both allocation and execution of depot maintenance and Sustainment Systems Technical Support linked directly to a weapon system.

SOFTWARE ACTIVITIES AND ACQUISITION OF INFORMATION TECHNOLOGY (IT)

Question. What is your understanding of the role of the ASA(ALT) with respect to the IT acquisition and software activities of the Army?

Answer. Section 7016 of Title 10 U.S. Code states that the principal duty of the ASA(ALT) is the overall supervision of acquisition, technology, and logistics matters of the Department of the Army. ASA(ALT) oversight includes acquisition and support of Information Technology (IT), software and business transformation systems; and decision authority for software acquisition pathway programs. The ASA(ALT) works closely with the Chief Information Officer (CIO) and Deputy Chief of Staff, G-6, in all matters related to IT and ensures that all IT and software systems are designed, built, and tested to meet regulatory and statutory requirements including but not limited to those related to re-use, interoperability, and cybersecurity. ASA(ALT)’s role in IT and software is distinguished from the CIO’s role of budget review, IT standards compliance, interoperability, and requirements generation.

Question. If confirmed, how would you plan to address systemic and persistent cultural, process, and technical barriers to improving the Army’s treatment of software activities and IT acquisition?

Answer. If confirmed, I would strengthen ASA(ALT) relationships with AFC, the CIO and G6 in order to synchronize and streamline the acquisition of software and IT capabilities. I would set policy, guidance, standards, and best practices in order to maximize the flexibility and speed of the PEOs and PMs to acquire and deploy software and IT capabilities. I would also collaborate within the Army, the Department of Defense (DOD), and with industry partners to capture lessons learned, pain points, and opportunities for increased IT and software agility to create a win/win environment for all stakeholders. In addition, if confirmed, I would seek to exploit new authorities and flexibilities provided by Congress to fundamentally shift software and IT development activities out of traditional acquisition pathways and into

the new software acquisition pathway. It is my understanding that the Army already has six software development efforts using this new pathway but, in my view, much more can be done in this area.

Question. If confirmed, how would you work with the research and testing community, the Army's Chief Information Officer, and with the other Military Services—including their Chief Information Officers—in the development and deployment of Army business IT systems?

Answer. The Army possesses a mature business IT system environment and infrastructure across program management, requirements development, and testing. If confirmed, I would continue to engage stakeholders through the Army Business Council, programming and budgeting forums, and Army acquisition decision boards. The Army is assessing how to modernize and sustain its business systems and it will leverage emerging commercial and government technologies where requirements are aligned to save funding and to provide better capability. Also, if confirmed, I would continue to engage with partner Military Services where similar systems are in development or in fielding to leverage the lessons learned and investments made, and to avoid duplication.

Question. If confirmed, what would be your highest priority IT and software-related initiatives?

Answer. If confirmed, I would prioritize the use of best commercial practices for reuse, modularity, development of IT and software efforts. For example, I would fully support the use of cloud capabilities and open source software that enable data driven decisions and standards while ensuring open competition. In my view, the highest priority for software and IT should be capitalizing on cloud and data technologies, which work hand in hand, and institutionalizing their use throughout every aspect of Army operations. The cloud enables the Army to separate software and IT development from the management of hosting infrastructure, offering the opportunity to do both more efficiently, while also allowing the Army to leverage data to improve decisionmaking, automate processes, and gain insights that would have otherwise gone unknown. A second priority would be moving more Army software development efforts into the new software acquisition pathway to ensure that the significant flexibilities provided by this new pathway are used to the move to a more modern approach to software development.

Question. If confirmed, what major improvements would you make in the Army's development and deployment of major IT systems and services and software programs?

Answer. If confirmed, I would leverage best practices and partnerships that enable data centric and Modular Open System Approach (MOSA) that reduces risk for modernization of IT systems and software programs. Simultaneously, I would work to ensure the decoupling of software from hardware and support cloud capabilities, the use of plug and play modules, and the re-use of interfaces across the enterprise. I would also promote the use of agile processes and Development, Security and Operations (DEVSECOPS) environments in order to achieve the same rapid-release cycles that private industry is able to achieve.

Question. In your view, what is the appropriate relationship between the Army's efforts to implement enterprise IT programs and supporting computing services and infrastructure to support Army missions, and the efforts being undertaken by the Defense Information Systems Agency (DISA)?

Answer. In my view, Army enterprise IT programs, computing services and infrastructure provide a broad set of capabilities in support of the Army's mission. Partnering with DISA and utilizing the services as appropriate to obtain efficiencies and cost savings will remain a consideration and potential course of action. This is critical as the Army moves toward joint operations in support of Multi-Domain Operations and Joint All-Domain Command and Control.

Question. If confirmed, how would you coordinate the development or procurement of cloud computing services within the Army with other Department of Defense and Federal Government cloud computing initiatives?

Answer. The 2020 Army Cloud Plan communicates the Army's strategy for utilizing cloud computing technologies in order to ensure our soldiers and civilians are more skillful than any potential adversary and the U.S. maintains overmatch in the information realm. In March 2021, the Army awarded an enterprise contract for commercial cloud computing services, thus providing a single procurement vehicle to optimize Army's enterprise cloud spend. The Army contract provides critical capabilities required; particularly after the cancellation of DOD's Joint Enterprise Defense Infrastructure (JEDI). If confirmed, I would support Army and DOD enterprise contract initiatives that provide the Government with best-in-class performance and cost advantages that the Army's significant buying power affords. Today, the Army collaborates with the DOD's Cloud Computing Program Office on require-

ments for the new Joint Warfighter Cloud Capability (JWCC) contract. If confirmed, I will work diligently with the Army CIO, DOD CIO and Service Acquisition Executives to ensure Army's equities are included within the JWCC and it provides the capabilities required to enable Joint Multi-Domain Operations.

Question. Where do you believe the best opportunities for collaboration and joint execution between the Army and Defense Digital Service (DDS) might exist?

Answer. I understand that the Army has a successful working relationship with the Defense Digital Service (DDS) and they report directly to the Secretary of the Army. To date, DDS contributes to the Cyber Institute at Augusta University and played a significant role in Hack-the-Army and Hack-the-Pentagon events. If confirmed, I look forward to additional opportunities for collaboration and joint execution between the Army and DDS. The DDS office significantly contributed in assisting with the Department's COVID response, and is capable of adding value to the most challenging cyber security issues. The Army will also benefit from continued partnership with DDS concerning their work in Counter-UAS.

MIDDLE TIER ACQUISITION

Question. Section 804 of the fiscal year 2016 NDAA authorized DOD to employ an acquisition approach ("Middle Tier Acquisition") that was intended to support the rapid delivery of new capability to meet emerging operational needs.

In your view, what benefit has the Department of the Army derived from its use of Section 804 authorities?

Answer. In my view, the use of Middle Tier Section 804 authorities has yielded significant benefits to the Army, most notably by streamlining the documentation and approval process for the pursuit of mature integrated technologies. The rapid prototyping and fielding acquisition pathways also facilitate an iterative process for developing weapon system requirements that incorporates soldier feedback through experimentation with prototypes or proofs of concept. These approaches have allowed the Army to develop informed requirements and better leverage mature technologies in the development of modernized systems. Use of these acquisition pathways also provides significantly more flexibility to adjust a program's requirements or production quantities to meet new and emerging Army needs as compared to the traditional 5000.02 series model. If used carefully, these pathways should allow the Army to develop and acquire new capabilities much more quickly than in the past.

Question. What risks have accrued and been accepted by the Army as a consequence of the use of these authorities?

Answer. As with any acquisition program, those programs employing the Middle Tier of Acquisition authority do contain some level of risk. I believe, the most significant risk is related to the transitioning of a prototype effort into production. It is critical that systems have reached an appropriate level of maturity before they are transitioned into fielding or production in order to ensure producible, safe, and effective capabilities are delivered to soldiers. Another risk is cost growth. The flexibilities inherent in this new authority, such as not having traditional program baselines in many cases, could create conditions that allow cost growth if a disciplined management process is not in place to control it. If confirmed, I will ensure appropriate oversight of the use of this authority, as well as the identification and mitigation of any risks.

Question. If confirmed, what processes would you put in place to ensure appropriate oversight of the Department's use of 804 authorities? Please explain your answer.

Answer. In creating the 804 authorities, Congress granted the Army significant flexibilities compared to traditional acquisition processes. With these increased flexibilities comes a responsibility to aggressively manage program cost, schedule, and performance risk, as well as establishing effective two-way communications with Congress. If confirmed, I would comprehensively assess current Army processes to ensure that systems developed under the Middle-Tier Acquisition authorities are mature and prepared for transition to production. I would work with PEOs and program managers to ensure that acquisition strategies address specific risks associated with the transition, to include compliance with formal program of record requirements where appropriate, employment of required developmental and operation testing as required, materiel release and safety reviews, and sustainment planning, among others. If confirmed, I would work to ensure that these and other relevant concerns are addressed in the program's strategy and oversight and review processes, and I would implement any changes needed.

Question. What best practices can the Army employ to generate realistic and technically achievable specifications, particularly in sophisticated, rapidly evolving tech-

nical areas such as cybersecurity, long range precision fires, and artificial intelligence?

Answer. I believe the Army employs a number of best practices to ensure realistic and technically sound requirements and specifications. These include use of early prototyping and experimentation, increased use of modeling and simulation and digital engineering tools, use of independent technology readiness assessments to ensure technical maturity. This also includes close and early collaboration between the requirements developers and S&T community in AFC and PMs who oversee acquisition efforts. In addition, the use of broad market research and constant communication with industry regarding Army capability gaps are critical to success in developing new warfighting capabilities. In the areas of cybersecurity and artificial intelligence this is especially salient as the vast majority of innovation in these areas resides in the private sector. If confirmed, I would reinforce the use of these, and other, best practices to ensure development of realistic and achievable specifications.

Question. In your view, does the Army have the flexibility to shift between acquisition pathways if a program warrants such a change in strategy?

Answer. Yes, in my view the Army has the flexibility it needs to shift between acquisition pathways, as appropriate. The Adaptive Acquisition Framework provides the Army the ability to use multiple pathways to obtain value not otherwise available through use of a single pathway. As part of ongoing program oversight through various venues, the ASA(ALT) must continuously assess the acquisition strategy, program risks, and appropriate mitigation approaches called for in a particular program or development effort. For larger programs, any shift in pathway would also have to be coordinated with the Under Secretary of Defense for Acquisition and Sustainment. If confirmed, I would utilize these reviews to determine whether any changes, to include a shift in the acquisition pathway, are warranted.

CONTRACTING

Question. What are the major challenges facing the Army with respect to contracting activities?

Answer. There are many challenges with respect to contracting, but two in particular stand out. First, I think a major challenge, affecting not only the Army, but all of Government, are the barriers to entry for companies that would not normally do business with the Army. The use of flexible contracting mechanisms, such as Other Transaction Authority or the pilot Commercial Solutions Offering, are minimizing bureaucratic processes and opening up lines of communication with non-traditional defense contractors. In my view, the Army needs to do a better job of understanding and applying innovation from the private sector.

A second major challenge is creating and maintaining more "contracting capacity" to both speed the contracting process and provide surge capacity for emergency situations. While having a larger contracting workforce is an option, a more likely path of success given funding limitations is developing tools and training to increase the efficiency of the contracting workforce already in place. In Fiscal Year 2020, the Army completed more than 200,000 separate contracting actions. Even small gains in efficiency may have outsized results.

Question. What additional flexible contracting authorities might you recommend the Congress enact?

Answer. I know the Army appreciates the flexible contracting authorities already provided by Congress. If confirmed, I look forward to the opportunity to serve in the position before recommending any potential additional authorities that may be needed.

Question. Do you perceive that the Army is making appropriate use of non-FAR-based contracting approaches, such as Other Transaction Authority (OTA)? If confirmed, how might you modify the Army's efforts to and processes for the use of these approaches?

Answer. Yes, I think the Army is making appropriate use of non-FAR based contracting approaches. I recently reviewed the findings from the DOD Inspector General and General Accountability Office related to the award of Other Transactions and noted that the findings highlighted the need for more transparency and consistency, especially when awarding Other Transactions through consortium based agreements, but did not identify any breach of law or procedure by the Army. I am also in agreement with recent congressional language related to improving accessibility and reporting of information related to the exercise of other transaction authority. If confirmed, I intend to improve the Army's ability to quickly provide details related to individual projects through enhanced reporting.

Additionally, if confirmed, I intend to work to strike an appropriate balance between flexibility and oversight in the execution of non-FAR based approaches and

evaluate the effectiveness of FAR based and non-FAR based approaches to help ensure the appropriate authorities are being used to achieve the intended objectives.

Question. If confirmed, how would you ensure that Army personnel are properly trained in the use of non-FAR-based contracting methodologies?

Answer. In my judgment, proper use of non-FAR based approaches is essential to the effective use of these authorities. If confirmed, I will support the USD(A&S) "Back to Basics" initiatives, and DOD's work with the Defense Acquisition University to establish training for the use of Other

Transactions. Within the Army, if confirmed, I will enhance training on the use of non-FAR instruments, including the dissemination of best practices and lessons learned by the seasoned practitioners, and review the minimum requirements for personnel authorized to execute these non-FAR based authorities. The requirements strengthen the ability to include appropriate safeguards while executing innovative approaches.

Question. In your view, what are the general advantages and disadvantages of FAR and non-FAR based contracting approaches, respectively?

