

**THE NOMINATIONS OF: HON. WILLIAM A.
LAPLANTE, JR. TO BE UNDER SECRETARY
OF DEFENSE FOR ACQUISITION AND
SUSTAINMENT; MR. ERIK K. RAVEN TO BE
UNDER SECRETARY OF THE NAVY; MS. M.
TIA JOHNSON TO BE A JUDGE OF THE
UNITED STATES COURT OF APPEALS FOR THE
ARMED FORCES AND DR. MARVIN L. ADAMS
TO BE DEPUTY ADMINISTRATOR FOR DEFENSE
PROGRAMS, NATIONAL NUCLEAR SECURITY
ADMINISTRATION**

HEARING

BEFORE THE

**COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE**

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

MARCH 22, 2022

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TUESDAY, MARCH 22, 2022

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

The Committee met, pursuant to notice, at 9:29 a.m., in room G50, Dirksen Senate Office Building, Senator Jack Reed (Chairman of the Committee) presiding.

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

Also Present: Senator Tester.

OPENING STATEMENT OF SENATOR JACK REED

Chairman REED. The Committee meets this morning to consider the nominations of Dr. William LaPlante to be Under Secretary of Defense for Acquisition and Sustainment, Mr. Erik Raven to be Under Secretary of the Navy, Mr. Tia Johnson to be a Judge of the United States Court of Appeals for the Armed Forces, and Dr. Marvin Adams to be Deputy Administrator for Defense Programs at the National Nuclear Security Administration.

On behalf of the Committee, I want to thank each of you for your willingness to return to public service. I would also like to welcome the guests and family members who are present today. I am pleased to recognize Secretary Ash Carter, who will introduce Dr. LaPlante. Senator Jon Tester, who will introduce Mr. Raven.

Secretary Jeh Johnson, who will introduce Ms. Johnson. Ambassador Linton Brooks, who will introduce Dr. Adams. Additionally, Dr. LaPlante, I welcome your brother, John. Mr. Raven, I welcome

your wife, Ann. Ms. Johnson, I welcome your husband Al, and commend him to his service in the United States Army.

We are grateful to each of you for your support. Dr. LaPlante, you are well qualified to be Under Secretary of Defense for Acquisition and Sustainment, or USD (A&S). You have decades of technical expertise from your current role as President and CEO of Charles Stark Draper Laboratory, as well as your previous service as the Assistant Secretary of the Air Force for Acquisition during the Obama administration.

The USD(A&S) has a wide variety of duties, including delivering timely cost effective capabilities for the armed forces, supervising all elements of defense acquisition enterprise and the defense industrial base, overseeing the modernization of our nuclear forces, and serving as the principal advisor to the Secretary on acquisition, sustainment, and core logistics. If confirmed, streamlining and expediting the acquisition process must be one of your highest priorities.

We need to field equipment to our warfighters quickly, while also ensuring acquisitions remain on budget. Although some progress has been made in recent years, the Defense Department's acquisition process still remains on the Government Accountability Office's high risk list. Similarly, the Department must improve the operation and sustainment of weapons systems over their life cycles, a course that is often overlooked in the acquisition process. Dr. LaPlante, I would like to know how you would plan to address these challenges this morning.

Mr. Raven, you were nominated to the second highest position in the Department of the Navy. Your experience on the Senate Appropriations Defense Subcommittee will serve you well in this role. If confirmed, you will face a number of critical issues that confront the Department of the Navy.

The Navy and the Marine Corps have historically had to deal with the day to day strains of deployment and high operating tempos, with concerns about the readiness of our deployed and non-deployed forces, the next Under Secretary's efforts in managing improvements in the force and its supporting structure will be crucial. In addition, the Navy is tested to meet today's priorities, while also shifting investments to support our long range strategic competition with China and Russia.

Mr. Raven, I look forward to your testimony on how we can best balance these challenges. Ms. Johnson, you are nominated to be a Judge in the United States Court of Appeals for the Armed Forces. If confirmed, you would serve a 15 year term on the court. You bring a distinguished career of service as an Army judge advocate, National Security Council in the Obama administration, and Professor of Law at Georgetown University. The Court of Appeals of the Armed Forces is the Senior Appellate Court with the exclusive jurisdiction over the Uniform Code of Military Justice, sometimes regarded as the Supreme Court of Military Law.

Ms. Johnson, based on your uniformed and civilian career experiences, I would like to know what you view as a key strengths and weaknesses of the military justice system, including the fairness and effectiveness of the system. In addition, the Fiscal Year 2022 National Defense Authorization Act implemented extensive

changes to the UCMJ, including a statute that would criminalize sexual harassment under some circumstances.

I hope you will share your views on the Court of Appeals' role in reviewing challenges and issues with the recent sexual assault and sexual harassment statutes, including your view on defendants' rights under the UCMJ. Dr. Adams, you are nominated to be Deputy Administrator for Defense Programs for the National Nuclear Security Administration or NNSA. You have had a distinguished career at Texas A&M University, conducting research on nuclear science, serving on numerous advisory boards at the NNSA, and recently helping Los Alamos National Laboratory develop its plutonium manufacturing operations.

If confirmed, you will assume an expansive range of duties. You will oversee more than 50,000 contractors and NNSA Federal employees with a budget of \$16 billion, while simultaneously meeting the Defense Department's construction and stockpile requirements. Dr. Adams, I would like to know your views on how to meet the Defense Department's requirements, while at the same time preserving the core scientific capabilities at our national laboratories.

Again, I would like to thank our nominees, and I look forward to your testimonies. I understand that Senator Tester has an engagement beginning shortly, so I would ask that he delivers an introduction immediately following Senator Inhofe's opening statement. Now let me turn to the ranking member.

STATEMENT OF SENATOR JAMES M. INHOFE

Senator INHOFE. Thank you, Chairman Reed, and thanks to our witnesses for being with us and their willingness to serve, continue their service to the Nation. As Former Secretary of Defense and CIA Director Bob Gates said recently, "we have to think about how we are going to deal with a hostile Russia as long as Putin is around. We face a much longer term kind of problem and challenge from the Chinese." I think these remarks put Russia and China into the right context.

The 2018 National Defense Strategy book is one we refer to many, many times over and over again, and it comes to light again with this panel. I think that we are going to have to continue the using it as the roadmap as we have for the last several months. We continue to fall behind the Chinese even as the threats worsen. We haven't seen resourcing the strategy adequately and that was before we had all this inflation.

We need the sense of urgency to make bold smart decisions at the Department of Defense, and that starts with senior civilian leadership. We have got to take some risk. Congress is an eager and willing partner, but you got to ask us, we want to work with you. Dr. LaPlante, you have been nominated to be the DOD's top acquisition job. It is a shame it took us a whole year because you have got a lot of catching up to do. Congress and the Pentagon working together have made huge strides in acquisition, but the Chinese are still moving faster than we are.

We are still not very good at supporting rapid innovation, and we even struggle with the traditional acquisitions. Case in point is the *Ford*-class carrier. We are unable to develop a plan to resource it.

We have seen half a dozen official positions on what the future naval fleet should look like. All larger than what we have today.

Mr. Raven, I hope you will help the Pentagon stop its endless bickering and support the Navy stated requirements and start building ships at scale. It is long overdue. Nuclear modernization is another overdue bill for the military. Dr. Adams, I hope you will tell us how you work to take care of those bills, as we also consider how to the nuclear posture must change in response to the Chinese and the Russian nuclear advances.

Lastly, the Congress has made a lot of major changes in the Uniform Code of Military Justice in recent years. The Executive Branch is also trying to intimidate vaccine mandate and root out the extremism in our armed forces.

Ms. Johnson, I would like to hear how you turn to the Constitution first whenever considering the application of these efforts and look forward to hear from each one of you. Thank you, Mr. Chairman.

Chairman REED. Thank you, Senator Inhofe. I am going to recognize Senator Tester, but also then recognize the other individuals who are introducing the witnesses so that they may leave at their discretion. Let's begin with Senator Tester. Senator, please.

Senator TESTER. Well, good morning, and I want to thank you, Chairman Reed and Ranking Member Inhofe, and my friends on this Committee for allowing me to speak here this morning. It is truly an honor to be introducing Erik Raven today at his nomination hearing to be Under Secretary for the Navy. It is an honor because there is no one more qualified or capable than Erik is to serve the men and women of our Navy.

I know firsthand, because Erik is the Democratic Staff Director for the Subcommittee on Defense of the Senate

Committee on Appropriations, and for the last year, I have worked very, very closely with him in my role as chairman on that committee. In that time, we have spoken every day, something I know that Erik has enjoyed very much. Erik is a true professional. He is dedicated. He is whip smart. He knows the defense budget better than anybody. But that is only part of what makes Erik qualified and deserving of being confirmed for this position at the Department of Defense.