Answer. In my view, the FAR-based approach includes numerous controls designed to reduce risks to operational, reporting, and compliance objectives. These controls help the system operate with openness, integrity, and fairness while fulfilling important public policy objectives. However, many controls are perceived as inconsistent with commercial marketplace practices, and the sheer number of accumulated controls has been criticized for endangering the cost, schedule, and performance outcomes the system purports to uphold.

Non-FAR based approaches offer many advantages, including flexibility, teaming, increased communication with industry, speed, and access to the broadest possible pool of prospective vendors, especially with respect to non-traditional contractors. I believe the Army has been able to overcome the barriers to entry that non-traditional defense contractors often face with traditional FAR-based contract arrangements through the use of non-FAR based approaches. The lack of controls as compared to the FAR-based approach must be balanced by proper judgment to ensure the Government's interests are adequately protected.

MULTIYEAR PROCUREMENT CONTRACTS

Question. Section 2306b of title 10, United States Code, establishes the criteria that are prerequisite to a Military Department's exercise of multiyear contract authority.

What types of programs are appropriate for the use of multiyear contracts, in your view?

Answer. In my view, a multiyear (MY) contract must have stable requirements and be expected to remain substantially unchanged during contract execution. Contract cost and anticipated cost avoidance through the use of a MY contract needs to be realistic and provide significant savings when compared to the use of single year contracts. In my judgment, the Army should only enter into MY contracts when the Army is confident that adequate funds for the program will be programmed in the Future Years Defense Program (FYDP).

Question. If confirmed, how would you ensure that the Army fully complies with the requirements of section 2306b?

Answer. If confirmed, I would work with the relevant Army stakeholders to ensure that analysis has been conducted to satisfy the 10 USC 2306(a) findings to enter into multiyear contracts. I will thoroughly consider these findings to ensure that they are supported by facts. Further, for those multiyear contracts that require Secretary of Defense certification, I will work with the relevant DOD organizations and provide the necessary preliminary findings (10 USC 2306(a)) to ensure that they are supported by a preliminary cost analysis performed by the Director of Cost Assessment and Program Evaluation.

Question. What is your understanding of the requirement that a multiyear contract result in "significant savings," as compared to the cost of carrying out a program through annual contracts?

Answer. I understand that a multiyear (MY) contract needs to result in significant savings when compared to a series of single year contracts spanning the life of the proposed MY contract. There is no official definition for the word "significant" when it is referring to a specific percentage or a dollar value of savings for a multiyear contract. Currently, a goal of a minimum savings of 10 percent is expected. Due to a high value of some MY contracts, I believe that a percentage less than 10 percent may be acceptable. Each contract needs to be evaluated separately and determined to be a significant cost savings for the U.S. Government.

Question. What is your understanding of the requirements regarding the timing of a Department of Defense request for legislative authorization of a multiyear procurement contract for a particular program?

Answer. I understand that the Army may not enter into a multiyear (MY) contract in an amount equal to or greater than \$500,000,000 unless the contract is specifically authorized by a law other than an Appropriations Act. In the case of the Apache and Blackhawk programs, I understand that the discussions leading to the requested required Authorization Act language started years before it was included as part of the Fiscal Year 2022 Presidential Budget Request. This has given all the concerned entities within the Army and OSD enough time to contemplate the benefits of a MY, as well as enough time to program funding for such a contract.

Question. The Navy budget request for fiscal year 2022 included insufficient funding to avoid breaking a multiyear contract for the DDG-51 destroyer program. The committee views this action as breaking a moral commitment from the Department to fully fund multiyear procurement programs for the duration of the contract. Such an action should only be taken in the direst of circumstances. The Army also manages multiyear contracts.

Can you assure the committee that you intend to fully fund any multiyear contracts within the purview of the Army in future budget requests and that you would only recommend a budget request that fails to do so in a dire emergency?

Answer. I understand that the Army does lay out future funding in the FYDP that covers the cost associated with each multiyear contract. Barring any unforeseen national emergency/disaster, I can assure the committee that, if confirmed, I will work with the Army financial stakeholders to prioritize each multiyear contract for full funding for every year that it is active.

TEST AND EVALUATION

Question. Under what circumstances, if any, do you believe it appropriate to procure weapons systems and equipment that have not been demonstrated through test and evaluation to be operationally effective, and operationally suitable?

Answer. I do not believe it is ever appropriate to procure weapons systems the Army intends to field to its soldiers before it is adequately tested and proven safe and effective—this is paramount. Through testing we are able to determine whether a system is suitable, survivable and effective. If confirmed, I will always ensure we adequately test all Army systems in order to provide the best equipment available to our soldiers to improve their ability to accomplish the mission.

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. I view the developmental and operational test and evaluation processes for rapid acquisition, spiral acquisition and other streamlined acquisition processes much the same as the normal test and evaluation processes. The challenge is to accomplish the test mission quicker to meet the urgent needs of the Warfighter. The Army must conduct enough testing to determine the capabilities and limitations of any system before fielding. The Army must also ensure all systems are safe to use before putting them into the hands of our soldiers. One way the Army is helping to speed up the testing process is by including soldier touch points earlier during developmental testing, thereby gaining critical operational insights much sooner than what the Army was able to accomplish in the past.

Question. In your view, does the Department of the Army have adequate test and evaluation organizations, resources, and capabilities necessary to ensure that there is a sound basis for key requirements, acquisition, and budget decisions?

Answer. In my view, the Army's Test and Evaluation Enterprise has adequate test and evaluation organizations, resources, and capabilities necessary to test and evaluate the Army's priority modernization programs and also to provide test services for critical acquisition programs across the joint force.

Question. In which areas, if any, do you feel the Army should be developing new test and evaluation capabilities?

Answer. The Army is already investing significant resources to ensure it can test all Army modernization priority programs. I understand it is also leveraging the DOD managed Central Test and Evaluation Investment Program (CTEIP) funds to procure test capabilities when the Army currently has a gap—autonomy is an example of a current investment area that is focused on a future test requirement. Artificial intelligence, machine learning, electronic warfare and cyber are other areas that require attention now. I feel that the Army must also ensure that it tests systems in all the operational environments the Army intends to use the equipment. INDOPACOM, EUCOM and the Arctic present vastly different environments from

those the Army operated in over the last 20 years. If I am confirmed, I will work to ensure the Army Test and Evaluation Enterprise is adequately resourced to test all systems to include the relevant operational environments of the systems intended use.

Question. In your view, would there be benefit to the Department's establishment of a comparative testing program for domestic commercial technologies—perhaps a program modeled on the successful Foreign Comparative Testing program?

Answer. Yes, there would potentially be a benefit. There is always benefit if we can find ways to provide advanced technologies for warfighters without expensive development costs. Doing this for domestic commercial technologies would also keep the Army within the bounds of statutory requirements, such as the Buy American Act (which requires Federal Agencies to procure domestic materials and products) and the Berry Amendment (which requires the Department of Defense to use American textile materials and products). The challenge, in my view, is working with the requirements community when these technologies are close to, but below, the threshold requirements to either accept the lower performance or establish an incremental improvement path that is timely and affordable. If confirmed, I would explore the feasibility of some form of a comparative testing program for commercial technologies.

TECHNOLOGY TRANSITION

Question. The Department of Defense continues to struggle with the transition of new technologies into existing programs of record and major weapons systems and platforms. Further, the Department also has struggled with moving technologies from the Department's programs rapidly into the hands of operational users.

What impediments to technology transition do you perceive to exist within the Army?

Answer. The Army has a mixed record in the area of technology transitions, with many successes, but also many situations where a promising technology was not able to move rapidly into production and fielding. There are many reasons for this situation, but two stand out in my view.

The first is a lack of funding flexibility. Modern congressional appropriation and authorization acts prescribe the use of funding in a highly detailed manner, including hundreds of specific research and development and procurement lines. As a result, there are few large scale, flexible pools of funding that the Army can draw on to pursue a new opportunity that comes along unless it uses reprogramming authority. While reprogramming does provide the Army with great flexibility, it is a limited resource that the Army must carefully manage to ensure that responses to true emergencies, such as a natural disasters or unforeseen deployments, can be funded. This necessarily limits its use for technology transitions. In cases where Congress has provided more flexibility, such as the counter-IED efforts that took place during the wars in Iraq and Afghanistan, the Army has been able to transition technologies much more rapidly.

A second impediment is a lack of dialog between the innovators and the "receiving" elements of the Army regarding what is required to transition a prototype or commercial technology to a militarily useful system that is fully tested, safe, effective, and sustainable. For example, the Army can conduct an experiment to demonstrate a technology's combat effectiveness, but often does not—absent some kind of emergency need—enter into formal program until the technology is sufficiently mature to be tested and qualified against all the safety and certification requirements necessary to field a combat capability. This can take time, and can lead to understandable frustration on the part of the innovators that are trying to bring new technology to the Army. In my view, more detailed dialog earlier in technology development efforts can help bridge this divide and lead to more successful technology transitions.

Question. To what extent could and should the Army Research Laboratory and other Army combat capability development centers play a greater role in enabling the transition of promising technologies from a successful initial demonstration to a program-of-record, which may include working with industry and the desired program executive officer (PEO) to develop and assist with a systems engineering plan necessary to achieve transition to the PEO?

Answer. In my assessment, the Army can no longer have technology developers work in "silos-of-excellence." I understand the value of early collaboration and frequent communication between the Requirements, Science and Technology, Acquisition, Test, and Sustainment communities; along with the Army's academic and industry partners; and, most importantly, soldiers. However, I do not believe the Army needs more processes mandated in legislation in this area at this time. In-

stead, I believe the Army needs to better coordinate the efforts of those developing innovative solutions with the authorities and funding to proceed to production and fielding at scale. The Army also needs better metrics to measure success and failure of these efforts so our progress can be tracked by Army leaders and Congress. It is my understanding that many efforts in this area are underway between Army Futures Command and PEOs, but there is always more that can be done to facilitate success in this area. If confirmed, I will encourage these communities to collaborate and have Army scientists, engineers and PEOs work together to mature technologies and provide cutting edge capabilities to soldiers.

Question. In your view, what can be done from a budget, policy, and organizational standpoint to facilitate the transition of technologies from science and technology programs and other sources, including small businesses, venture capital-funded companies, and other non-traditional defense contractors, into acquisition programs?

Answer. If confirmed, I will ensure the Army is leveraging all statutory authorities and acquisition flexibilities to facilitate technology transition from science and technology (S&T) efforts, including those originating from industry partners, small businesses, non-traditional contractors, and venture-capital funded companies. Mapping S&T and other technology programs, such as the Small Business Innovation Research (SBIR) and Technology Maturation Initiative (TMI) programs, to acquisition transition milestones is an effective approach to accelerate transformative technology solutions for Army problems. Another area to explore is working with OSD level centers of innovation, such as DARPA, SCO, DIU, and others, to bring together innovators and elements of the Army that need help. I understand that the Army has had several successful collaborations with these groups, but more can be done. If confirmed, I would also endeavor to work with Congress to explore new ways to provide more flexible funding that would allow the rapid realignment of available funds to meet unexpected opportunities, especially in areas where technology is rapidly advancing. If confirmed, I will send a clear message to the American innovation community that commercial success and technology partnership with the Army are not mutually exclusive.

PROCUREMENT SOURCING ISSUES

Question. How should the Army balance the “pros” and “cons” of supporting the domestic industrial base through Army procurement activities, as compared to procuring items from friendly partner nations, as further compared to procuring items from commercial providers globally, including potentially from China?

Answer. In my view, the Army should always look first to the domestic industrial base for its procurement needs. American companies, run by American entrepreneurs and employing hard-working Americans, have been and will remain one of our strongest advantages over our competitors. At the same time, in a world of integrated and global supply chains, we should also always look to see what is available from our allies and partner nations. In many cases, American companies work closely with international partners in these countries, providing a chance for many win-win scenarios. Given the many well-documented cases of intellectual property theft, lack of supply chain reliability, and security risks of procurements from China, I believe the Army must carefully review its procurements from that country. If confirmed, I expect to work with appropriate elements of the Office of the Secretary of Defense that are conducting reviews of domestic sourcing policies.

Question. What are your views on U.S. and friendly nation content requirements, also known colloquially as “Buy America” requirements, for U.S. Army weapon systems?

Answer. In general, while ideally all Army needs—in terms of quality, quantity, and price would be met by American industry, I believe the Army needs flexibility to make informed case-by-case decisions on the amount of foreign content allowed in weapon systems. In most cases, current laws and policies provide that flexibility. However, I support data-driven approaches that lead to increased American content in Army equipment while also keeping programs affordable.

There is tremendous variation of domestic versus foreign content within the broad range of Army weapon systems. As a result, a metric that proposes a rigid percent of content for the entire bill of material may make some products with low risk impossible to procure. Many unique military items are bought in extremely low density, making it uneconomical for a business to sustain production. Once the Army has determined which components are at greatest risk, there may be a better subset of materials to apply a content-based requirement for procurement from U.S. and friendly nations. If confirmed, I would work to examine the Army’s policies in this

area, which are evolving rapidly based on new policies being developed across the Federal Government.

Question. In your view, for which types of U.S. Army weapon systems, or which types of components, are such requirements appropriate or inappropriate?

Answer. Generally, in my view, the Army's larger ACAT I programs tend to be the most appropriate, along with Information and Communication Technologies. If confirmed, I would stress the importance of maintaining munition production capability that is tied to a resilient supply chain of chemicals and raw materials. I would also offer that smaller, more commercial programs are less appropriate for the requirement.

ARMY-RELATED DEFENSE INDUSTRIAL BASE

Question. What is your understanding and assessment of the systems and processes for identifying, evaluating, and managing risk among the entities that form the Army industrial base, including its organic industrial base, and supply chain?

Answer. I understand that the Army industrial base risk assessment process addresses the risks to the industrial base in its resiliency, its ability to support and sustain acquisition programs, and the need to meet future requirements. It is also important to identify foreign dependency and risk mitigations where appropriate. In my view, integral to this assessment is ensuring the Organic Industrial Base is factored in to address the Army's ability to surge and sustain its systems during any emergency.

Question. What is your view of the current health of the defense industrial base, including the organic industrial base that supports the Army?

Answer. In my view, the current industrial base is overall well-positioned to support the development and sustainment of weapon systems. However, constant attention must be paid to address challenges the industrial base faces. Consistent investment in both the commercial and organic bases are required to ensure a ready and capable source of innovation and sustainment to support the Army's requirements. As in the past, I believe the Defense Industrial Base will need to consolidate or expand based on available resources and demand.

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

Answer. In my view, the Army should look at recapitalization and modernization as opportunities to help strengthen the industrial base, both commercial and organic. Ideally, having an existing industrial base in production not only provides a surge capability, it also helps smooth a transition to a recapitalization or modernization effort. Once production ends, the time and cost required to restart a facility or train a workforce to recap or modernize increases. Managing a major end item already in production requires stable, predictable funding to maintain a sustainable rate.

Question. If confirmed, what changes, if any, would you pursue in systems and processes to improve identification, monitoring, and assessment of actions to ensure that risk in Army-relevant sectors of the defense industrial base is adequately managed?

Answer. If confirmed, I would continue to work closely with USD(A&S) to address service-level defense industrial base assessments and contributions to DOD-wide and whole-of-government assessments. Improving the visibility of the risks within the industrial base requires a holistic approach to ensure investments are impactful. Beyond visibility, policies must be put in place to rapidly address industrial base risk where it arises. Many such authorities, such as those under the Defense Production Act, already exist, but more may be needed given new circumstances. I have no specific recommendations to change existing systems and processes at this time. If confirmed, I look forward to the opportunity to serve in the position before recommending any potential changes that may be appropriate.

Question. In your view, what actions should the Army take to maintain access to critical elements of the defense industrial base?

Answer. In my view, there are many areas where the Army must do more to protect crucial elements of the defense industrial base. In particular, I believe the Army needs to continue to invest in modernizing munition facilities not only for Army needs but to support the other services and coalition partners. The Army should focus limited resources on those programs within the Defense Industrial Base that provide the capabilities to contest the Army's near peer competitors, or where the DOD is the only customer for highly specialized items, such as large gun barrels used for artillery systems. In addition, I believe the Army must work with DOD to synchronize an all-of-government strategy in areas such as Micro-Electronics and

Battery manufacturing. The Army should also continue to support the Committee on Foreign Investment in the United States (CFIUS) process that ensures accessibility to suppliers and prohibits the transfer of intellectual property to prohibited nations.

Question. If confirmed, what would you see as your office's role in working with or supporting efforts of the Army Office of Small Business Programs?

Answer. Small businesses play a critical role in all aspects of Army acquisition, logistics, and technology. If confirmed, I will work with the Army Office of Small Business Programs to ensure the Army employs a small-business centric philosophy; reduces barriers to entry; and leverages technology development programs such as the Small Business Innovation Research (SBIR), xTech prize competitions, and Mentor-Protégé Program; acquisition programs in support of PEOs and PMs; and sustainment or logistic programs in support of Army depots and arsenals.

Question. If confirmed, what would you see as the relationship between your office and the Defense Innovation Unit?

Answer. The Office of the Secretary of Defense's technology-sector outpost, the Defense Innovation Unit (DIU), provides a mechanism for the services to connect with small, non-traditional businesses in the technology sector. I believe that small businesses across the non-traditional technology ecosystem are critical for modernization and innovation for the future Army. If confirmed, I will ensure that the Army is maximizing collaboration with DIU and other similar technology outreach initiatives.

SCIENCE AND TECHNOLOGY

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

Answer. I understand that the Army's current modernization strategy includes nine priority research areas: disruptive energetics, radio frequency electronic materials, quantum technology, hypersonic flight, artificial intelligence, autonomy, synthetic biology, material by design, and additive manufacturing. I agree with those priorities. Further, it is my view that Army S&T programs have played and will continue to play a crucial role in developing the six Army Modernization priorities: Long Range Precision Fires, Next Generation Combat Vehicle, Future Vertical Lift, Network, Air & Missile Defense and Soldier Lethality, as well as enable even more advanced capabilities for the future.

Question. If confirmed, how would you ensure that successful Army science and technology programs will transition to operational warfighting capabilities?

Answer. If confirmed, I will work with the Army S&T community and program offices to ensure S&T efforts are aligned to the Army Modernization Priorities and Programs of Record. One method for fostering effective transition pathways is through formalized transition agreements from S&T to programs of record and, ultimately, to the operational warfighter. These agreements, if overseen and managed at the appropriate level, are a proven way to increase the Army's rate of success in technology transition. If confirmed, another way I would consider increasing success in this area is to make S&T transition success the primary duty of the Deputy Assistant Secretary of the Army for Research & Technology, who would report directly to me.

Question. What is the role of university research in supporting Army modernization efforts and in developing the Army technical workforce for the future?

Answer. I understand the Army invests in a broad-based portfolio of university research in enduring and emerging Army-relevant technical areas, including those associated with the Army Modernization Priorities. These university-based investments form the basis for future applied research and advanced development efforts aligned to the modernization priorities, help prevent technological surprise by the Army's adversaries, and help to train the next generation of science and engineering professionals in areas of interest to the Army and to the overall Defense Innovation Base.

LABORATORIES AND TEST CENTERS

Question. What experience do you have in working with the Army's labs and test centers?

Answer. While I have limited experience working directly with the Army labs and test centers, I am aware of their accomplishments from my previous roles in Congress and in the Army. If confirmed, I look forward to increasing my direct knowledge of the various labs, centers and most importantly, the expertise that those sci-

entists and engineers bring to bear in solving the hard problems facing the soldiers of today and tomorrow.

Question. If confirmed, what steps would you take to assess and enhance the interaction between Army labs and test centers and with the acquisition community?

Answer. If confirmed, I will do everything I can to encourage these communities to collaborate and have Army scientists, engineers and PEOs work together to mature technologies and develop capabilities for warfighters. The Army labs rely on test centers to develop and demonstrate their capabilities and I would seek to understand what opportunities exist to make it easier to plan and support these efforts. I am confident that increasing senior leader oversight of efforts to bring these communities together will produce results. In addition, if confirmed, I would explore development of new management metrics to ensure that results are quantifiable and trackable.

Question. If confirmed, what steps would you take to ensure that the Army's labs and test centers can attract and retain a technical workforce with the necessary skills and capabilities?

Answer. If confirmed, I will ensure that the Army continues to expand outreach efforts to attract a diverse, highly skilled technical workforce in order to address the Army's unique scientific challenges. It is my understanding that Army laboratories and centers have benefited from the hiring authorities, provided by Congress, to ensure the Army has the necessary technical experts. If confirmed, I will be committed to ensuring the Army continues to use these authorities to the greatest extent possible to recruit and retain science, technology, engineering, and mathematics (STEM) talent. I will ensure the Army continues to leverage the Army Educational Outreach Program to build a pipeline of STEM talent and scholarship for service initiatives like the DOD Science, Mathematics, and Research for Transformation, or SMART, program to bring that expertise into the Army workforce.

Question. If confirmed, what steps would you take to ensure that the Army's labs and test centers have the resources they need to acquire and maintain research and testing infrastructure and equipment?

Answer. I believe that modern infrastructure and equipment is vital to ensuring the Army stays at the cutting edge of technology and continues to recruit and retain the most talented personnel. If confirmed, I will engage with the appropriate stakeholders to better understand the infrastructure challenges, align investment and recapitalization priorities of Army laboratories and test facilities, and look for possible solutions and unique strategies to ensure the Army is making the necessary investments to sustain, restore, and modernize laboratories and test ranges.

Question. If confirmed, what steps would you take to ensure that the Army's labs and test centers are not inappropriately overburdened by bureaucratic Army or DOD regulations and practices that slow their processes and inhibit their ability to act as the Army's innovation engine?

Answer. If confirmed, I will work with the Army laboratories, test centers, and the science and engineering workforce to better understand the Army and DOD policies and regulations that slow their processes for modernizing laboratory and test infrastructure, affect their ability to hire the best technical talent, or inhibit their ability to deliver innovative technologies for current and future Army priorities. I will be committed to identifying and resolving the specific practices that delay these processes to ensure the Army's laboratories and test centers have the necessary infrastructure and technical personnel to act as the Army's innovation engine and be effective in performing their missions.

SENIOR MILITARY AND CIVILIAN ACCOUNTABILITY

Question. If confirmed, what steps would you take to improve individual and organizational accountability in acquisition management?

Answer. In my view, accountability is fundamentally a function of proper management and oversight. In the case of Army acquisition, the "front line" of accountable officials resides in the Program Executive Offices (PEOs) where programs move through their entire life cycle. I believe the Army has the policies in place to hold officials professionally accountable for their performance. Based on my time as Acting Army Acquisition Executive, I can say that the acquisition professionals in the PEOs seek and accept responsibility for doing their jobs well. As leaders, they also understand that the needs of the Army come first, and that they are all subject to relief or replacement based on performance.

Another aspect of accountability is continuous and open professional dialog so that when there is a program that runs into challenges, the issues driving the problems are well understood and communicated appropriately. If confirmed, I would rein-

force the previous guidance I provided while Acting Army Acquisition Executive: that constant communication—especially regarding programs with challenges—is the standard of behavior I would expect all Army acquisition professionals to follow.

In addition, I would hold myself personally accountable for the performance of Army acquisition programs, and be responsible for communications to senior Army leaders, and to Congress, about any challenges they are facing.

Question. If confirmed, how would you propose to hold acquisition officials accountable for failing to follow acquisition laws and regulations?

Answer. Generally speaking, acquisition personnel at every level, to include the ASA(ALT), PEOs, and PMs, are required to comply with all acquisition laws and regulations. If confirmed as the ASA(ALT), I would ensure that accountability within individual programs is reinforced through routine program reviews, milestone decisions, technical reviews, and other program assessments. I would also ensure a close and collaborative relationship with the Army Office of General Counsel to review the Army's broader compliance with applicable statutes, regulations, and policies. Moreover, I would ensure that proper training and certification requirements are in place to educate and reinforce compliance within the Army acquisition workforce and to promote a culture of accountability and stewardship of taxpayer resources. Last, if confirmed, I would hold the individuals responsible and take appropriate action in response to violations of applicable laws and regulations.

Question. What are your views regarding the appropriate standard of accountability for senior civilian and military leaders of the Army with regard to acquisition program failures?

Answer. In my view, the Secretary of the Army and the Chief of Staff of the Army are ultimately accountable for acquisition program outcomes. They are assisted in this effort by the ASA(ALT), PEOs, and PMs, who share accountability for the execution of acquisition programs. At every level, these civilian and military leaders are responsible for providing oversight and ensuring accountability for program objectives in terms of cost, schedule, and system performance. If confirmed, I would rigorously adhere to this standard and ensure that the acquisition workforce understands its shared accountability for these outcomes.

Question. If confirmed, what steps would you take to ensure that senior leaders of the Army under your supervision and oversight are properly held accountable for their actions and performance?

Answer. If confirmed as the ASA(ALT), I would ensure senior acquisition leaders are held accountable through various mechanisms. First, I would conduct milestone and other program and technical reviews to ensure PEOs and PMs are held accountable to established acquisition program baselines and objectives. The ASA(ALT), as the Army Acquisition Executive, is also responsible for appointing, managing, and evaluating PEOs and direct-reporting program managers, and I would ensure that those evaluations accurately reflect the performance of the individual. As the Senior Procurement Executive, I would conduct routine reviews with the contracting enterprise and leadership to ensure proper use of resources when executing Army contracting actions. Last, across the acquisition enterprise, I would ensure proper training and certification requirements and would establish metrics to ensure compliance. In all of these efforts, I would work to promote a culture of responsibility and ownership of acquisition outcomes.

MANAGEMENT AND DEVELOPMENT OF THE ARMY ACQUISITION WORKFORCE

Question. The transformation of the armed forces has brought with it an increasing realization of the importance of efficient and forward-thinking management of the acquisition workforce.

What is your vision for the management and development of the Army acquisition workforce, including the scientific and technical fields?

Answer. In my judgment, to effectively modernize the Army over the next decade and beyond, the Army must continue to develop the necessary technical acumen and leadership competency within the acquisition workforce. If confirmed, talent management will be one of my top priorities and I will ensure we have the processes and tools in place for managing talent particularly in the areas of recruitment, development and retention. When it comes to competing for talent, the Army must continue to be innovative in finding ways to make the acquisition workforce a competitive employer including incentives for critical acquisition functional areas such as program management, contracting, and science and technology management.

Question. Do you believe that the Army has an appropriately sized acquisition workforce, with the proper skills, to manage into the future? If not, please describe the gaps you perceive to exist and how you would address them.