What makes Erik exceptional is that he deeply understands the challenges and the threats we face. He has dedicated his life to our military, our National Security, and to our country. For the last 24 years, Erik has served as a staff member for some of the giants of the Senate, Senator Dianne Feinstein, Senator Ted Kennedy, Senator Robert Byrd, you may have heard of them. Erik served as Senator Byrd's military and foreign affairs adviser from 2000 to 2007, and as his Legislative Director from 2006 to 2007.

He also served as a speech writer for Senator Byrd on National Security matters. Some of you may not know this, but my office in Hart is Senator Byrd's old office, and welcoming Erik back into that office after I became SAC-D Chairman is a fitting symmetry to the end of his Hill career before he sails off to the Pentagon. But I am not the only SAC-D Chairman who has benefited from Erik's wisdom and leadership.

For the past 15 years, 7 as a professional staff member, and 8 as staff director, Erik has served Senators, the Senate, and our Nation. As a Staff Director, he is the principal advisor to the committee on budgetary matters relating to the Department of Defense and the National Intelligence Community.

During his time on the Committee, Erik has been responsible for the oversight of national intelligence programs, National Security space programs, special operations procurement, Army aviation, and Navy Research and development matters, as well as staff lead on wartime intelligence, surveillance, and reconnaissance initiatives.

Erik is as credentialed as his experience. He has completed a master's thesis on the origins of China's nuclear weapons program at the London School of Economics and Political Science, as well as an undergraduate honor thesis on the International Narcotics Trade at Connecticut College. This dude is a smart guy, and he has good people in his corner.

I want to recognize his wife Anne who is here today and thank you Anne for sharing Erik with the Senate, and soon I hope, with the Department of Defense. The gratitude our country owes Erik for his service, we also owe to you. The bottom line is this, Erik Raven will serve as Under Secretary for the Navy honorably and well.

He is exceptionally qualified and deserving of this Committee's favorable endorsement, and I am sure that the distinguished Members of this Committee will agree after getting a chance to question him. Erik, I just want to congratulate you on your nomination, and get in there and give them hell, okay. Thank you, Mr. Chairman.

Chairman REED. Thank you, Senator Tester. Secretary Carter, please.

Mr. CARTER. Is the microphone on? Yes. Chairman Reed, Ranking Member Inhofe, all the Members of the Committee, thank you for giving me the opportunity to describe to you the qualities of Bill LaPlante, and the qualities that he will bring to the job of Under Secretary of Defense for Acquisition and Sustainment.

Thank you also for the opportunity of seeing you and in person after all this time. It is a wonderful treat. I first got to know Bill when I was on Don Rumsfeld's Defense Science Board, must have been 20 years ago or so, and Bill came and worked on one of the efforts that we were mounting at that time, and I and everybody else was impressed with Bill's engineering acumen, but also with his patriotism and his dedication to the work of the Department.

In the years thereafter, Bill went to APL to MITRE to Draper, some of our great institutions that serve the Department of Defense and the wider community from a technology point of view. Then he served, when I was Under Secretary of Defense for Acquisition, Technology, and Logistics and Deputy Secretary of Defense before I became Secretary of Defense, as Assistant Secretary of the Air Force for Acquisition, an important job, and a few things to mention about that time that are relevant today.

The first was, is that Bill was Assistant Secretary of the Air Force for Acquisition at a time when we were still deeply involved in the wars in Iraq and Afghanistan. I mention that only because it was very important to Bill then, and I observed this, that he

would do everything he could to make sure that our troops, our warfighters and our NATO allies for that matter as well, got everything they needed every day.

There wasn't the time to wait for the Pentagon paperwork when things were flying, and Bill remembered that. His heart was in it, and I admired his heart as well as his intellect, and he knew, and this is important and in connection with what Senator Inhofe said a moment ago, Bill knows how to make agility work in the Department of Defense and not wait for the Pentagon's paperwork to turn the crank.

We need that today because we need to work at the same pace as technology if we are to continue to be able to dominate our potential opponents, particularly China and Russia. In that connection, yet another trait of Bill LaPlante, is that Bill recognizes that the secret sauce of our superiority has been, since Sputnik, the ability of the Department of Defense to work closely with private enterprise and the private tech sector. The tech sector is now bigger than it used to be. It is bigger than our own tech sector, our Government tech sector, by a wide margin. It is global.

The only way to stay the best, to stay is—I always like to say Lyndon Johnson used to say the first us with the mostest is to have the best bridges between the Government tech sector and the commercial tech sector. Bill knows how to make that work. He showed that at APL, at MITRE, and Draper, and in his job for the Air Force.

Last thing I would say about Bill is, you know, the Department of Defense works best when the Secretary of Defense's Office works well with the military services, and Bill having come out of the Air Force, one of the military services, and worked very, very well with me when I was Acquisition Executive and Deputy Secretary of Defense, has shown that he can do that.

Since the time I was Under Secretary for Acquisition, Technology and Logistics, furthermore, the—that job has been divided into the Under Secretary for Acquisition and Sustainment on the one hand and the Under Secretary for Research and Engineering on the other. It is important also that someone entering Bill's job be able to work across that boundary as well, because the boundary between product and research is the hardest boundary to bridge in technology programs.

Bill's long standing relationship when she was Army Acquisition Executive with Heidi Shyu, who is now the Under Secretary for Research and Engineering, that bodes well, as does Bill's acquaintance with the now Secretary and the now Deputy Secretary, all of whom he worked with earlier. So Chairman, Ranking Member, and Members of the Committee, you got here a guy who is really very well qualified for this job. I hope you give Bill your speediest and most favorable consideration.

I think he will do a great job for us in a time when we need somebody who knows how to act fast, whether it be in connection with Ukraine and the resupply of the Ukrainian forces, whether it be with respect to fortifying our own NATO forces so that we can dominate any situation that Russia creates there, and with respect to China, so that we can continue to be in defense technology and defense in general, the first is with a mostest on the whole planet.

All of that hinges in part on the job that Bill will occupy, and he will do us proud in that regard. So thank you. Thanks for the opportunity to be with you again.

Chairman REED. Thank you, Mr. Secretary, for your comments and thank you also for your service to the Nation. Let me recognize Secretary Johnson.

Mr. JOHNSON. Chairman Reed, Ranking Member Inhofe, members of this Committee, I welcome the opportunity to come here to testify in support of the nomination of retired Colonel Tia Johnson to be a member of the Court of Appeals for the Armed Forces. I know Colonel Johnson to be an outstanding lawyer, an outstanding public servant, and an outstanding American.

I have observed and work with her in five different jobs. The record will reflect that she was and is a trailblazer. She was the first black woman to reach the rank of full Colonel in the Army JAG Corps, and if confirmed, she will be the first black woman on the U.S. Court of Appeals for the Armed Forces. But there is more to the nominee than that.

Long before I became General Counsel of DOD or Secretary of DHS, in private law practice, I was Chair of the Judiciary Committee of the New York City Bar Association, which evaluates all elected and appointed candidates for Federal, state, and local judgeships in the city of New York. In three years, I personally interviewed 500 people who were candidates for judgeships, ranging from the U.S. Court of Appeals for the 2nd Circuit to Housing Court Kings County.

I therefore think I know something about how to evaluate a judge. In my experience, wisdom is the best attribute of a good judge, and a wealth of life experiences is the best predictor of wisdom. In my time in National Security, I don't think I have encountered a military lawyer with a broader range of experience than Colonel Johnson. Tia was an Active Duty soldier for 30 years. As a young JAG, she built a considerable track record as a first chair prosecutor in military justice.

I first met Colonel Johnson in 2009 when I was general counsel of the Department of Defense, and she was Staff Judge Advocate for U.S. Forces Korea, one of the most important legal assignments in the whole U.S. military. Next, I worked with Colonel Johnson when she came to the Pentagon, assigned to our DOD Office of Legislative Affairs.

I was so impressed with Colonel Johnson in 2012, I hired her as my own senior military aid, where she was exposed to every conceivable legal issue the Department of Defense faces. Tia then followed me to the Department of Homeland Security, which she joined in 2014 as a Senior Adviser to the Director of Immigration and Customs Enforcement.

Finally, on my recommendation, in 2015, Colonel Johnson was appointed by the President to be Assistant Secretary of DHS for Legislative Affairs. A big job. As you know, DHS has more than a few Congressional committees of oversight. The task of sitting in judgment of others is not an easy one.

Tia Johnson comes before you as a nominee rich in life experiences and therefore well equipped to take on this difficult task. I urge that she be confirmed. Thank you very much.

Chairman REED. Thank you very much, Mr. Secretary. Again, thank you for your distinguished service to the country. Ambassador Brooks, please.