Answer. I believe the Army has a need to grow knowledge, skills, abilities in assessing and mitigating Supply Chain Risk. Army logicians will require additional analytical and critical thinking skills and training as part of Army's mission to secure its supply chains. We also have significant gaps in the software area. The Army needs to recognize that software is growing exponentially and develop strategies, skills and expertise to properly manage software intensive programs throughout the acquisition system lifecycle with a keen eye on reducing operational and sustainment costs.

Question. If confirmed, would you recommend any changes to the statutes, regulations, or policies regarding the Army's acquisition workforce? If so, what changes would you recommend?

Answer. The Civilian Acquisition Workforce Personnel Demonstration Project (AcqDemo) is currently slated to sunset in December 2023. Hiring restrictions and complex processes increase hiring timelines, exhaust valuable resources, and unnecessarily detract attention from the acquisition mission. The streamlined hiring and appointment authorities the Army has under AcqDemo are essential to the ability to attract and maintain a highly capable, agile, adaptive and professional workforce. If confirmed, I would consider pursuing a legislative proposal to make AcqDemo permanent.

Question. If confirmed, how would you work with the Defense Acquisition University and other educational institutions to improve the education and training of all members of the Army acquisition workforce?

Answer. In support of the OUSD A&S memo, dated September 2, 2020, "Back-to-Basics for the Defense Acquisition Workforce" it is my understanding that the Defense Acquisition University (DAU) is already leading the largest overall change to DOD Acquisition training in 30 years. If confirmed, I would continue to work with the DAU to minimize "scrap learning," focus on job-relevant training, and foster a culture of life-long learning.

Question. In your judgment, how should decisionmakers determine which acquisition tasks are best accomplished by government employees, military personnel, and support contractors?

Answer. In my judgment, acquisition tasks require all three categories in its workforce. Each brings different training, skills, and experience that should be considered when assigning work. Unless the task is inherently governmental in nature, which should be done by civilian or military personnel, all should be considered.

Question. How can the Army best make use of the foreign national technical talent that is being educated in the United States, so that these individuals continue to support U.S. national security efforts and are not attracted to work for competitor nations, while at the same time ensuring such talent is properly cleared from a security and suitability perspective?

Answer. In my view, it is critical that the Army, in close coordination with the Department of Defense, leverages all existing authorities to evaluate potential conflicts of interest and security concerns when partnering with academia. I believe a whole of government approach is required to truly address the problem by sharing grant and cooperative agreement award information across agencies and creating mechanisms for sharing adverse information across agencies.

ARMY DEFENSE CAPABILITIES

Question. What is your opinion of the necessity of modernizing Army weapons systems in light of current and emerging threats?

Answer. In my opinion, modernizing Army capabilities must be a top priority. There is no responsible alternative. Army forces have lost overmatch in some critical areas as our potential adversaries have invested to exploit our known capability shortfalls, and new challenges often require new capabilities.

Question. If confirmed, how would you plan to balance Army readiness for today's conflicts and modernization for future conflicts?

Answer. If confirmed, I will work closely with the Secretary of the Army, the Chief of Staff, and other Army senior leaders to strike the best balance between our investments in People, Readiness, and Modernization for both today and the future, within allocated resources.

Question. What are the most critical capabilities the Army needs to prioritize over the next 10 years, in your view?

Answer. In my assessment, the most critical capabilities that need to be modernized over the next 10 years are clearly represented in the Army's six modernization priorities: long-range precision fires, next generation combat vehicles, future vertical lift, the network, air and missile defense, and soldier lethality. If confirmed, I will work closely with Army Futures Command and other Army commands to ensure our

modernization priorities are continuously assessed, and refined when needed, to reflect the dynamic operational environment and the defense strategy.

Question. If confirmed, how would you plan to meet both Army capability and capacity requirements consistent with the Defense Planning Guidance?

Answer. I believe the Army must maintain sufficient capability and capacity in accordance with defense strategic guidance and within available resources. If confirmed, I will work with the Secretary of the Army to assess its modernization priorities and adjust them, if necessary. Ultimately the Army needs sufficient resources to fulfill its role as part of the Joint Force responsible for deterring, and if necessary, defeating military aggression that threatens vital U.S. interests with acceptable risk to force and mission. If confirmed, I plan to work within the Army's allocated funding to ensure the most modern, ready, and lethal soldiers possible.

LONG-RANGE PRECISION FIRES

Question. The Army, Navy, Air Force, and Marines are all pursuing long-range strike capabilities. In your view, what is the Army's role in developing and producing these capabilities and what is necessary to best position the Services to work together to avoid unnecessary duplication?

Answer. I agree that avoiding unnecessary duplication of effort among Service investments and capabilities is important. In my view, doing so starts with a Joint Warfighting Concept that clearly defines what Service forces are expected to accomplish as part of the Joint Force. However, what is perhaps sometimes seen as unnecessary duplication of effort within the Joint Force is also seen by potential adversaries as multiple, disparate ways to be defeated by US military forces. To me, complicating an enemy's calculus is an element of a good defense strategy. With regards to the Army as the Nation's land force, I take the view that the Army is charged in Federal statute "for the preparation of land forces necessary for the effective prosecution of war except as otherwise assigned." If confirmed, I will work closely within the Army and across the Defense enterprise to avoid unnecessary duplication, while complicating our enemy's calculus.

Question. The Army is rapidly fielding the Long-Range Hypersonic Weapon system at a substantial cost per glide-body based round.

What can be done to reduce the cost of subsequent rounds once the initial capability is fielded?

Answer. I believe the Army plans to continue to team with industry to improve upon the initial prototype design of the hypersonic missile in order to enhance the manufacturability and reduce costs. As production quantities increase there is a learning curve and a natural decrease in cost per round. As part of the Army's responsibilities in a Joint-Service Memorandum of Agreement for Hypersonics development, the Army is already actively working with its industry partners to transfer hypersonic technology from the government labs and into the commercial industrial base, which will further drive efficiencies as the technology moves into production. I feel that Congress has also been supportive of helping the Army achieve this goal of cost-saving for Hypersonics by granting additional congressional funds that have gone to the industrial base to directly support development, from which both the Army and Navy will benefit.

Question. Do you believe the Army should assess possible alternative, cheaper capabilities, such as the air-breathing scramjet missile being developed by the Air Force?

Answer. Yes, I believe the Army, in coordination with the other services, should continue to assess future hypersonic technologies, to include air-breathing scram jet technologies, as they mature for integration into the long range fires portfolio. The priority of hypersonic development for the Army is the Long Range Hypersonic Weapon, which I understand will field in fiscal year 2023, as the technology is mature and it will provide a near-term rapid national hypersonic capability.

INTEGRATED VISUAL AUGMENTATION SYSTEM (IVAS)

Question. The Army has made significant progress in a relatively short time with its IVAS program, which features Army soldiers are working side-by-side with Microsoft engineers to field-test the technology and make frequent changes as indicated by such testing. Additional improvements are expected.

In your view, are programs such as IVAS appropriately structured to provide the Army with flexibility to continue evolving the system and leverage improvements to better meet soldiers' needs?

Answer. Yes. In my view, all of the Army Middle Tier Acquisition (MTA) programs are structured to achieve the desired results within the 5-year window for either rapid prototyping or rapid fielding. The Army MTA rapid prototyping efforts

are tailored to leverage as much iteration as necessary between soldier feedback and industry evolutionary improvements, based on the complexity and technology maturity. soldier's needs and reliability are a paramount factor for success. IVAS is an excellent example of an MTA rapid prototyping effort that is adapting its schedule and funding to continue evolving the system to better meet the Army needs, as evidenced by shifting Initial Operational Test and Evaluation in order to improve functionality and reliability.

Question. In your view, what factors should the Army consider when determining the quantities of quickly evolving systems to acquire?

Answer. In my view, each case is unique, but in general factors to consider are: (1) the rate of change in that area of technology, (2) the cost to procure the system, (3) the cost to sustain the system, and (4) the possible need for surge capacity for the capability in question.

With regard to the rate of change for a technology, the Army should consider how long it would take to field the systems into the hands of warfighters and how long the critical technology remains relevant.

An example of this type of technology is counter-UAS systems which are rapidly evolving as threat systems evolve. The Army must be careful not to over-invest in something that works today but will no longer be relevant a year from now.

The cost to acquire and sustain a system in a rapidly evolving technology area is frequently difficult to estimate. For example, the cost to acquire it may be low, but it may require highly specialized contractor support, which can prove very costly.

Surge capacity is a final factor to consider. What can start as a "niche" capability can, very quickly, become something that is needed across a large number of Army units. In this case, understanding industry's ability to potentially ramp up production is a critical factor.

Question. Do you think there are ways the Army can position itself to build in flexibility for off-ramps or staggered buys when acquiring evolving technology?

Answer. I believe the Army has been successful with this acquisition approach when there is flexible funding and authorities are provided by Congress that allow a rapid shift of priorities in a rapidly evolving technology area. The Army's counter-IED effort—from MRAPs to jammers—during the wars in Iraq and Afghanistan is an example. A more recent, though smaller scale, example is the nascent counter-UAS efforts providing capability to deployed forces right now. Another path to success is designing capability using a Modular Open Systems Approach that will facilitate the ability to upgrade capability as more advanced technology becomes available. In addition, taking an incremental approach to providing system capability over time or fielding earlier with Urgent Materiel Releases when appropriate would allow for flexibility to keep pace with evolving technology.

OPTIONALLY MANNED FIGHTING VEHICLE

Question. The Army has made several attempts to develop a next-generation Infantry Fighting Vehicle to replace the aging Bradley Fighting Vehicle, including Future Combat System (FCS), Manned Ground Vehicle (MGV), Ground Combat Vehicle (GCV), and the initial Optionally Manned Fighting Vehicle (OMFV) effort that was halted and restructured.

What is your assessment of the restructured OMFV effort?

Answer. My assessment is that the current multiphase OMFV program strategy is a balanced way to procure a robust platform with sufficient size, weight, and power to integrate additional capabilities over time, while remaining responsive to emerging near peer threats in a Multi-Domain Operation environment. My understanding is that the shift from highly prescriptive requirements to a Characteristics of Need document is intended to provide industry trade space to develop optimized, achievable alternatives leading to digital design concepts and open architecture before committing to prototype builds. If confirmed, I will monitor this program closely to ensure that its new approach is executed successfully.

Question. Why do you think the restructured OMFV program will succeed where the other efforts failed?

Answer. In my view, the current OMFV effort is fundamentally different than previous similar programs. First, acquisition processes have evolved in recent years, and the OMFV program is intended to take advantage of innovative approaches that will hopefully create a path to success for this vital capability. Most significant is the Adaptive Acquisition Framework which established a set of acquisition pathways to enable program managers and industry to tailor strategies to deliver better solutions faster. The restructured OMFV effort has an improved opportunity to succeed because the Army has an updated toolbox to take advantage of innovative ideas

and the latest technologies surrounding design, program management, and manufacturing. Second, the OMFV program is pursuing a Modular Open Systems Architecture (MOSA) approach from the ground up to ensure that it is upgradable, sustainable, and affordable over time.

Question. Several of the prior efforts failed due to requirements that were technologically unachievable and/or conceptually flawed. Do you believe the Army's requirements for OMFV are appropriately underpinned by robust analysis to avoid these pitfalls?

Answer. Yes. I am confident the path forward for the Army's requirements for the OMFV program, and the underlying analysis, is appropriately robust and will continue to evolve as technology and threats change. Lessons learned from Future Combat System (FCS) and Ground Combat Vehicle (GCV) have been foundational to the establishment of Cross Functional Teams and codifying requirements commensurate with what exists and what the end State is when the Army begins to build a new fleet of next generation combat vehicles.

Question. As part of the Army's Optionally Manned Fighting Vehicle (OMFV) program, the Army is developing what it refers to as Common Modular Open Architecture (CMOA). The Army asserts that CMOA is designed to make it easier to plug a subsystem into a vehicle, even if the subsystem comes from a different manufacturer, through use of common software and hardware connectors. The Army notes that adopting CMOA would make it easier to upgrade combat systems; others have highlighted the possibility that the shift to modular and open architectures will result in increased initial procurement costs, while potentially lowering procurement costs later in a weapon system's lifespan.

What are your thoughts on CMOA—both as regards the Army and for its potential for interoperability with other Services' platforms?

Answer. I believe that the CMOA has the potential to fundamentally change the way we acquire capabilities as it will move the Army away from purchasing an entire platform and toward purchasing severable modules that can be used by multiple platforms. This enables better buying power, provides clear communication with industry about what components are needed and how they will integrate, and will reduce the logistics footprint. It will also increase the opportunities for horizontal integration and re-use across the Army and the other services. However, this design approach, in my view, will likely require more time up front, which could add to the program's early cost while hopefully paying off through savings later in the program's life.

I also believe this is the right program to attempt this approach at large scale. In my brief time as Acting Army Acquisition Executive, I authorized numerous sole-source contract awards as a result of the Army having limited intellectual property rights for major weapon system components. Hopefully, in the case of the OMFV, the Army can maintain competition for major system components that will lead to increased innovation and reduced costs.

Question. In your view, what factors could be considered when assessing whether the upfront costs of the CMOA are worth the potential savings over the lifetime of the system?

Answer. I think the Army needs to consider the pace of technological change, component obsolescence, and whether the function provided by a given module is one that could be effectively used by multiple platforms. When technology for a given commodity area changes rapidly, the Army needs to keep that module severable so it can adopt the latest version. Similarly, I think we can use CMOA to guard against obsolete parts and avoid lifetime buys, instead integrating a form/fit/functional replacement that may be able to support multiple platforms. In addition, the length of time the Army intends to operate a weapon system is a critical factor. In my view, in areas where technology is changing so quickly that the Army is procuring systems it will only operate for a short time, a focus on CMOA is less appropriate.

POSITIONING, NAVIGATION, AND TIMING (PNT)

Question. Given the expectation that the Nation's ground forces may soon have to operate in GPS limited or denied environments, what priority do you think should be placed on developing alternative sources of PNT that are not dependent on GPS to function?

Answer. I believe that alternative sources of PNT are critically important to our Nation's ground forces, as well as the entire Joint Force. Army Futures Command has a PNT cross functional team, which attests to the importance the Army assigns to this capability.

Question. In your view, will GPS vulnerabilities remain, even after GPS is modernized with a new command and control system, M-Code satellites, and M-Code enabled receivers for platforms and weapons systems? Is there an enduring need for GPS alternatives in general, and for weapons guidance in particular?

Answer. I believe that PNT, like many battlefield capabilities, is a continuous competition between counter-measures and counter-counter-measures. Modernizing the Army's current capabilities is required, but doing so will not guarantee dominance forever. In my view, the Army must remain ever vigilant for adversary advancements, as well as new opportunities offered by technological advancements within the U.S. industrial base and those of our closest allies.

INTEGRATED PERSONNEL AND PAY SYSTEM—ARMY (IPPS-A)

Question. The Army has recently announced a major delay in deploying capabilities as part of the IPPS-A program. This comes after many years of cost overruns, schedule delays, and changes in acquisition strategy.

What is your assessment of the causes of the problems that have faced the IPPS-A program?

Answer. I believe the Army is transforming its Human Resource processes from aging, disparate software systems to a fully integrated solution. This is a vast and complex undertaking that is necessary for Army talent management to succeed. Earlier efforts attempted to develop multiple major software releases in parallel, which proved too technically complex. Decisive steps were taken to re-baseline the program and reduce the technical complexity by eliminating the parallel software development efforts along with establishing a minimum viable solution. I am confident that the Army can resolve these technical issues to implement and deliver a fully integrated and working H.R. solution that can execute end-to-end Army business processes.

Question. What role should the Army's technical community, including at Army Developmental Command, have to address the technical challenges in the program?

Answer. I understand that the IPPS-A program leverages technical expertise from the Army's technical community, including those within the PEO EIS organization as well as the Army's Human Resource data subject matter experts. In my view, the Army should seek the expertise from scientists and engineers who provide the Army with organic research and development capability, as well as the office of the Chief Information Officer, as appropriate. This must be a collective effort where all resources are brought to bear on the challenges and the effort must include the right metrics as the program goes through development and testing. I am confident that the Army has access to the right resources to address the technical challenges in the program.

INTEGRATED PERSONNEL AND PAY SYSTEM—ARMY (IPPS-A)

Question. What steps will you take to ensure that this program takes the appropriate steps to ensure the most effective and efficient deployment of this capability to soldiers?

Answer. I believe the Army understands the importance of this project and is greatly committed to delivering a modernized integrated Human Resource solution. If confirmed, I will continue to take the necessary steps to ensure the successful delivery of Release 3 in September 2022, as well as subsequent releases. I will continue to use the established metrics to measure and manage progress over time and share that data on a regular basis to Army senior leaders. I will also ensure the ASA(ALT) staff assists the PEO and PM in working directly with the prime contractor to ensure the Army delivers this transformational capability.

TECHNICAL DATA

Question. In your view, what are ways the Army can improve the process of obtaining the technical data needed to support requirements development, maintaining competition in the industrial base, developmental and operational testing, and sustaining systems and software?

Answer. In my view, intellectual property (IP), including technical data, plays a critical role in the Army's ability to modernize and sustain weapons. In order to ensure the Army obtains the appropriate IP necessary to achieve these objectives, programs must identify early in the process the IP needed in all phases of a system's life cycle, to include in sustainment. If confirmed, I would work to ensure that programs develop appropriate IP strategies early in the process and employ customized approaches to acquiring IP, to include working collaboratively with industry to develop mutually beneficial arrangements. I believe the Army must ensure adequate expertise is resident in the Army to allow programs to effectively identify, pursue,

and negotiate IP rights and requirements. If confirmed, I will ensure that the policies and practices governing intellectual property provide the Army with the necessary access to effectively support weapons systems.

SYSTEMS ENGINEERING

Question. Do you believe that the Army has the systems engineering organizations, resources, and capabilities needed to ensure that there is a sound basis for key requirements, acquisition, contract oversight, and budget decisions on major defense acquisition programs?

Answer. In my assessment, the Army has the system engineering (SE) organizations that it needs to operate now and in the future; however, I think the Army may require additional resources to transition to the future operating environment. The digital transformation of Army systems engineering comes with a cost to change not only infrastructure but culture. I believe the challenge is to maintain and grow the engineering workforce through training, education, and SE governance, and to recognize the knowledge, skills and behaviors needed to continually meet the requirements of the ever-modernizing Army.

Question. In your view, to what extent could the Army's introduction of systems engineering earlier in the acquisition process, including component and subsystem prototyping, enable improved acquisition outcomes? Please explain your answer.

Answer. In my view, introducing systems engineering early in the acquisition process has the potential to change the Army's approach to acquisition writ large. The development and use of government owned reference architectures enables modularity and agility through the rest of the acquisition process. Establishing a modular government architecture communicates to industry what kinds of components are needed now and in the future. This enables vendors to align product lines to those modules enabling early prototyping and competition and long-term technology insertion. Key practices include the use of standards-driven architectures, technical management, and risk assessments. These key practices support early evaluation of the component and subsystem prototyping viable in the current and future environments, inform requirements, and expose early opportunities for integration.

Question. In your view, what would be the benefits of using advanced engineering methods and technologies, such as digital engineering practices?

Answer. In my judgment, utilization of advanced engineering best practices throughout the lifecycle of a capability promotes modernization of the Army portfolio and helps the Army recruit and retain needed engineering talent that are digital natives. Modern advances in engineering technology are only incremental within a given discipline, but also transformational in their integration across disciplines. Digital engineering practices are about integrating data from across engineering disciplines to continuously evaluate whether the design of a system/subsystem/component is consistent and meets the required design requirements. The result of effectively applying digital engineering is more rapid design cycles without sacrificing engineering rigor. That is, delivering systems faster and knowing that they will work as promised when they are delivered. I believe the implementation of digital thread processes and common modular component standards should ensure the Army's ability to maximize the benefits of digital prototyping, design, simulation, and testing throughout the lifecycle of the capability.

CYBER AND ELECTRONIC WARFARE

Question. Do you support establishing the Principal Cyber Advisor function in the Army? If confirmed, how would you envision working with the Army PCA?

Answer. I fully support the position of the Principal Cyber Advisor. If confirmed, I will support the efforts already in progress to identify risk and mitigation priorities for the Army, to develop more secure acquisition processes, and to increase the efficacy of the cyber workforce.

Question. Do you believe the Army is organized and postured appropriately to address the full spectrum of cyber threats to the Army's role in joint, multi-domain operations?

Answer. I believe the Army has the right plans in place to ensure soldiers have the integrated force structure, modernized equipment, and interoperable command & control to address the full spectrum of cyber threats in Joint All-Domain Operations (JADO) by 2028. Since 2012, I understand the Army has been committed to operationalizing capabilities, organizations and forces to meet the challenges posed in cyberspace. As an example, one of the Army's top modernization priorities includes fielding Multi-Domain Task Forces (MDTF) aligned against National Defense Strategy (NDS) key threats, with one MDTF at Initial Operational Capability (IOC)

recently supporting the INDO-PACOM theater during the DEFENDER PACIFIC exercise, and a second MDTF planned for the EUCOM theater achieving IOC by the end of fiscal year 2022. The MDTF design provides the ability to deliver offensive cyber effects while also defending the Department of Defense Information Networks (DODIN) and critical infrastructure necessary for ensuring force projection. The Army's advanced warfighting platform investment, such as the Terrestrial Layer System (TLS) Echelons Above Brigade (EAB) with the Long-Range Signals Sensing, Electronic Attack, and Cyber Operations, provides capabilities essential to all phases of JADO. Finally, the Army established a Cyber Warfare Battalion that will eventually include 12 Expeditionary CEMA Teams capable of providing downward reinforcing effects at echelon for hard targets requiring reach back support from CONUS. Additionally, the Army dedicated institutional programs for technology protection, program protection, addressing readiness, testing forces in contested environments and in the acquisition community. The Army also established the Army Priority Vulnerability Management program to make sure systems are delivered and remain uncompromised through the entire life cycle. If confirmed, I will be committed to this critical challenge and I will work with the Hill, Joint Staff, and the other Services to continuously evaluate and improve our posture, programs, and capabilities.

Question. What are your recommendations for improving Army acquisition of offensive and defense cyber capabilities?

Answer. It is my belief that offensive and defensive cyber capability acquisition lifecycles are incredibly compressed. The time from identification of a requirement through delivery of a capability can be measured in months. If confirmed, I will work within existing statutory authorities to treat the Army's offensive and defensive cyber Program Managers in a manner that allows them to execute at the speed demanded by this unique warfighting domain, and provide them with the authority to decide how to meet rapidly emerging and evolving validated requirements while still maintaining necessary oversight and reporting. I will also recommend the continuation of flexible acquisition practices such as the Software Acquisition Pathway, Mid-Tier Acquisition, and will leverage the use of RDT&E Budget Activity 8 funding to enable faster and more relevant capability delivery. Additionally, the Army must find innovative ways to leverage what is being done in the commercial marketplace.

Whether it is incentivizing the hiring of technical experts or being a "fast follower" in implementing or modifying commercial products for military use, the Army must find ways to continue to keep pace. In addition, if confirmed I will work closely with the Army Principal Cyber Advisor (PCA) to improve the Army's overall approach to the acquisition of cyber capabilities, including potential new structures to better align the Army with approaches used by other services and elements of DOD, as well as the private sector.

Question. How could the Army better fund the acquisition and sustainment of cyber capabilities, particularly given that the rules and boundaries of existing funding mechanisms and accounts (research and development, procurement, and operations and maintenance) create numerous obstacles to timely acquisition outcomes?

Answer. If confirmed, I will continue to work closely with the Army Principal Cyber Advisor on his efforts to assess all Army's cyberspace-related investments in order to reduce operational risk and establish a new Cyberspace Resourcing Framework IAW recent statutory requirements. I will also work in tandem with appropriate stakeholders such as ASA(FM&C), DCG G-8 PA&E, DCS G-3/5/7, Army Cyber Command and Army CIO to ensure only the most appropriate capabilities are purchased and linked to validated requirements thru the PPBE process.

Question. In your view, what should be the appropriate Army contribution to joint EW capabilities, particularly as regards Multi-Domain Task Forces?

Answer. In my view, a capability for Electronic Warfare includes the capability itself, any associated analytical and dissemination tools to enable the capability, and trained soldiers at all echelons. Due to the Multi-Domain Task Force's responsibility across an enormous area of terrain the Army must contribute EW capabilities associated with the targets delegated to the Army by the theater. This comprises both offensive and defensive EW capabilities across air and ground to counter threat EW systems—this includes close in penetration phase EW capabilities and standoff / deep capabilities during campaigning phase and evaluation of competition phase capabilities. This also ensures access to national data served by the intelligence community and the associated authorities necessary to access, combine, and use the exquisite data for EW targeting. The foundational military intelligence and signature characterization for threat systems performs a critical element of these EW capabilities.

Through Project Convergence and theater aligned exercises in the Pacific and Europe the Army drove the inclusion of MDO experimentation including non-kinetic

options with the expansion of EW to echelons above brigade and multi-Service efforts to develop Joint Electronic Battle Management requirements and capabilities.

Question. Section 1637 of the Fiscal Year 2019 National Defense Authorization Act required the Secretary of Defense to submit to Congress, as a part of the documentation that supports the President's annual budget for the Department of Defense, a consolidated Cyber Vulnerability Evaluation and Mitigation budget justification display for each major weapons system of the Department of Defense, starting in Fiscal Year 2021. This consolidated budget display was not provided, as required, for the Fiscal Year 2022 budget.

If confirmed, will you commit to providing this budget display along with the Fiscal Year 2023 budget request?

Answer. Yes. In continued transparency as outlined in the NDAA, if confirmed, I will work with the Army Principal Cyber Advisor to determine the adequacy of the budget for all cyber matters and together we will provide the information this Committee needs.

Question. More broadly, what steps would you take, if confirmed, to ensure that the appropriate planning and budgeting is done to support a robust cybersecurity weapon systems program, as part of the traditional acquisition process?

Answer. If confirmed, my office would collaborate with Army Futures Command to refine Concepts of Operations and Concepts of Employment for cyber capabilities in support of Army formations and missions. As U.S. Cyber Command takes a more assertive role in the programming and budgeting process, I will work with the Army's corresponding staff elements in Deputy Chief of Staff, G-8, the Army Budget Office, and the Army's Principal Cyber Advisor to ensure coordination and synergy between Joint cybersecurity and cyber weapons programs and the Army's critical and necessary Service-retained capabilities. Additionally, I would encourage requirements developers to ensure appropriate cyber-security requirements are included, and would task PEOs to implement cyber-security from the start of each program. In my view, the Army must include these requirements and costs up front, so they are known and resourced parts of the program, as opposed to unfunded requirements late in the life cycle.