Ambassador BROOKS. Chairman Reed, and Senator Inhofe, Members of this Committee, I am honored to introduce Dr. Marvin Adams. I was privileged to be confirmed by this Committee twice during the George W. Bush administration for jobs within NNSA. I know how seriously this Committee takes its responsibilities. In my view, Dr. Adams is the perfect candidate for this important job at this crucial time.

First, Dr. Adams has superb technical background for leading a complex technical organization like defense programs. He understands stockpile stewardship as well as anyone I know. When the country needs high quality, objective science and technical advice, it often turns to the Jasons Advisory Group.

In his 15 years on that group, Dr. Adams has been involved in over 20 major studies of nuclear weapons activities for both DOD and NNSA, serving as director of most. Time and time again when the country requires strong technical advice, it turns to groups led by Dr. Adams. Second, the greatest near-term challenge facing NNSA is to meet the Department of Defense requirements for delivering nuclear weapons on schedule.

Dr. Adams is committed to a strong nuclear deterrent, and he brings a unique perspective as an Adviser to the Commander of the U.S. Strategic Command, who helps establish our national requirements. Third, in the long term, NNSA must become more flexible in responding to the rapidly changing international environment in a world in which the United States must deal with two near peer competitors. NNSA Administrator Hruby is working on this but needs Dr. Adams to help.

NNSA is made up of dedicated career civil servants. I was proud to lead them, and the Committee should be proud that America produces such exceptional individuals. Over time, however, they have become used to a system that values detailed certainty over responsiveness.

Dr. Adams is exactly the right person to help bring defense programs into conformity with the needs of today's world. Finally, if Dr. Adams is confirmed, he will be leading a large, complex organization. Leadership is not quite the same thing as management. He will have strong support in the day to day management responsibilities he is assuming, but only he can set the vision and inspire his organization to evolve to meet today's requirements.

Here, Dr. Adams will be superb. It is not an accident that in the many studies he mentions, he is usually the one put in charge. He is a natural leader. If I were technically qualified and a little younger, I would work for him in a heartbeat.

Thank you for the opportunity to introduce such an outstanding public servant. I am confident that if confirmed, Marvin Adams will bring distinction to his new responsibilities, and I urge the Committee and the Senate to support his confirmation. Thank you, sir.

Chairman REED. Thank you, Ambassador Brooks, for your comments and again for your service to the Nation. Deeply appreciate

it. Now let me recognize Dr. LaPlante for his opening statement. Dr. LaPlante, please.

STATEMENT OF HON. WILLIAM LAPLANTE, NOMINEE TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND SUSTAINMENT

Dr. LAPLANTE. Yes. Good morning, Chairman Reed, Ranking Member Inhofe, and distinguished Members of the Committee. Thank you for the opportunity to be for you today and for consideration of my nomination to be the Under Secretary for Acquisition and Sustainment. I am honored by the trust and confidence as well shown by President Biden and Secretary Austin in me.

First, I would like to begin by thanking the Committee for all the work you are doing and how important the work you do every day is given of course the times we are in right now, including the situation in Ukraine. The work the Committee has done day in, day out, year in, year out for the past 61 years, this bipartisan work is so important for the country and thank you for what you do. I would also like a moment to thank some of the many people who shaped my life and career without whom I wouldn't be here today.

That list begins with my family, my brother Frank, and my sister Cathy are here today, but my parents and siblings who always impressed upon me the value imperative of public service, including my wife Joanne, our kids Claire and Caroline, who have been steadfast in their love, and many of them are all watching this around the country right now today.

I have also benefited tremendously from the mentorship of many in the National Security Committee, not the least of which was Secretary Ash Carter, but also Secretary Frank Kendall, Dr. John Hamre, Secretary Debbie James, Frank Miller, David Sched, Lisa Destro, Dr. Paul Kaminski, and Dr. Craig Fields, just to name a few.

The mission of delivering and sustaining timely, cost effective, and uncompromised capabilities for the armed forces is never more relevant than it is today. We see it every day in the news. China is our pacing threat, but of course, we also have increasingly belligerent and aggressive behavior by Russia, as well as malign actors and other existential threats.

If confirmed, my service as the Under Secretary of Defense for Acquisition and Sustainment would be the culmination of over 36 years in National Security technology in the nonprofit community. I also served as Assistant Secretary of the Air Force for Acquisition, as a member of the Defense Science Board, and as a member of the Section 809 Commission, which was chartered to reform and speed up acquisition.

Looking forward, the defense acquisition system must be focused laser like on delivering capability that meets the needs both current and future of the warfighter forces, at speed, at scale. Our troops must have what they need to confront and overcome a rapidly evolving challenges not just the threat, but as Secretary Carter said, technology changing. We will do this by transitioning emerging technologies, whether it is quantum sensing, hypersonics, artificial intelligence, autonomy, directed energy.

All of these kinds of technologies, when you get them into our systems and out to our forces so that the troops have what they need to confront and overcome the threat. We must improve our ability to acquire software and do software intensive systems. That is going to be the key to agility and speed in the future. We must sustain our fielded weapons systems in a cost effective manner.

We must strengthen the defense industrial base, including our supply chains, and tap the innovation of the private sector by lowering barriers to doing business with the DOD or the Government for small businesses, nontraditional commercial firms, or startups. We must empower and enable the dedicated professionals who comprise the defense acquisition workforce.

If confirmed, I strive to accomplish these and other priorities as determined by the Secretary of Defense and the Deputies Secretary of Defense, and I will devote myself to this critical mission. In all that I do, I pledge to work closely and transparently with this Committee and with the Congress. Thank you, and I look forward to your questions.

[The prepared statement of Dr. LaPlante follows:]

PREPARED STATEMENT BY WILLIAM A. LAPLANTE, JR.

Good morning, Chairman Reed, Ranking Member Inhofe, and Distinguished Members of the Committee. Thank you for the opportunity to appear before you today and for your consideration of my nomination to serve as the Under Secretary of Defense for Acquisition and Sustainment. I am honored by the trust and confidence that President Biden and Secretary Austin have placed in me.

I would like to begin by thanking the Committee for your decades of bipartisan work for the Department of Defense. The situation in Ukraine today demonstrates the importance and urgency of the work this Committee has done—day-in and day-out for the past 61 years.

I also would like to take a moment to thank some of the many people who have shaped my life and career, and without whom I would not be sitting before you today. That list begins with my family—my parents and siblings, who always impressed upon me the value and imperative of public service. It includes my wife, Joanne, and my children Claire and Caroline, who have been steadfast in their love and support. My wife, daughters, and extended family are all watching today's hearing from locations across the country.

I have also benefitted tremendously from the mentorship of many in the national security arena for whom and with whom I have been privileged to serve: Dr. Ash Carter, Secretary Frank Kendall, Secretary Debbie James, Mr. Bob Work, Dr. John Hamre, Dr. Frank Miller, Ms. Lisa Disbrow, Mr. David Shedd, Dr. Paul Kaminski, and Dr. Craig Fields, to name but a few.

The mission of delivering and sustaining timely, cost-effective, and uncompromised capabilities for the armed forces and the DOD has never been more important than it is today. China, our pacing threat; an increasingly authoritarian Russia focused on regional hegemony; malign actors; and other existential threats pose grave risks to the global order and threaten our way of life.

If confirmed, my service as the Under Secretary of Defense for Acquisition and Sustainment would be the culmination of more than 36 years in the national security and non-profit technology communities—including as the Assistant Secretary of the Air Force for Acquisition, member of the Defense Science Board, and as a member of the Section 809 Panel charged to reform the defense acquisition system.

Looking forward, the defense acquisition system must be focused—laser-like—on delivering capability that meets the needs—both current and future—of U.S. forces. Our troops must have what they need to confront and overcome rapidly evolving challenges from a fast-moving pacing threat and peer competitors.

We will do this by transitioning emerging technologies: hypersonics, artificial intelligence, autonomy, directed energy, and others, into programs of record and fielding them for operational use.

We must improve our ability to acquire software and software-intensive systems. We must sustain our fielded weapon systems in a cost-effective manner.

We must strengthen the Defense Industrial Base and our supply chains. We must tap the innovation of the private sector by lowering barriers to doing business with DOD for small businesses, non-traditional commercial firms, and startups.

We must empower and enable the dedicated professionals who comprise the defense acquisition workforce.

If confirmed, I will strive to accomplish these and other priorities, as determined by the Secretary of Defense and Deputy Secretary of Defense.

I will devote myself to this critical mission.

In all that I do, I pledge to work closely and transparently with this Committee, and with the Congress.

Thank you and I look forward to your questions.

Chairman REED. Thank you very much, Dr. LaPlante. Mr. Raven, please.