MUNITIONS

Question. Army munitions inventories, particularly those of precision guided munitions, have declined significantly due to high operational usage, insufficient procurement, and a requirements system that does not adequately account for the ongoing need to transfer munitions to our allies and for operations short of major combat.

If confirmed, what steps would you take to ensure the Army has sufficient inventories of munitions to meet combatant commanders' needs?

Answer. If confirmed, I would continue to coordinate with Combatant Commanders to support their requirements. I will focus on aligning funding to modernize our munitions stock and improve overall inventory levels to ensure the Army meets combatant commanders' requirements. I will also collaborate with our industry partners to increase production and procurement of critical munitions.

Question. If confirmed, what steps would you recommend to bolster the munitions industrial base's depth and surge capacity?

Answer. I understand the Army is the DOD's Single Manager for Conventional Ammunition (SMCA). If confirmed, I would ensure that Army, Air Force, and Navy Acquisition Executives, are synchronized on ammunition requirements to ensure optimization of the SMCA's ammunition procurements and investments in the industrial base. I would ensure clear and frequent communications to industry partners to enable them to effectively plan and respond to the Army's ammunition needs. If confirmed, in order to bolster the munitions organic industrial base, I would support the completion of the 15-year Army Ammunition Plant (AAP) modernization plan to increase manufacturing readiness and safety, increase environmental stewardship, and increase operating efficiencies. By resourcing and executing this plan, I believe that critical AAPs will be well-postured to safely and effectively produce ammunition for warfighters well into the future.

ENERGY AND ACQUISITION

Question. How can our acquisition systems better address requirements related to the use of energy in military platforms to decrease risks to warfighters?

Answer. In my view, platform-level energy efficiency should be a critical element of all new Army systems. By reducing overall energy demand, more flexible operations are enabled and fewer logistics personnel are put at risk on a highly lethal battlefield. As the Army refines its concepts for logistics and sustainment going for-

ward, such considerations should become a standard feature of all Army programs. However, energy efficiency is secondary to combat effectiveness. As a result, energy savings must be pursued in a manner that does not compromise a system's combat effectiveness or the safety of the soldiers using it.

Question. What steps would you take to invest upfront in energy savings technologies and practices to reduce the life cycle costs of Army systems, even if those savings are not realized immediately?

Answer. In my view, reducing energy demand is key. Current technology does not support moving to all electric platforms given the capabilities required on a battlefield. However, I understand the Army is exploring hybrid technologies that couple today's combustion engines with battery storage. When mature, I understand the Army plans to invest in these hybrid technologies to reduce demand and improve reliability. These same hybrid technologies would also apply to Army power generation systems.

Question. In your view, how can energy supportability that reduces contested logistics vulnerabilities best be incorporated as a key factors in the requirements process?

Answer. In my view, an integrated approach that starts with a thorough analysis of a contested logistics environment is required to fully understand significant changes in approach to system energy requirements. If confirmed, I would look to Army logistics experts, such as those in Army Materiel Command, to take leadership in developing new logistics concepts that would then result in new platform level requirements. Once that occurs, in my judgment, it will still be critical to look at each system on a case-by-case basis. For weapon systems soldiers will use in combat, it is my view that energy efficiency must not compromise combat capability or survivability.

Question. Specifically, how can the Army broadly include operational energy improvements in its weapons platforms?

Answer. Two potential areas for operational energy improvements in weapons platforms are the addition of hybrid-electric technologies at scale across the Army's fleet of combat vehicles, and the assessment of the benefit of changing the policy for a single fuel on the battlefield to allow for the potential use of ultra-low sulphur diesel for some systems. Additionally, the use of electric vehicles across the Army for non-tactical tasks (such as running ranges or on base maintenance) is another potential avenue for improvement.

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 respondents 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. Having served since January 2021 as the Principal Deputy Assistant Secretary of the Army (Acquisition, Logistics & Technology), what is your assessment of the current climate regarding sexual harassment and gender discrimination in the Office of the ASA(ALT)?

Answer. I started at ASA(ALT) as the Principal Deputy ASA (ALT) on March 8, 2021. During my time in the organization, I have not been made aware of any incidents of sexual harassment or gender discrimination.

Harassment and discrimination jeopardize readiness and mission accomplishment, weaken trust among colleagues, and erode organizational cohesion. If confirmed, I will focus on maintaining a workplace that meets these standards. I am committed and responsible to provide a workplace that is free from all unlawful forms of harassment and discrimination.

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 ASA(ALT)?

Answer. Upon receiving, or learning of, a complaint of sexual harassment, discrimination, or other harassment from an employee, I would ensure the employee receives information regarding their rights, due process and avenues of redress; and immediately put them into contact with appropriate servicing officials for intake and processing (IAW Federal laws, EEOC, DOD, and Army policy).

If confirmed, I will ensure coordination with my servicing EEO Official, legal advisor, and Civilian Personnel Official; support any inquiry or response necessary to promptly address and resolve the matter(s) at issue; and take appropriate corrective or disciplinary action as warranted. Further, I will ensure all necessary and appropriate policies and resources for prevention and response are in place. I will ensure an unfettered procedure for civilian employees to report all forms of harassment or

discrimination. Finally, I will ensure that all training and education requirements and standards are met.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise legislative and oversight responsibilities, it is important that this committee, its subcommittees, and other appropriate committees of Congress receive timely 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 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 JACK REED

ARMY CONTRACT WRITING SYSTEM

1. Senator REED. Mr. Bush, over the summer, the Navy allowed their award for a contract writing system to expire before receiving a final product. The Army is using the same vendor. If confirmed, do you pledge to look into the Army's contract writing system program and report back to the committee on the health of that program and the extent to which the Army is applying lessons learned from other services' efforts developing and procuring contract writing systems?

Mr. BUSH. I believe that the Army Contract Writing System (ACWS) capability is critical to the Army's modernization effort, and the continued coordination between the Army and the other services to identify and apply lessons learned is critical to ACWS success as a mission enabler. In my view, the Army continues to closely monitor the progress toward finalizing ACWS at every level. If confirmed, I would

continue to actively assess the program and maintain close communications with the Office of Secretary of Defense and other service counterparts regarding their efforts to deliver modern and adaptable contract writing capabilities. If confirmed, I would report back to the committee on the health of this critical program.

2. Senator REED. Mr. Bush, the Defense Federal Acquisition Regulation Supplement (DFARS) applies to all of DOD and guides requirements for contract writing systems. In your view, what requirements are truly Army-specific?

Mr. BUSH. The majority of Army-specific requirements are a result of the Army continuing to employ three legacy systems that will be replaced by ACWS. The Army also uses three Army-specific Enterprise Resource Programs that define the business processes between our acquisition workforce and the Army's financial and logistics communities. Although the services all share a need to procure weapon systems, our methods differ widely, thus requiring different systems for contract writing. If confirmed, I would continue to actively assess the ACWS program and its requirements.

QUESTIONS SUBMITTED BY SENATOR JEANNE SHAHEEN

NIGHT VISION STRATEGY

3. Senator SHAHEEN. Mr. Bush, how important is the fielding of operationally proven next-generation equipment, such as the enhanced night vision goggle-binocular (ENVG-B), to our soldiers for the continued advancement of the Army's modernization effort?

Mr. BUSH. The ENVG-B provides important capability to soldiers, and it is critically important to field operationally proven next-generation equipment to our soldiers. For the ENVG-B specifically, I believe the Army is balancing the requirement for the ENVG-B with the need for the Integrated Visual Augmentation System which provides additional capabilities. If confirmed, I will review the current plan to field the two systems to the Army.

4. Senator SHAHEEN. Mr. Bush, what is your view on whether the Army should continue or increase the procurement of ENVG-B systems to ensure our soldiers have the most capable night vision systems for deployment?

Mr. BUSH. In my view, the Army must make hard choices that balance the procurement rate of existing programs like the ENVG-B with the development and procurement of Army modernization priority efforts. However, if additional funds for ENVG-B are provided by Congress I would support using them to field additional ENVG-B systems to soldiers to meet Army requirements for improved night-vision capability.

QUESTIONS SUBMITTED BY SENATOR GARY PETERS

ARMORED MULTI-PURPOSE VEHICLE

5. Senator PETERS. Mr. Bush, during her confirmation hearing, I asked Secretary of the Army Christine Wormuth about the Army's commitment to providing soldiers with the most modern combat vehicles through the Next Generation Combat Vehicle (NGCV) cross functional team. The Army's current personnel carrier, the M113 vehicle, is a Vietnam era vintage vehicle that was designed in the 1950's. The Army still fields the vehicle today. In 2018, the Army made the Armored Multi-Purpose Vehicle (AMPV) part of NGCV to replace the M113. All five variants of that vehicle are in production and should be fielded to soldiers as soon as possible. Unfortunately, funding for the vehicle was reduced this year. AMPV is the only NGCV program currently in production and begins fielding to soldiers later this year.

In her response, Secretary Wormuth stated that AMPV and NGCV are "absolutely a capability set that we have to have and that we have to modernize." More recently, General James McConville, Chief of Staff of the Army, affirmed his commitment to fielding the most modernized NGCV equipment to soldiers at AUSA. Do you share the Secretary and General McConville's commitment to the AMPV program?

Mr. BUSH. I share Secretary Wormuth's and General McConville's view that the Army must be absolutely committed to the AMPV program.

6. Senator PETERS. Mr. Bush, given the M113's obsolescence, would you agreed that the AMPV should replace the M113 as soon as possible?

Mr. BUSH. I agree that the AMPV should replace the M113 in ABCTs as quickly as possible, but would caution that AMPV development and procurement must synchronize with other Army modernization priorities to prudently modernize the ABCT.

7. Senator PETERS. Mr. Bush, given the recent funding reductions to align with production, can we expect sustained funding increases next year and in the Future Years Defense Plan?

Mr. BUSH. Unfortunately, I cannot definitively answer this question because any additional funding for the AMPV program is pre-decisional at this time. If confirmed, I intend to keep Congress apprised of the funding outlook moving forward.

8. Senator PETERS. Mr. Bush, will you commit to providing the committee the FYDP for AMPV and all other Army programs to enable the committee to conduct their oversight responsibility?

Mr. BUSH. Yes. If confirmed, I will ensure that the Army provides timely support to the Secretary of Defense in connection with preparation and presentation of the President's Budget Request for fiscal year 2023.

ABRAMS PROCUREMENT

9. Senator PETERS. Mr. Bush, the Army's budget for fiscal year 2022 requested funding for less than one full brigade of Abrams tanks, coming up short 20 tanks for a brigade which is planned to be fielded to the Army National Guard. This decision departed from the Army's established funding baseline of at least one full brigade of Abrams per annual funding cycle and apparently came as a result of budget pressures and not a change in strategy or direction. Ultimately, the Army sought funding for a full brigade of Abrams tanks by including the required funds on the Army's fiscal year 2022 Unfunded Priorities List. In prior testimony before Congress, the Chief of Staff of the Army has reiterated his support for funding a full brigade of Abrams and fully supported the Army's Unfunded Priorities List to do so.

Do you support the goal of maintaining funding for one full brigade of Abrams tanks per annual funding cycle to fulfill the Army's commitments to provide the Army National Guard with the most modern tank and to maintain the rate of Abrams modernization that has been achieved to support the industrial base and the skilled workforce that provides this crucial enduring program that is the strongest element of Armored Brigade Combat Team modernization?

Mr. BUSH. If confirmed, I would remain committed to the goal of maintaining funding for one full brigade of Abrams tanks per annual funding cycle. However, I also acknowledge that the Army's ability to accomplish that goal is contingent on the availability of funds and that the Army must address an ever-evolving array of competing priorities.

ARMORED VEHICLE SURVIVABILITY CONCERNS

10. Senator PETERS. Mr. Bush, I continue to have concerns about the survivability of the Army's armored platforms in near-peer conflict, especially those forward-deployed platforms like the Stryker Infantry Carrier Vehicle. Outfitting our Stryker brigades with Active Protection Systems (APS) would ensure that our forward-deployed units in Europe and elsewhere are resilient against advanced threats. Yet, despite millions of taxpayer dollars spent on research and development, the Army has failed to adequately evaluate and field APS solutions for the platform. Can you commit that you will examine the Army's schedule for Stryker APS characterization testing and ensure that a system is fielded on the platform as quickly as possible?

Mr. BUSH. If confirmed, I am committed to fielding Active Protection Systems (APS) as quickly as possible. However, I believe the Army must be deliberate to ensure the APS will effectively protect our warfighters when fielded. The Army conducted a Stryker-based APS system characterization in 2017-2018 and a system demonstration in 2019 and determined the APS solutions tested were not suitable for the Stryker platform. I am aware that another APS limited characterization is scheduled in 2d Quarter Fiscal Year 2022 to assess maturity, performance, and integration risk of non-developmental item (NDI) APS on Strykers and other platforms. I would anticipate that the results from the limited characterization will inform APS suitability for the Stryker platform and subsequently lead to a funding and fielding determination based on Army modernization priorities.

OPTIONALLY MANNED FIGHTING VEHICLE COMPETITION

11. Senator PETERS. Mr. Bush, I am also concerned that in the event of a constrained defense budget the Army will continue to be a “bill payer” to reduce cuts to other services. I am specifically concerned that programs in the Army’s “31+4” modernization priorities, like the Optionally Manned Fighting Vehicle (OMFV), will be forced to endure funding cuts despite their critical nature to maintaining strategic competitiveness with adversaries like Russia and China. As you know, the Army is scheduled to award up to three contracts for the second phase of the OMFV program, which would ensure that the Army maintains competition and technological innovation. Can you commit to ensuring that the Army awards three contracts in the second phase of OMFV development, even in the event of a constrained budget environment?