**STATEMENT OF ERIK RAVEN, NOMINEE TO BE UNDER
SECRETARY OF THE NAVY**

Mr. RAVEN. Chairman Reed, Ranking Member Inhofe, and distinguished members of this Committee, it is my pleasure to appear before you this morning. First, I wish just thank President Biden, Secretary Austin, Deputy Secretary Hicks, and Secretary Del Toro. I am honored to receive the nomination to serve as Under Secretary of the Navy, and I am grateful for this opportunity to continue to serve our Nation.

Senator Tester, thank you for those kind words of introduction and all of your support. If confirmed to this position, I look forward to continuing our conversations on your plans to make Montana into a center of naval power. Finally, to my wife, Anne, and our son, Edward, I could not be here without your support.

We have tackled the ups and downs of my work in public service together as a family, and as I hope to embark on this new challenge, I am thankful for your willingness to take this journey with me. Mr. Chairman, the partnership of the United States Navy and the United States Marine Corps constitutes the world's greatest naval military force.

Together, their exquisite capabilities deter aggression, deepen our ties with allies and partners, and when necessary, respond to crises around the globe. We are a maritime Nation, and the capabilities of our naval forces are directly related to the security, prosperity, and the future of the United States.

If confirmed to be Under Secretary of the Navy, I would be responsible for assisting the Secretary of the Navy in carrying out his duty to recruit, train, and equip the Navy and Marine Corps to meet the security challenges of our era. To carry out these tasks, first and foremost, I would be an advocate for the Department of the Navy, especially for the 620,000 sailors and marines and the 220,000 civilians who serve side by side today.

I believe the people must be the top priority of the Department of the Navy. This means recruiting the right talent for the challenges that lay ahead. It means growing new generations of leaders to secure and instill excellence at all levels. It means ensuring fair treatment for all those who serve. I also believe that modernization of the Navy and Marine Corps is a strategic imperative.

I wish to leverage my 15 years of experience on the Senate Defense Appropriations Subcommittee to maximize the power of every dollar that Congress provides. This means identifying the capabili-

ties that are needed, setting a plan for acquiring them, and working with partners and industry to deliver them efficiently.

The need to modernize applies not only to major platforms and breakthrough technologies like hypersonic missiles and artificial intelligence, it also applies to facilities and infrastructure that generate readiness for Navy and Marine Corps forces.

I appreciate the hard work and leadership of this Committee across these many issues. You have worked to provide the Department of the Navy with direction and tools to address these challenges and have pushed the Department to show results. If confirmed, I will work with this Committee in partnership to achieve what is needed.

Mr. Chairman, I place great emphasis on partnerships. I view the position of Under Secretary of the Navy as a means to build key partnerships across many groups, servicemembers and civilians, the Department and industry, bases and communities, and of course, across the Joint Force.

This brings me back to where I began, the Navy and Marine Corps together constitute the world's greatest naval force. I would be honored to help lead the Department of the Navy to continue this history of excellence. Again, thank you for this opportunity to appear before the Committee, and I look forward to your questions.

[The prepared statement of Mr. Raven follows:]

PREPARED STATEMENT BY ERIK RAVEN

Chairman Reed, Ranking Member Inhofe, and distinguished members of this Committee, it is my pleasure to appear before you this morning.

First, I wish to thank President Biden, Secretary Austin, Deputy Secretary Hicks, and Secretary Del Toro. I am honored to receive the nomination to serve as the Under Secretary of the Navy, and I am grateful for this opportunity to continue to serve our Nation.

Senator Tester, thank you for those kind words of introduction, and all of your support. If confirmed to this position, I look forward to continuing our conversations on your plans to make Montana into a center of naval power.

Finally, to my wife, Ann, and our son, Edward: I could not be here without your support. We have tackled the ups and downs of my work in public service together, as a family. As I hope to embark on this new challenge, I am thankful for your willingness to take this journey with me.

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Again, thank you for this opportunity to appear before the Committee, and I look forward to your questions.

Chairman REED. Thank you very much, Mr. Raven. Ms. Johnson, please.

**STATEMENT OF M. TIA JOHNSON, NOMINEE TO BE A JUDGE
OF THE UNITED STATES COURT OF APPEALS FOR THE
ARMED FORCES**

Ms. JOHNSON. Thank you. Chairman Reed, Ranking Member Inhofe, distinguished Members of the Committee, thank you for inviting me here today to consider my nomination to the U.S. Court of Appeals for the Armed Forces. I would also like to thank Secretary Austin and the President for their expression of confidence in me. If confirmed, I will do my best to live up to their trust. Joining me today is my husband, Al Phillips.

I thank him for his enduring love and support. A career Army Officer himself, his sacrifice did not end when he took off his uniform. Instead, he selflessly shared me with the Army. I was deployed within three months of being married and ended up being gone 18 months. Little did we know that it would be the first of many separations. Those experiences keep me mindful of the service and sacrifice of our men and women in uniform. They deserve nothing less than a military justice system that is strong, fair, and full of integrity.

We both inherited a lifestyle of service. My in-laws were educators who started their careers teaching in segregated schools in the South, but they persevered. My father was a Marine in World War II who fought and was injured in the Pacific. Like many, he used his GI benefits to attend college and graduate school.

As a child psychologist, he dedicated his life to advancing the educational needs of special needs children. My mother, who cannot be here with us today, is 94 years old. She went to college as an adult, returning to the public schools as a reading instructor. From them, I learned the importance of honesty, hard work, perseverance, believing and working for something larger than yourself. Secretary Johnson stated that I possess wisdom.

I think that is just the result of those combined traits. I carried all those traits and values with me through 32 years of Government service, 30 of those in uniform. I served with soldiers, sailors, airmen, and marines around the world in garrison, contingency operations, and in combat zones, and every day I saw how exceptional the members of the Armed Forces are.

But as a Judge Advocate, I also advise Commanders regarding servicemembers misconduct. These experiences reinforce the importance of balancing the need for good order and discipline with protecting the rights of servicemembers.

Congress also understood that need and in 1950 reformed the military justice system by enacting the Uniform Code of Military Justice to ensure the servicemembers enjoy, to the extent possible given the unique nature of military service, the same Constitutional and legal protections as civilians.

At the same time, they established the Court of Military Appeals, now the Court of Appeals for the Armed Forces, as a specialized, independent appellate court to review court-martials and provide civilian oversight of the military justice system.

The Supreme Court has validated the system Congress created by noting that the military justice system's essential character is judicial and that CAAF, sitting atop this system, functions like other courts of appeals, both Federal and state. I view this opportunity to serve on the court as the privilege and honor of a lifetime.

If confirmed, I will continue the tradition of professionalism and independence recognized by the U.S. Supreme Court. I look forward to your questions.

[The prepared statement of Ms. Johnson follows:]

PREPARED STATEMENT BY M. TIA JOHNSON

Chairman Reed, Ranking Member Inhofe, distinguished Members of the Committee, thank you for inviting me here today to consider my nomination to the U.S. Court of Appeals for the Armed Forces (CAAF). I'd also like to thank Secretary Austin, and the president for their expression of confidence in me. If confirmed, I will do my best to live up to their trust.

Joining me today is my husband, Al Phillips. I thank him for his enduring love and support. A career Army officer himself, his sacrifice did not end when he took off his uniform. He selflessly shared me with the Army. I was deployed within 3 months of being married and ended up being gone for 18 months. Little did we know that it would be the first of many separations. Those experiences keep me mindful of the service and sacrifice of our men and women in uniform. They deserve nothing less than a military justice system that is strong, fair, and full of integrity.

We both inherited a lifestyle of service. My in-laws were educators who started their careers teaching in segregated schools in the south. My father was a Marine in World War II who fought and was injured in the Pacific. Like many, he used his GI Benefits to attend college and graduate school. As a child psychologist, he dedicated his life to advancing the educational needs of special need children. My mother, who is 94 years old, went to college as an adult, returning to the public schools as a Reading Instructor. From them I learned the importance of honesty, hard work, perseverance, and believing and working for something larger than yourself.

I carried those values with me through 32 years of government service, 30 of those in uniform. I served with soldiers, sailors, airmen and marines around the world, in garrison, contingency operations and in combat zones. Every day, I saw how exceptional the members of the Armed Forces are. But, as a Judge Advocate, I also advised commanders regarding servicemember misconduct. These experiences reinforced the importance of balancing the need for good order and discipline with protecting the rights of servicemembers.

Congress also understood the need, and in 1950 reformed the military justice system by enacting the Uniform Code of Military Justice, to ensure that servicemembers enjoy – to the extent possible given the unique nature of military service – the same constitutional and legal protections as civilians. At the same time, they established the Court of Military Appeals (now CAAF), as a specialized, independent, appellate court to review courts-martials and provide civilian oversight of the military justice system.

The Supreme Court has validated the system Congress created, by noting “the military justice system's essential character is judicial,” and that CAAF, sitting atop this system, functions like other courts of appeals (both federal and state).

I view this opportunity to serve on the court as the privilege and honor of a lifetime. If confirmed, I will continue the tradition of professionalism and independence recognized by the Supreme Court.

I look forward to your questions.

Chairman REED. Thank you very much, Ms. Johnson. Dr. Adams, please.

STATEMENT OF MARVIN ADAMS, NOMINEE TO BE DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS, NATIONAL NUCLEAR SECURITY ADMINISTRATION

Dr. ADAMS. Thank you, Chairman Reed, Ranking Member Inhofe, and distinguished Members of the Committee. I am honored to be nominated for the role of Deputy Administrator for Defense Programs in the NNSA. This is a critical time for the organization as it strives to deliver on important commitments, while at the same time rebuilding infrastructure, restoring lost capabilities, and developing the expertise and technologies that will be needed for future challenges.

If confirmed, I will do my best to justify the confidence that President Biden, Secretary Granholm, and Administrator Hruby have placed in me through this nomination. I thank Ambassador Brooks for his kind introduction. I have learned a lot from Linton Brooks over the years and I continue to benefit greatly from his mentoring. My wife, Jenny, is unable to be here in Washington today.

She and many friends and family members are watching remotely. I thank them in advance for the love, support, and encouragement that I know will sustain me if I am confirmed into this new role. I especially thank Jenny, my partner and companion for the last 43 years of the roller coaster ride from a small high school in rural Mississippi to the seat in front of you, for accepting the sacrifices that we must make if we take on this new service role upon confirmation.

I have been engaged in the U.S. nuclear weapons program since I started my career at Lawrence Livermore National Laboratory in 1986, and 3 decades at Texas A&M University, I have spent a substantial fraction of my time serving U.S. National Security efforts with a focus on the nuclear deterrent. For example, as a member of the Jason Defense Advisory Group, I have participated in more than 20 in-depth studies related to nuclear weapons issues, concerns, and activities, including study sponsored by DOD, as well as NNSA.

I have been chosen as study leader for most of those. The NNSA, the National Security Laboratories, the National Academies, and other organizations have repeatedly called on me for reviews and advice related to nuclear weapons. In the past 4 decades, much of my research has been funded by the stockpile stewardship program or similar programs. The results of my research have been applied to challenging stewardship problems.

In recent years, I have chaired the Los Alamos Mission Committee, whose purview includes plutonium pit production in addition to all other weapons activities. This is required knowledge of weapons, design, and assessment activities, warhead delivery schedules and mandates, activities that coordinate with Pantex, Y-

12, the Kansas City National Security Campus, the Nevada National Security Site in Savannah River, as well as coordination with Lawrence Livermore National Laboratory and Sandia National Laboratory, is required knowledge of the management of large capital projects, knowledge of supply chain issues, the science and engineering challenges of producing specialized components such as plutonium pits, while meeting stringent requirements for quality, safety, and security.

I viewed NNSA from the DOD perspective, for example, as a member of the Stockpile Assessment Team, which is part of the Strategic Advisory Group for STRATCOM. These and other activities have led me to understand the broad portfolio of activities and tasks needed to maintain and enable the safety, reliability, and effectiveness of the U.S. nuclear weapons stockpile.

I understand what it takes to build and maintain the unique capabilities that defense programs must employ to design, assess, transport, surveil, dismantle, and manufacture nuclear warheads. I understand the importance of delivering on commitments and meeting military requirements.

If I am confirmed, my top priorities will be to maintain the safety, security, and effectiveness of the current stockpile, as well as to deliver on commitments for stockpile modernization. The latter requires development and deployment of more agile infrastructure, including plutonium pit manufacturing capabilities and construction of essential infrastructure. While focusing on these priorities, I will also work to develop and nurture the capabilities for future challenges.

NNSA cannot meet these challenges by itself. I am grateful for the support that Congress, passed Administrations, and the current Administration have provided for rebuilding essential capabilities and infrastructure. NNSA partnership with DOD is critical given their joint responsibilities for the deterrent.

If confirmed, I commit to working cooperatively with this Committee, other Congressional stakeholders, and DOD to ensure that the Nation's nuclear deterrent continues to be safe, secure, and effective. Thank you for your consideration of my nomination. It is an honor to appear before this Committee, and I look forward to your questions.

[The prepared statement of Dr. Adams follows:]

PREPARED STATEMENT BY MARVIN L. ADAMS

Thank you, Chairman Reed, Ranking Member Inhofe, and distinguished members of the Committee. I am honored to be nominated for the role of Deputy Administrator for Defense Programs at the Department of Energy's National Nuclear Security Administration (NNSA). This is a critical time, as the organization strives to deliver on important commitments while rebuilding infrastructure, restoring lost capabilities, and developing the expertise and technologies needed to meet future challenges. If confirmed, I will do my best to justify the confidence that President Biden, Secretary Granholm, and Administrator Hruby have placed in me through this nomination.

I thank Ambassador Brooks for his kind introduction. I have learned a great deal from Ambassador Brooks as we have collaborated on various efforts over the years, and I continue to benefit from his mentoring.

My wife, Jenny, is unable to be here in Washington today. She and friends and family members are watching remotely. I thank them in advance for the love, support, and encouragement that will sustain me if I am confirmed for this role. I especially thank Jenny—my partner and companion for 43 years of the roller-coaster

ride from a small high school in rural Mississippi to this seat in front of you—for accepting the sacrifices we must make to serve the country in this new capacity.

I have been engaged in the U.S. nuclear weapons program since starting my career at the Lawrence Livermore National Laboratory (LLNL) in 1986. In my 3 decades at Texas A&M University, I have spent a substantial fraction of my time working in the service of U.S. national security, with a focus on the nuclear deterrent. As a member of the JASON Advisory Group, for example, I have participated in more than 20 in-depth studies of nuclear-weapons activities, issues, and concerns, including studies sponsored by the Department of Defense as well as NNSA. I was chosen as study leader for most of them. The NNSA, the National Security Laboratories, the National Academies, and other organizations have called on me repeatedly for in-depth reviews and advice on matters related to nuclear weapons.

During the past 4 decades, much of my research has been funded by the Stockpile Stewardship program, and results from my research have been applied to challenging stewardship problems.

In recent years, I have chaired Los Alamos National Laboratory's Mission Committee, whose purview includes plutonium pit production in addition to all other weapons activities. This role has required knowledge of NNSA's weapons design and assessment efforts; warhead delivery schedules and mandates; the production complex; management of large capital projects; supply-chain issues; detailed science and engineering challenges of producing specialized components (such as plutonium pits) while meeting stringent requirements for quality, safety, and security; and more.

I have viewed NNSA from the Department of Defense perspective, for example as a member of the STRATCOM Strategic Advisory Group's Stockpile Assessment Team.

These and other activities have led me to understand the broad portfolio of activities and technologies needed to maintain and enhance the safety, reliability, and effectiveness of the U.S. nuclear weapons stockpile. I understand what it takes to build and maintain the unique capabilities that Defense Programs must employ to design, assess, transport, surveil, dismantle, and produce nuclear warheads. I understand the importance of delivering on commitments and meeting military requirements.

If I am confirmed, my top priorities will be to maintain the safety, security, and effectiveness of the warheads deployed in today's stockpile and to deliver on commitments for stockpile modernization. The latter priority requires development and deployment of a more agile infrastructure, including plutonium pit-manufacturing capabilities, and construction of essential infrastructure for secondaries, non-nuclear components, and more. While focusing on these priorities, I will also work to develop and nurture the capabilities that will be needed for the challenges our nuclear-weapons enterprise will face in the future.

NNSA cannot meet the challenges facing the U.S. nuclear weapons program alone. I am grateful for the support that Congress, past Administrations, and the current Administration have provided for rebuilding essential capabilities and infrastructure. NNSA partnership with the Department of Defense is critical given their joint responsibility for our Nation's nuclear deterrent. If confirmed, I commit to working cooperatively with the SASC, other Congressional stakeholders, and the Department of Defense to ensure that the nation's nuclear deterrent continues to be safe, secure, and effective.

Thank you for your consideration of my nomination. It is an honor to appear before this Committee, and I look forward to your questions.

Chairman REED. Thank you, Dr. Adams. I have a series of questions which are asked of all nominees. You may respond in unison. Have you adhere to applicable laws and regulations governing conflicts of interest?

[All four witnesses answered in the affirmative.]

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

[All four witnesses answered in the negative.]

Chairman REED. Exercising our legislative and oversight responsibilities 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?

[All four witnesses answered in the affirmative.]

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 requester regarding the basis for any good faith delay, or denial in providing such records?

[All four witnesses answered in the affirmative.]

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 reporting to hearing questions for the record and responding to them?