Mr. BUSH. I am aware that the Army is currently executing Phase 2 for the OMFV program with five contractors. Phase 3 is scheduled and on track to award up to three contracts in 2d Quarter, Fiscal Year 2023. I believe that awarding three contracts in the third phase as planned would promote competition. If confirmed, I commit to ensuring the Committee is apprised of the Department’s progress on this important effort.

CYBER AND CONNECTED VEHICLE INTEGRATED CENTER

12. Senator PETERS. Mr. Bush, the Cyber and Connected Vehicle Integration Center at Selfridge Air National Guard Base would be a vehicle cyber security proving ground which would help integrate industry, academia, and U.S. Government capabilities under one roof. This facility is precisely the type of investment the Army needs to be making to combat this threat. Can I have your commitment that if confirmed, you will work with my office to further the development of army vehicles cybersecurity systems and protocols?

Mr. BUSH. If confirmed, I will commit to the further development of cybersecurity systems and protocols for Army vehicles; and I will work with your office to that end. To best address future threats, I believe the Army must leverage the expertise of the science and technology community, academia, and industry, to include facilities such as the Cyber and Connected Vehicle Integration Center at Selfridge.

GROUND VEHICLES SYSTEMS CENTER

13. Senator PETERS. Mr. Bush, semi-autonomous robotic tactical wheeled vehicles are a key element to modernizing the sustainment warfighting function and another reminder that the Ground Vehicle Systems Center and Army Tank-automotive and Armaments Command (TACOM) are instrumental to our national defense.

Last month, a Leader-Follower truck squad supported a rotational unit at the Joint Readiness Training Center (JRTC) for the first time, setting the conditions for outfitting more vehicles and units with this hardware over the next 2 years. How do you foresee incorporating software into units’ standard maintenance functions to ensure the platform’s cybersecurity?

Mr. BUSH. Based on my experience, I foresee the Army will improve the survivability of all its platforms by leveraging the standard maintenance system to make cybersecurity a routine component of overall supportability. If confirmed, I would ensure software packages are developed with both cybersecurity and supportability best practices, which includes identification and mitigation of threat informed risk. To improve overall force readiness, if confirmed, I would also work with the operational and logistics communities to notify field Commanders when new secure versions of software are available and identify any accepted risk.

14. Senator PETERS. Mr. Bush, with respect to JRTC, are cyber threats in an anti-access/area denial setting something we can expect to see incorporated into training?

Mr. BUSH. For several years, the Army has incorporated the World Class Opposing Force (OPFOR) into its Combat Training Centers (CTC). There are several ongoing Army initiatives meant to inform the appropriate threat exposure and Operational Environment replication of adversarial Anti-Access/Area Denial (A2AD) capabilities.

U.S. Army Cyber currently replicates an adversary’s information warfare capabilities with the OPFOR at the CTCs to provide rotational training units with the congested and contested cyber-electromagnetic operating environments representative of nation-State threats. In the future, the Army plans to expand these capabilities to include a wider spectrum of cyber electromagnetic activities threats, such as jamming, interference, and degradation across the radiated frequency spectrum to in-

clude single and upper-side band degradation, interference, and manipulation of radiated frequency for space-based assets.

GROUND VEHICLE AUTONOMY

15. Senator PETERS. Mr. Bush, advances in ground robotics and autonomy will provide Army formations new capabilities that will help achieve its goals for Multi-Domain Operations. U.S. Army Combat Capabilities Development Command's (DEVCOM) Ground Vehicle System Center has led the Army's ground vehicle autonomy strategy and development of the Robotic Technology Kernel

(RTK) which is built on a foundation of a Modular Open Systems Architecture—with common software products lines and interfaces—to enable common unmanned maneuver capabilities across the ground vehicle fleet. How do you intend to build upon the modular open system architecture approach for the acquisition and fielding of robotic and autonomous systems like Robotic Combat Vehicle and Optionally Manned Leader Follower and across the ground vehicle fleet in general?

Mr. BUSH. I would expect advancements in robotic and autonomous vehicles, whether the Robotic Combat Vehicle or others, to require rapid innovation in software and autonomous behaviors. I believe this is a fundamental shift from the Army's traditional methods of ground vehicle development and modernization, as rapidly modernizing software is now critical for maintaining the latest operational capabilities. If confirmed, I would support the Robotic Technology Kernel (RTK), which represents the Army's method for instituting a robotic operating system that can be quickly adapted, modified with competitively sourced new autonomous behaviors, and applied across all the Army's ground vehicle platforms with varying degrees of autonomy.

QUESTIONS SUBMITTED BY SENATOR TAMMY DUCKWORTH

FEDERAL PROCUREMENT POLICY AND REGULATIONS

16. Senator DUCKWORTH. Mr. Bush, when it comes to Office of Federal Procurement Policy (OFPP) memos regarding category management (CM), many small businesses (SB) are concerned that the Best In Class (BIC) contracts do not allow room for the SB to engage in the procurement process. How will you empower Department of Defense agencies to create more strategic sourcing contracts with a small business focus to meet CM and small business goals?

Mr. BUSH. If confirmed, I would continue to work with the Army Office of Small Business Programs on Category Management (CM) and increasing those opportunities to current and new small businesses. I believe that Commercial Off the Shelf (COTS) and Other Transaction Authority (OTA) have broadened opportunities for small businesses, and I would want to build on that. I consider Small Business participation a key factor and, if confirmed, will coordinate with my counterparts across the Department of Defense to explore methods to achieve all CM and small business goals.

17. Senator DUCKWORTH. Mr. Bush, with the creation of new Government-wide Acquisition Contracts (GWACs), many with a large business focus, from your perspective, to expand the business pool for Indefinite Delivery/Indefinite Quantity (IDIQs) and Blanket Purchase Agreement (BPAs) for small businesses, how often should onboarding opportunities be allowed?

Mr. BUSH. If confirmed, I would continue to work with the Army Office of Small Business Programs to ensure small business concerns are considered for all Army acquisitions. I would also work to ensure contracting officers and program managers conduct market research to identify onboarding opportunities on a regular basis for businesses that meet the requirements.

18. Senator DUCKWORTH. Mr. Bush, from my understanding, there is no repository of all Government-wide accessible GWACs, IDIQs, BPAs, etc. What would you recommend be created/used to offer a more streamlined repository to ensure our Contracting Officers know of contracts that fit the Government's needs while saving tax dollars?

Mr. BUSH. If confirmed, I would work with the DOD and the General Services Administration (GSA), the agency with the most governmentwide contracts, to share information on Army contracts suitable for expanded use. It is my understanding that GSA currently hosts a repository of governmentwide contracts via its publicly accessible website and this repository is available to Army and government contracting personnel. If confirmed, I would ensure it is easily accessible to the Army

acquisition workforce and stress its value for market research to ensure the DOD is a good steward of tax-payer dollars.

19. Senator DUCKWORTH. Mr. Bush, as a leader in the Federal acquisition workspace, DOD is a Federal Acquisition Regulatory Council member with the General Service Administration (GSA) and National Aeronautics and Space Administration (NASA). What policies will you review or obtain workforce feedback to improve the process for the acquisition workforce (i.e., market research, acquisition strategy determination, acquisition regulations) that make it difficult for acquisition personnel to do their job?

Mr. BUSH. If confirmed, I am committed to using existing flexible acquisition authorities to the maximum extent practical and to gain feedback from the Army's acquisition workforce and our partners across DOD and the Federal Government to identify areas for further acquisition reform. I would work to ensure the Army's acquisition workforce has the knowledge, skills, and tools needed to quickly acquire cutting-edge technology and that it offers the services needed to meet the Army's modernization and readiness priorities.

WORKING WITH SMALL BUSINESS

20. Senator DUCKWORTH. Mr. Bush, will you work with agencies such as the Small Business Administration, who are very influential in driving small business policy, specifically in the NDAA, and socio-economical goals to ensure policy changes will not hinder the acquisition process but offer equitable opportunities to small businesses? (Examples: applying liquidated damages, applying subcontracting tier reporting)

Mr. BUSH. Yes. In my view, small businesses provide essential supplies and services that enable the Army to maintain readiness while building future capability for multi-domain operations. I fully support providing maximum practicable opportunities for small businesses to participate on Army contracts at the prime and subcontractor level. If confirmed, I would work with the Small Business Administration and the Army's Office of Small Business Programs to reduce barriers that inhibit the ability of small businesses to compete for Army contract opportunities, and ensure availability of opportunities for small, disadvantaged businesses, women-owned businesses, veteran-owned businesses, and businesses in historically underutilized business zones.

21. Senator DUCKWORTH. Mr. Bush, given the outstanding track record of GSA small business information technology (IT) GWACs, National Institutes of Health's (NIH) Chief Information Officer—Solutions and Partners 3 (CIO-SP3) small business GWAC and One Acquisition Solution for Integrated Services (OASIS) SB, the abandonment of the acquisition approach of these vehicles in their follow-on procurements appears to be inconsistent with increasing opportunities for small businesses. Do you feel this approach aligns with the Biden administration's increased commitment to small business opportunities in Federal procurement?

Mr. BUSH. I believe that the Army is committed to allowing opportunities for small business and is the leading agency in the DOD for small business achievement. In my view, the Army is in a good position to meet the President's commitment to increase small business opportunities for small, disadvantaged businesses by 50 percent no later than 2025. If confirmed, I would ensure maximum practicable opportunity for small business to compete for prime contracts, consistent with efficient acquisition execution.

22. Senator DUCKWORTH. Mr. Bush, GSA is working to obtain more SB-related GWACs and created strategic SB initiatives to ensure the Federal Government is meeting goals in more challenging socioeconomic categories (HUBZone, Women-owned small businesses (WOSB), Service-disabled Veteran-owned small businesses (SDVOSB)). There could be additional advantages to using NIH's IT, as some find it much easier to order off of, based on the organization of the system. Should all agencies consider following that model?

Mr. BUSH. It is my understanding that the Army determines the acquisition strategy that best fits the requirement based on extensive market research. This includes industry engagement and consideration of the number of small businesses who possess the technical capabilities to perform at the prime and subcontract level. When the nature of the requirement lends itself to establishing an agency-level contract, the Army will pursue that acquisition strategy. If confirmed, I would ensure acquisition strategies support maximum practicable opportunity for small businesses across all socio-economic categories.

23. Senator DUCKWORTH. Mr. Bush, CIO-SP3, CIO-SP3 Small Business and CIO-CS can be used by any Federal civilian or DOD agency to acquire information technology services, solutions, and commodities from pre-qualified vendors at lower than open-market prices in less time than going the traditional full and open route. Do you think this process limits the market research process that could impact a small business's ability to compete?

Mr. BUSH. The Army works to support small businesses while following the Federal Acquisition Regulation requirements for conducting market research, which includes a review of existing pre-negotiated contract vehicles when appropriate. It is my experience that contracting officers consider a variety of factors when making the sourcing decision, including when the item/service is required, and the capability and capacity of small businesses. Generally, small businesses who have master contracts are in a good position to compete for and win task or delivery order contracts. If confirmed, I would work with the Army's Office of Small Business Programs to ensure small businesses receive fair opportunity to compete for prime contracts.

QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

ARMY MODERNIZATION PRIORITIES

24. Senator INHOFE. Mr. Bush, 4 years ago, the Army identified six priority efforts as essential to modernizing the Army for great power competition and, if deterrence fails, conflict. The Army has made substantial progress on these priorities, but now it's time that these efforts transition from development to procurement. What do you see as the greatest challenges to procuring and fielding the Army's modernization priorities?

Mr. BUSH. I believe that the Army faces several challenges when transitioning weapon systems from development to procurement and fielding. The Army must demonstrate the systems meet their warfighting requirements through operational test and evaluation in order to prove the systems are "effective, suitable, and survivable." The Army also requires that weapon systems remain affordable to both procure, operate, and sustain. Finally, the Army must successfully transition the system from successful prototyping to efficient and cost-effective large-scale production. However, despite these challenges I am confident that the Army can succeed.

QUESTIONS SUBMITTED BY SENATOR ROGER WICKER

OTHER TRANSACTION AUTHORITY FOR THE ARMY CORP OF ENGINEERS

25. Senator WICKER. Mr. Bush, the Department of Defense has successfully used Other Transaction Authority (OTA) to access cutting-edge technologies and innovation for the defense space by making Federal contracting more accessible to non-traditional contractors. The Corps of Engineers' lawyers have interpreted the law to mean that Other Transaction Authority can be used only to support the Corps' defense missions and not the Corps' non-military missions. Given the significant volume of the Corps' work for Civil Works and other programs, do you think it would be useful for the Corps to have the ability to use OTA to support non-military missions?

Mr. BUSH. I agree that OTAs have proven to be a very effective tool for making Federal contracting more accessible to nontraditional defense contractors, and I see potential application for use of this authority in the Civil Works arena. If confirmed, I would further review this matter with the Secretary of the Army and the Assistant Secretary of the Army for Civil Works.

QUESTIONS SUBMITTED BY SENATOR THOM TILLIS

AMMUNITION PRODUCTION FACILITIES

26. Senator TILLIS. Mr. Bush, the Department of the Army has testified that they have a multi-billion-dollar requirement for recapitalization of the Department of Defense's conventional ammunition production facilities. Many of the facilities were constructed more than 75 year ago and do not include modern manufacturing processes. Of even more concern, in many of the plants the workers are handling ammunition and explosives. Tragically, over the last decade two civilian employees were killed in accidents on the production line.