[All four witnesses answered in the affirmative.]

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

[All four witnesses answered in the affirmative.]

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

[All four witnesses answered in the affirmative.]

Chairman REED. Thank you very much. Dr. LaPlante, we are at a historic turning point, and the question is, will this, and will we emerge more secure or frankly less secure? Part of the manifestation of that is the fight in Ukraine right now, which has Russia against the very valiant Ukrainian people.

But there is a possibility of escalation that could be very dangerous, where a situation where we have technological improvements, we used to dominate technology. That is no longer the case. Hypersonics, clearly China and indeed Russia have advantages on us. Finally, we are about to emerge for the first time in the history of the world in a trilateral nuclear competition, no longer a bilateral, the Soviet Union and the United States, no, it is China, Russia, and the United States.

With those thoughts, what are the first several practical steps you intend to take to get us to address these issues?

Dr. LAPLANTE. Senator, first to start out with, of course, you bring up the Ukraine and just the heartbreak you see every day, the refugees and the human toll from this Russian aggression. If confirmed, one of my first things to do on day one would be to accelerate all equipment and capabilities to both the Ukrainians as we agreed to, and also helping our NATO partners and replenish our stockpiles.

The second priority I hope to begin with immediately is accelerate getting into our mainstream weapons systems, these new technologies that you talked about. We do have a lot of initiatives over the last several years thanks to this Committee using new authorities to rapidly contract and to do prototypes.

I think that is very good. We have got to get those capabilities rapidly into the weapons systems, and sometimes bridge what they call the valley of death. So I pledge to work with the program officers to make it their job to do continuous upgrades of technology so we can get back into this race that you talked about. Thank you.

Chairman REED. Well, thank you very much, Dr. LaPlante. Mr. Raven, we all talk about the number of ships, and that is an interesting and admirable discussion, but if those ships can't leave the ports because they need repairs and we have limited shipyard capacity, we have a problem. In fact, in last year's National Defense Authorization Act, we directed the Navy to investigate options for increasing ship repair capacity. If you are confirmed, can you give us assurances you will get right on this and get it done?

Mr. RAVEN. Mr. Chairman, absolutely. Let me also say that the availability of ships is key to the future, the forward presence of our Navy and Marine Corps forces that help deter aggression. Making sure that those resources are available to support deployments is a key word for an end goal.

Chairman REED. Thank you very much. Ms. Johnson, you have an extraordinary career, and I concur with Secretary Johnson in his assessment. But can you give us a brief overview of the strengths and weaknesses in the military justice system, including the fairness and effectiveness of the system?

Ms. JOHNSON. Thank you, Mr. Chairman. I think that the greatest strength is it was just recently ratified by the Supreme Court in the *Ortiz v. United States*, when they held that the essential character of the military justice system is judicial and that the Court of Appeals for the Armed Forces operates on par with other courts of appeals, both Federal and state. The legitimacy of the system is its greatest strength.

For individual rights, it is the Article 31 rights against self-incrimination that vest earlier in the military context than they do in the civilian. Similarly, the rights to counsel which are not dependent upon indigency, but you know everyone has the right to counsel under our system.

The—some of the weaknesses may be, you know, the perception of people that the system is somehow stacked against them, but that comes into the fairness and the equity of the system, and that we must ensure that there is integrity in the process at each stage everywhere along that line. Having the Court of Appeals as a civilian oversight of that system helps to ensure that.

Chairman REED. Just very quickly, Ms. Johnson. You do recognize the importance of the administrative system of punishment under article 15 is a critical aspect of the military justice system?

Ms. JOHNSON. Yes, chairman, I recognize that.

Chairman REED. Thank you very much. Dr. Adams, very quickly. You have this tension, DOD requirements and core scientific capability. Sometimes they correspond, other times they diverge. How will you try to reconcile those?

Dr. ADAMS. Thank you, Mr. Chairman, for bringing up that tension. It is a real one. It is one that the Deputy Administrator has to manage. I will exercise judgment on that. We can't eat our seed corn while at the same—we have short term needs that are very pressing, but we can't lose sight of a long term picture either, and we have to continue to develop those science and technology capabilities that will meet our future challenges.

Chairman REED. Thank you very much, Doctor. Senator Inhofe, please.

Senator INHOFE. Thank you, Mr. Chairman. I think, Mr. Chairman, you put out something that we don't like, and that is that—and I can say this since I think I am the oldest one in this room, but I can remember when it was unquestionable that we in the United States had the best of everything and we don't anymore.

As you pointed out in your opening statement, this is something that we regret but it is a reality. We know that our munitions stocks are too low in priority theaters. We don't have the capacity to produce enough munitions and ammo in the timeframe that we have allotted. This is a key challenge of both deterrence and protraction, warfighting scenarios. For example, we are sending thousands of stingers to Ukraine, and we don't even have the hot production line.

Dr. LaPlante, this is something that we unfortunately have to recognize and be used to. Let me just ask you the first question, do we need to make some one-time investments this year so we can expand production of key munitions?

Dr. LAPLANTE. Thank you for the question, Mr. Senator. Yes, we do. I believe, and Senator you said the words hot production lines, I believe we need multiple hot production lines, whether it is munitions, UASs, and the like. They by themselves are a deterrent and we need to put much more focus on that across the board.

Senator INHOFE. Yes. Well, I thank you very much, and I think I mentioned in my opening remarks the USS *Gerald Ford*. In many ways, this is a classic example of what not to do. From the beginning, this new carrier had unrealistic cost and schedule estimates that failed to account for the risks associated with the ship's construction.

At the same time, there is a well-founded sense of urgency to develop and field new systems faster. Where do you think we should be innovating faster and taking on more risk, and where do we need to have more rigor in our analysis?

Dr. LAPLANTE. Yes, Senator. I would say this, we learned the lesson from both *Ford*, and we would like to think we learned the lesson from F-35 that you have to have mature technologies and you have to be thoughtful in the design and you have to adhere to independent cost estimates right from the beginning. It takes a little bit of time at the beginning, saves a lot of trouble later. But to get innovation, what you have to do is we have to build the up the modular open systems like we did for the B-21.

Once you have the open system, then we can be upgrading with technology very fast. The technology that matures will earn its way on and you have continuous upgrades that can be done.

Senator INHOFE. Yes, that is—I appreciate that very much. Mr. Raven, the Navy's budget, maintenance, and infrastructure, and personnel levels are inadequate to maintain the current fleet of approximately 295 ships, much less a fleet of at least 355 that we have been talking about, that the Congress has challenges with.

Do you agree that based on the threats that we face as a Nation, the Navy needs to grow in both capacity and capability?

Mr. RAVEN. Senator, thank you for that question. If confirmed to this position, let me first say that you can count on me to be an advocate for Navy Marine Corps capabilities. In terms of—

Senator INHOFE. I am fully aware of that.

Mr. RAVEN. If you look at warfighting capabilities across the Joint Force, I think there are several pillars that all have to work together. That is modernization, that is sustainment, that is manpower, that is readiness.

All of these have to come together to make that combat credible force that would deter our adversaries. So if confirmed, I look forward to getting to the bottom of each of those pillars of readiness and working with this Committee to address them.

Senator INHOFE. That is good. What I would like to ask you to do is just take the next two or three days and in—for the record, not this morning, but for the record, what specific steps would you support to grow the fleet in terms of capability, capacity, and maintenance, and personnel? Not this morning, but in the next two or three days.

Mr. RAVEN. Happy to, Senator. Thank you.

Senator INHOFE. Thank you, Mr. Chairman.

Chairman REED. Thank you, Senator Inhofe. Let me recognize Senator King, please. Excuse me, Senator Warren has just arrived. Are you ready, Senator Warren? Is that a maybe? Senator Warren.

Senator WARREN. There we go. Thank you, Mr. Chairman. I want to thank all the nominees for being here today. Dr. Adams, if I can, I would like to start with you. You are nominated to oversee nuclear weapons program for NNSA, which puts you in charge of projects that are complex and dangerous and also very, very, very expensive.

I have been a critic of some of NNSA's work because of the agency's record of waste and mismanagement that has cost taxpayers billions of dollars over the years. So I want to ask you about one of these pricey projects that isn't going very well. We are modernizing our nuclear weapons program, and that includes producing new plutonium pits, which make radioactive raw material that we need for nuclear weapons.

In 2015, Congress set a requirement to produce 80 pits per year by 2030, a big increase from our previous level of no more than 20 pits a year that we had been able to produce. Dr. Adams, will we reach 80 pits per year by 2030?

Dr. ADAMS. Thank you for that important question, Senator. The current estimates by NNSA are that we will not reach 80 pits per year by 2030.

Senator WARREN. Yes. So, I understand, these are complex projects, and the original estimates may have been off, but I am deeply concerned that we are not even sure how much increased pit production is going to cost us. The estimated budget for this work at just one pit production site doubled over the course of just a couple of months.

We have thrown money at this problem, but the head of Strategic Command recently told this Committee, "even unlimited money" will not get us to 80 pits a year. Dr. Adams, do you agree with Strategic Command that the problem facing pit production can't be solved by just throwing more money at it?

Dr. ADAMS. Thank you, Senator. I agree that we can't get to 2030 just by throwing more money at it, to 80 by 2030, by just throwing more money at it.

Senator WARREN. Okay. Well, it is clear to me there are a lot of reasons that pit production isn't meeting the goals, including that the goals may not be sustainable, but lack of funding is not one of the problems.

Admiral Richards is a big supporter of more pit production, so if even he says more money won't fix this, then obviously we need to rethink our approach. So Dr. Adams, if confirmed, will you review the current pit production plan and advise this Committee on what would be a more sustainable and achievable path?

Dr. ADAMS. I certainly will, Senator.

Senator WARREN. Now, I am glad to hear that, because I think that sticking to the current plan just defies common sense. It is unfathomable to me that NNSA would not reconsider the plan, and I hope that you will give this issue a serious look, if you are confirmed. It is no secret that I think that our nuclear weapons policy is dangerous and unsustainable.

But even those who want these weapons to occupy a more prominent role in our National Security should be able to agree that continuing to waste billions of dollars in pursuit of an unachievable goal makes us not more safe, it makes us less safe. So I hope that the upcoming Nuclear Posture Review gives the President real options to reduce nuclear weapons spending, including a path to scale back NNSA's modernization plans.

We are going to spend more than \$630 billion over the next 10 years, and that spending is only going to rise if we double down on plans that we know will not succeed. Thank you, Mr. Chairman. I yield.

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

Senator COTTON. Thank you all. Congratulations on your nomination. Mr. LaPlante, I would like to say that I am worried about the continued over classification, you might even say hyper classification, at the Department of Defense. It seems like a majority of new programs get special access program classification, which makes oversight by the committees and our staffs harder.

The classified program budget lines in the most recent omnibus bill were over 20 percent of the procurement budget, and once we get these great capabilities, there is often not a great way to test or train on them. I am reminded what Bob Gates, the Former Director of the CIA said, that he had security clearances that he didn't know existed for programs he couldn't remember ever being briefed on.

If confirmed, can you commit that you will only use the Special Access Program classification for a truly exquisite capability?

Dr. LAPLANTE. Senator—and I would be happy to follow up with you, but absolutely, I commit to it, to reviewing that, classification at all levels and whether things are over classified. Absolutely.

Senator COTTON. Thank you. I guess I am on this Committee on the Intelligence Committee, and I try to do a good job of staying on top of everything but sometimes I feel like Bob Gates. Mr. Raven, earlier this year, several members of Congress commissioned report about the culture of the United States Navy, especially the surface Navy. Have you read the report that we commissioned?

Mr. RAVEN. Yes, I have, Senator.

Senator COTTON. Do you have any thoughts on it?

Mr. RAVEN. Senator, I think the studies showed that warfighting capability is the number one mission of the Navy and Marine Corps. If confirmed, I intend to support that goal of increasing Navy Marine Corps warfighting capabilities.

Senator COTTON. Thank you. I think this is mostly a Navy culture and leadership problem, not just today's Navy, but going back 20 years. Congress and this Committee has some responsibility, I would say as well. But it is really something that need to be driven inside the Navy.

I mean, the Navy has lost a capital warship on average once a year for the last five years. It can explain why this is and why that case happened and how this one is different. But in the end, it is like Bill Parcells said, you are what your record says you are. I think that the Navy has under invested in surface warfare training for a couple of decades.

Trying to turn that around. I know Secretary—the Secretary is trying to turn it around as well, but maybe can I get your commitment to come report back to me after about 100 days or so on what you are seeing, if you are confirmed, on the job?

Mr. RAVEN. Absolutely, Senator. Thank you.

Senator COTTON. Okay. Ms. Johnson, how many criminal cases have you tried in your history as lawyer?

Ms. JOHNSON. Military justice and civilian cases combined, it would be over 2,000.

Senator COTTON. Criminal cases?

Ms. JOHNSON. Yes.

Senator COTTON. Okay, thank you. If you are confirmed, do you view your career in the military as an asset in the court's primary role of providing civilian oversight to the military justice system?

Ms. JOHNSON. Thank you, Senator. Yes, I do consider my experience as an asset. One, it will aid in the understanding of some of the issues and also understanding the processes. As Secretary Johnson noted, you know, experience ties into wisdom. I do think that 30 years of experience in uniform will be an added benefit.

Senator COTTON. Let me ask you this because this is nothing against you and your great years of experience as well. I do have concerns about the direction the court has taken in recent years. In 2014, the Congress allowed retirees to join the court after a cooling off period. Going back to 1991, it had been required that you couldn't be a retiree. Could serve, but not have been a retiree.

I think the point of that was that this is civilian oversight to the military justice system. If a lance corporal or private sees a retired colonel or flag officer who made their life in the military justice system, they may view them as part of the system. Do you have a concern that if you are confirmed, I believe a majority of the Active judges will be retirees from the system, either active or reserves, and whether or not litigants in front of your court are going to perceive that they are going to get a fair shake?

Again, this is not about you in particular. You would be one of three and there have been others in the past as well. Just a concern I have about the direction of the court.

Ms. JOHNSON. Senator, I understand your concern, and I think that as a retiree, when I, if confirmed, I am sitting on the bench, I will be sitting there as a judge, judging the facts before me, applying the law as applicable. But that if a situation arose as we had last term in the Begani case, that could cause a conflict, I like Judge Sparks would carefully review that, and if I felt that I needed to recuse, I would in fact recuse myself.

Senator COTTON. Well, thank you for that commitment, and I do think it is important that we be mindful of it, and I think it may be even something the Committee needs to review. It is akin to the waivers we gave to Secretary Mattis and Secretary Austin. I think those are ill advised. I voted for one, Secretary Mattis.

I regret that. Not anything particular about him. I think civilian oversight of the Department is very important, whether it is at the Secretary level or at the Court of Appeals. Again, nothing about your distinguished record of service. But I think it is something the Committee needs to consider. Thank you.

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

Senator KELLY. Thank you, Mr. Chairman, and thank you to all of our witnesses today. Dr. LaPlante, this question is—let me start with you. In the face of growing and changing threats from our adversaries, the Department of Defense continues to struggle with rapidly adopting emerging technologies that can transform the next generation of military capabilities.

It is clear to many of us that the edge in future warfare will belong to nations that effectively modernize their capabilities by harnessing disruptive technologies like AI, cyber, quantum computing, and advanced microelectronics to upgrade and adapt their way of fighting.

At the same time, we have budgetary overruns and bureaucratic challenges. While I have supported bipartisan efforts to develop new technologies, I also know that we can't spend our way out of these challenges. We need to spend smarter and find better ways to quickly advance development in the fielding of these game changing technologies, around the country, there are innovative ecosystems working to enhance our capabilities.

Arizona is such a place. It is home to several of our military's key testing and training ranges, which play a unique and important role in supporting the Joint Force and supporting aerospace and defense industry leaders that are developing solutions that help us maintain an advantage on the battlefield.

In the heart of it all, Arizona State University is uniquely suited to translate new technologies to meet current and future DOD challenges with its robust technical capabilities and extensive innovation ecosystem, in partnership with DOD industry and venture capital firms. So, Mr. or Dr. LaPlante, I know that you have a solid background and understanding of the industry and the emerging threats that we face.

If confirmed to lead Acquisition and Sustainment, what will you do to strengthen the support of these innovation accelerators so these ecosystems can more rapidly transition new technology into field, deployable solutions?

Dr. LAPLANTE. Thank you for the question, Senator. What you talked about a regional ecosystem in Arizona, as you point out, that is the future. There are several ecosystems all over the country. I am actually on the board of a nonprofit of an advanced manufacturing institute in Michigan that is transforming how a new manufacturing and engineering techniques are being used.

A lot of these regional associations, as you just pointed out, have strong ties to academia. I think what I would do, what I plan to do if confirmed, is really accelerate these public, private partnerships that are happening around the country and make sure that we are out there explaining our problems to industry and academia, and also showing them, hey, there is hope.

If we fund you, we are not just funding you for your prototype, but you can have a line of business. If it is successful, we get it into a production line. I think that last piece is what has been missing.

Senator KELLY. Well, thank you. Mr. Raven, I am going to transition to something that is kind of on the other end of the spectrum with technology and is more about moving stuff. So I am a graduate of the United States Merchant Marine Academy, and I have been very concerned about the decline witnessed in our Merchant Marine over the last 50 years even.