Most of these projects are funded from ammunition procurement funds. If confirmed, what will be your role in modernizing the conventional ammunition infrastructure so that the projects are safe, environmentally compliant and efficient?

Mr. BUSH. I agree that this is a serious issue. During my time as Acting Assistant Secretary earlier this year I visited three ammunition production facilities and saw how important the modernization plan is to the entire DOD. The Army is executing an Army Ammunition Plant (AAP) modernization program to ensure production continuity, safety and environmental compliance, and improve the Quality of the Work Environment (QWE) at five of its critical Government Owned, Contractor Operated (GOCO) AAPs. To directly bolster the munitions organic industrial base further, the Army developed a 15-year transformational modernization plan that will apply advanced technology, robotics, and automation to enable increased manufacturing readiness and safety, increased environmental stewardship, and increased operating efficiencies. If confirmed, I would make every effort to push these modernization efforts forward.

27. Senator TILLIS. Mr. Bush, will you look to modern manufacturing planning tools to include digital twinning to develop efficient, flexible, and safe projects?

Mr. BUSH. Yes. The use of modern manufacturing tools for ammunition production is being assessed by all the Services. As part of the development of the Army's holistic 15-year Organic Industrial Base Modernization Strategy, the Army has partnered with Sandia National Lab's High Consequence Robotics and Automation Directorate to identify potentially different and better methods to produce quality ammunition safely. In my judgment, improving manufacturing process characterization and mapping, systems modeling, and data collection to a digital platform (to include "digitally twinning") are key recommendations that I would commit to exploring, if confirmed.

ARMY CORPS OF ENGINEERS

28. Senator TILLIS. Mr. Bush, the Army Corps of Engineers depends on contractors to design, build, and maintain projects. Industry has a growing concern that the Corps is adding process that add cost and time to both industry and the Government without reducing cost, increasing quality, nor expediting project delivery. I am told that none of these changes were driven by a change in law. If confirmed will you agree to look into each of these issues and get back to the Committee with your assessment if the added steps are necessary and improve the performance of Government?

Mr. BUSH. Yes. If confirmed, I would work with the Assistant Secretary of the Army for Civil Works to review the Corps' project management procedures and identify ways to eliminate redundancies and streamline processes without sacrificing quality, timeliness, or affordability.

29. Senator TILLIS. Mr. Bush, if you determine that the steps are not required by statute and do not improve the delivery of projects, will you issue an Acquisition Directive to streamline procurement?

Mr. BUSH. Yes. If there are any unnecessary or burdensome processes that could be remedied through an Army-level Acquisition Directive, I would, if confirmed, issue any such necessary directives.

30. Senator TILLIS. Mr. Bush, if a change to the law is required, will you provide the Committee a draft legislative proposal to remove the unnecessary processes?

Mr. BUSH. Yes. If a change to the law is required, if confirmed, I will support an Army legislative effort to propose removing any unnecessary processes.

QUESTIONS SUBMITTED BY SENATOR RICK SCOTT

CHINA

50. Senator SCOTT. Mr. Bush, if the reports on China testing hypersonics is true, do you think the United States is comfortably ahead of the Chinese on nuclear warheads or is this launch evidence that we must modernize our nuclear arsenal and double down on our efforts to develop and test the next generation of weapons, including hypersonic weapons?

Mr. BUSH. I believe readiness of our Nation's nuclear arsenal is outside the purview of the ASA(ALT). That said, I do support a modernized and effective nuclear deterrent. In addition, in my view, the entire Department of Defense, including the Army, needs to continue to work rapidly to improve our hypersonic capabilities. The

development of the Army's hypersonic weapons to deter and, if necessary, defeat our Nation's adversaries does, in my opinion, fall under the oversight of the ASA(ALT). If confirmed, I am committed to helping the Army develop hypersonic capability as expeditiously as possible, with the goal of fielding the first Long Range Hypersonic Weapon battery in fiscal year 2023.

[The nomination reference of Mr. Douglas R. Bush, follows:]

NOMINATION REFERENCE AND REPORT

PN1183

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 27, 2021.

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

Douglas R. Bush, of Virginia, to be an Assistant Secretary of the Army, vice Bruce D. Jette.

_____, 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 Mr. Douglas R. Bush, which was transmitted to the Committee at the time the nomination was referred, follows:]

Bio
Douglas Ross Bush

Education:

- **United States Military Academy**
 - 6/1989 – 5/1993
 - Bachelor of Science in Political Science
- **Georgetown University**
 - 1/2001 – 12/2002
 - Master of Arts in National Security Studies

Employment Record:

List all jobs held since college including title or description of job, name of employer, location of work, and dates of employment.

- **US Army**. Ft. Benning/Ft. Knox/Ft. Stewart. 5/1993-3/1998. Armor Officer. Positions as follows:
 - 2nd Lieutenant, Tank and Scout Platoon Leader, 24th Infantry Division, Ft. Stewart GA
 - 1st Lieutenant, Cavalry Troop Executive Officer and Squadron Maintenance Officer, 24th Infantry Division, Ft. Stewart GA
 - Captain, Division G3 Staff, 3rd Infantry Division, Ft. Stewart GA
- **US Army**. Captain. Individual Ready Reserve. 3/1998-10/2002.
- **Staffing Services America, Inc.** Savannah, GA. 6/1998-8/1998. Administrative temporary worker. Two assignments.
- **Southern Bulk Industries**. Savannah, GA. 8/1998 - 10/2000. Systems Administrator for inventory management.
- **Apex Systems Inc.** Washington, DC. 12/2000 - 1/2001. Access Database Programmer. One assignment with the Department of Navy at Naval Base Anacostia.
- **Georgetown University**. Washington, DC. 1/2001 - 4/2001. Library Assistant / Student.
- **Association of the United States Army**. Arlington, VA. 4/2001 - 10/2002. Policy Analyst.
- **Office of Senator Bill Nelson (FL)**. Washington, DC. 10/2002 - 3/2003. Legislative Correspondent (National Security Issues).
- **Office of Congressman Jim Cooper (TN)**. Washington, DC. 3/2003 - 11/2004. Legislative Assistant (Defense and Foreign Policy Issues).
- **Office of Congressman Neil Abercrombie (HI)**. Washington, DC. 11/2004 - 1/2007. Legislative Director (Defense and Foreign Policy Issues).
- **House Armed Services Committee**. Washington, DC. 1/2007 - 3/2021. Positions as follows:
 - Professional Staff Member (Majority). 1/2007 - 1/2011.
 - Professional Staff Member (Minority). 1/2011 - 1/2019.
 - Deputy Staff Director (Majority). 1/2019 - 3/2021.

- US Army. Principal Deputy Assistant Secretary of the Army (Acquisition, Logistics, and Technology). Washington, DC. 3/8/2021-Present.
- US Army. Acting Assistant Secretary of the Army (Acquisition, Logistics, and Technology). Washington, DC. 3/10/2021-9/24/2021.
- US Army. Deputy Assistant Secretary of the Army (Strategy and Acquisition Reform) (Detailed). Washington, DC. 9/24/2021-Present.

Honors and Awards:

- Military Awards:
 - National Defense Service Ribbon
 - Army Service Ribbon
 - Army Achievement Medal
 - Basic Parachutist Badge

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Mr. Douglas R. Bush 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):**
 - Douglas Ross Bush
2. **Position to which nominated:**
 - Assistant Secretary of the Army (Acquisition, Logistics, and Technology)
3. **Date of nomination:** 27 September 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):**

- Mount de Sales Academy (Private High School). High School Diploma. May 1989.
 - United States Military Academy (Public University). Bachelor of Science in Political Science. May 1993.
 - Georgetown University (Private University). Master of Arts in National Security. December 2002.
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):**
- Association of the United States Army. Arlington, VA. 4/2001 - 10/2002. Policy Analyst.
 - Office of Senator Bill Nelson (FL). Washington, DC. 10/2002 - 3/2003. Legislative Correspondent (National Security Issues).
 - Office of Congressman Jim Cooper (TN). Washington, DC. 3/2003 - 11/2004. Legislative Assistant (Defense and Foreign Policy Issues).
 - Office of Congressman Neil Abercrombie (HI). Washington, DC. 11/2004 - 1/2007. Legislative Director (Defense and Foreign Policy Issues).
 - House Armed Services Committee. Washington, DC. 1/2007 - 3/2021. Positions as follows:
 - Professional Staff Member (Majority). 1/2007 - 1/2011.
 - Professional Staff Member (Minority). 1/2011 - 1/2019.
 - Deputy Staff Director (Majority). 1/2019 - 3/2021.
 - US Army. Principal Deputy Assistant Secretary of the Army (Acquisition, Logistics, and Technology). Washington, DC. 3/8/2021-Present.
 - US Army. Acting Assistant Secretary of the Army (Acquisition, Logistics, and Technology). Washington, DC. 3/10/2021-9/24/2021.
 - US Army. Deputy Assistant Secretary of the Army (Strategy and Acquisition Reform) (Detailed). Washington, DC. 9/24/2021-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):**
- None
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):

- Member. Association of the United States Army. 2017-Present.
 - Link: <https://www.ausa.org/>
- Member. DC Area Conscripts board gaming club. 2000-Present.
 - Link: <https://dc-conscripts.org/>
- Member. Abingdon Elementary School PTA, Arlington VA. 2008-2018.
- Adult Volunteer. Arlington Soccer Club, Arlington VA. 2010-2011.
 - Assistant coach for my son's youth soccer team.
 - Link: <http://arlingtonsoccer.com/>
- Adult Volunteer. Troop 104, Clarendon United Methodist Church, Capital Area Council, Boy Scouts of America. 2016-2018.
 - Assisted with occasional camping trip planning.
 - Link: <https://www.troopwebhost.org/Troop104Arlington/Index.htm>
- Adult Leader. Pack 350, Fairlington United Methodist Church, Capital Area Council, Boy Scouts of America. 2011-2015.
 - Treasurer and Pack Committee Chair. Responsible for financial and administrative activities. Also planned meeting and camping events.
 - Link: <https://pack350.mypack.us/>

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):**
- I have never held a political office in any capacity.
- b. List all memberships and offices held in, and services rendered to, all political parties or election committees during the last 5 years:**
- Member, Arlington County Democrats. 2006-Present.
- 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:

- Hillary Clinton. \$250. 8/1/16.
 - Jon Ossoff. \$100. 3/20/17.
 - Joseph Kopser. \$250. 5/25/17.
 - Joseph Kopser. \$100. 6/9/17.
 - Ken Harbaugh. \$100. 8/14/17.
 - Joseph Kopser. \$100. 10/10/17.
 - Joseph Kopser. \$100. 11/5/17.
 - Doug Jones. \$100. 11/10/17.
 - Joseph Kopser. \$100. 2/25/18.
 - Joseph Kopser. \$100. 5/3/18.
 - Joseph Kopser. \$100. 7/20/18.
 - Joseph Kopser. \$100. 8/30/18.
 - Beto O'Rourke. \$100. 9/19/18.
 - Joseph Kopser. \$100. 9/30/18.
 - Democratic Party of Virginia. \$100. 10/11/18.
 - Joseph Kopser. \$100. 10/30/18.
 - Beto O'Rourke. \$100. 3/19/19.
 - Joe Biden. \$100. 5/10/19.
 - Joe Biden. \$100. 11/9/19.
 - Joe Biden. \$100. 12/16/19.
 - Joe Biden. \$100. 2/29/20.
 - Joe Biden. \$100. 3/20/20.
 - Joe Biden. \$100. 4/30/20.
 - Evelyn Farkas. \$100. 5/18/20.
 - Joe Biden. \$100. 6/14/20.
 - Joe Biden. \$100. 7/13/20.
 - Joe Biden. \$100. 7/19/20.
 - Joe Biden. \$100. 8/28/20.
 - Joe Biden. \$100. 8/28/20.
 - Joe Biden. \$100. 9/21/20.
 - DCCC. \$100. 10/6/20.
 - Kennedy Democrats. \$100. 2/8/21.
10. Honors and awards (List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognition received for outstanding service or achievements):
- None

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):**
- 2019. "Red Storm: The Air War Over Central Germany, 1987". I was the designer of a board game published by GMT Games, Inc., 2019. Game included three booklets. Royalties received.
 - 2015. "Next War: India-Pakistan". I am cited for "Design/Research". Board game published by GMT Games, 2015. No royalties received.
 - 2014-2020. "InsideGMT" Blog. Author of twenty-two "Red Storm" and "Next War: India-Pakistan" game articles. Available here: <http://www.insidegmt.com/>
 - 2002. "Iran: Next in the Crosshairs?". Co-Author of Association of the United States Army paper. 9/8/02.
 - 2001. "Legacy Force Recapitalization: An Urgently Needed Program for Today's Army". Author of Association of the United States Army paper. 11/20/01.
 - 1993. "Clinton budget plan as fair to all as possible." Author of op-ed. Macon Telegraph. 8/14/93.
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).**
- Remarks are 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.

A handwritten signature in black ink, appearing to be "J. R. Reed", written over a horizontal line.

This 6th day of October, 20 21

[The nomination of Mr. Douglas R. Bush was reported to the Senate by Chairman Reed on October 28, 2021, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on February 9, 2022.]

○