In fact, I am focused on our Merchant Marine because I believe not doing so puts our military and our Nation at a strategic disadvantage, particularly as our military pivots to great power competition with China especially, a Nation that is putting significant resources in the modernizing its fleet and conducting a growing number of naval operations and maritime activity in more distant waters.

So, Mr. Raven, what priority should the Navy be placing on our military sea lift capabilities in light of the pivot to great power competition?

Mr. RAVEN. Senator, those capabilities are key to our warfighting capability. Being able to sustain forces that are forward deployed, whether it is material fuel or other capabilities is at the heart of that. I am encouraged by the Navy's recent efforts to look at commercial vessels to leverage that capability. But if confirmed, I pledge to take a top to bottom look at those capabilities and consult back with you.

Senator KELLY. Well, I hope you work with our office, because right now you say take a look at commercial vessels. So the Chinese have a merchant fleet of about 5,500 ocean going merchant ships. We have about 85, I think the number is.

So we are greatly outmatched, and a big conflict at sea often results in some losses. It wouldn't be—it wouldn't take much time before we are at a strategic disadvantage, and we are not going to be able to resupply our troops. So thank you. Thank you, Mr. Chairman.

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

Senator KING. Thank you, Mr. Chairman. Mr. LaPlante, one thing I want to emphasize, and I would like your views, unlike in past practices in terms of procurement, everything we procure, we must think of from the perspective of the cyber risk. Part of your title is acquisition and sustainment, and whatever we acquire isn't

sustainable if it is subject to a cyber-attack. Your views on that is a part of—an essential part of the acquisition process.

Dr. LAPLANTE. Yes, Senator, I appreciate the question, and you are absolutely right. In fact, there is a concept that was introduced a few years ago. I was part of this work at MITRE called Deliver on Compromise, where the whole premise is you have got to deliver the parts and the capabilities uncompromised, don't bake in cybersecurity later. Not cyber secured forces is not a cyber ready force.

So what I plan to do, if confirmed, is check on the cyber status across the major programs that we have, including red teams, including making sure there is constant mitigation going on to the cyber threat. It requires continuous education, continuous engagement with industry.

Every day, the threat changes, and, but it is the cyber resiliency of our weapon systems have to be able to fight through cyber just like any other enemy effect.

Senator KING. I appreciate that, and I like hearing the term red teams. I think every product should be red teamed and tested for cybersecurity before accepted into the fleet, if you will. One of the things I have observed as we are talking through these issues with military personnel is that speed is of the essence.

Technology is developing so fast that we can't afford to wait months and years and decades for the development of new technologies. Technology often decides the outcome of the battle, and I hope that that is an emphasis.

One thing that I have observed is that we tend to be risk averse, and we say that, you know, we won't run a test unless we are sure it is going to pass. Our adversaries have a different philosophy. They test and test and test and fail and fail and fail and learn every time and end up beating us in terms of issues like hypersonics and other directed energy, for example.

Dr. LAPLANTE. Yes, I agree. A failed test is one where you don't learn, and one has to continue to do testing, to your point. We tested in 2010, 2011 a combined DARPA, Air Force experiment to fly a hypersonic glide vehicle from Vandenberg Air Force Base to Kwajalein.

The two tests, they both failed, and the United States stopped hypersonic glide vehicle work. China and Russia just kept going. So you have to test, you have to learn from the tests, and should keep going.

Senator KING. You have to accept failure as a test. That is why it is called a test.

Dr. LAPLANTE. It is how you learn.

Senator KING. You mentioned something that I think is very important and that is modularity and acquisitions, particularly of complex platforms, so that they can be upgraded quickly without having to redesign the whole platform. The B-21, I think, is an example of that. That I take it is going to be part of your philosophy moving forward into acquisition.

Dr. LAPLANTE. Yes, Senator, it is. In fact, we have known about modular systems for 20 to 30 years. We need to get them into all of our new systems and put it in the RFP. You mentioned to the B-21. That was designed with an open standard right from the be-

ginning, such that continuous technology can be upgraded for the next decades to come. That should be in all of our systems.

Senator KING. Two other quick questions on acquisition. One is, I believe we need to be more cognizant of the advantages of off the shelf technology or technology has been developed somewhere else in the world that we can adapt. We don't have to start from scratch on everything. If Senator Tillis were here, he would probably have his foot high spec for a handgun, special handgun for the military, as opposed to the handguns that are available.

Finally, I believe that an essential part of the acquisition process today has to be the intellectual property so that we can then additive manufacture the parts. My vision is a 3D printer on every ship, every depot, every base so that we don't have to wait for a valve from the OEM or from the supply chain. We can print it on site and that's a readiness question.

Dr. LAPLANTE. Yes, Senator. We have too many places in the system where the OEM has vendor lock and we are tied into that OEM decades later when we could bring in competition, if we had the intellectual property on the part, as you point out.

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

Chairman REED. Well, thank you, Senator King, and I have—I will take the opportunity to ask several questions. I am informed that several of our colleagues are finishing up a Commerce Committee hearing and will join us shortly. But Dr. LaPlante, one of the current issues we have is the defense industrial base. Several factors I have observed.

One is there has been a massive consolidation of the defense industrial base so that several different competitors no longer exist, and so, ideas aren't as forthcoming. That affects price, in addition.

Also, when you get down to the subcontracting level, you have issues of quality and also the perennial issue of cyber. In undersea warfare, we have provided resources for the—that industrial base to begin to look down at the subcontractors. But can you just generally characterize what the challenges are with the industrial base?

Dr. LAPLANTE. Yes, Senator. To start with, as you pointed out the consolidation, I think, Senator, we have all seen the charts going back to the 90s where you had the Last Supper and then all these defense companies, and it just went down to where we are today. Now, why do we want—why is that not good? Because we need competition. Why do we need competition? Because that is how you drive innovation and speed.

So it is very, very important that we have a robust and healthy industrial base. As far as the suppliers go, I think we need to continue to put pressure on the primes to know their supply chain, know it three or four tiers down.

One of the challenges there is a legal term called contract privity, where sometimes the prime is not allowed to know maybe third or fourth levels down. There are ways around that. There are tools that you can use using open source software as well as AI to really make the primes understand their subs and know where their critical failures and critical point of failures are.

Chairman REED. Well, thank you very much. Mr. Raven, the Navy is still striving, as so many elements and Department of De-

fense, to achieve a clean audit opinion. Can you tell us how you might be able to accelerate that process and get to the clean audit?

Mr. RAVEN. Yes, Senator. Audibility is a very key component, not only for accountability of how the Government spends taxpayer funds, but also efficiency within an organization. I understand that the Marine Corps is closing in on a clean audit within the next couple of years.

I want to understand where they have made progress and also take a closer look at where the Navy is and what obstacles there are to achieving that clean audit. Again, I think the Committee for its leadership and emphasizing the need to get to a clean audit.

Chairman REED. Thank you very much. Ms. Johnson, one of the issues that is perennial with respect to the Uniform Code of Justice and the military justice system in general is the issue of unlawful command influence. How well do you think the military is doing in eliminating that? What would be the role of your court in dealing with that issue?

Ms. JOHNSON. Thank you, Mr. Chairman. Well, as you—I totally understand your concern about that issue. We all should be concerned about it. You know, as the Supreme Court has said, the military justice system is protected by the Fifth Amendment due process clause.

Those would be the type of analysis that we would have to take if we saw unlawful command influence in a case. Additionally, Article 37 of the Uniform Code of Military Justice prohibits unlawful command influence or gain statutorily, we will be reviewing that. If confirmed, I certainly would be sensitive to those issues and any other issues with regards to potential interference.

Chairman REED. Thank you, and let me just elaborate on a question I asked previously. We focused a great deal of attention on the Uniform Code of Military Justice, all of the articles and the procedures.

But my memory of judicial proceedings is that the vast majority of judicial actions taken within the military is an administrative processes through Article 15 principally. One concern is how these new changes with respect to the UCMJ might affect the Article 15 process. You have any ideas or insights in that regard?

Ms. JOHNSON. Well, Senator, certainly whenever new legislation is passed, there is always—there will always be issues with regards to its scope, its meaning, its interpretation, even its Constitutionality.

So that likely could become a challenge with regards to how they are—the new changes are implemented. So to that extent, any challenges could well end up before the court, and so I would be hesitant to comment on them particularly. But certainly article 15 is an avenue that is used by Commanders.

One of the benefits of the article 15 is that as you are familiar with the terminology, it often gives our servicemembers an opportunity to, in the Army we would say, soldier your way back. I would hope that Commanders would continue to look at alternate means to address misconduct.

Chairman REED. I think that is a very insightful comment because filtering back, I think we have all seen it happen. Sometimes it doesn't happen, but many times it does, and that is good for the

service and good for the individual soldier. Dr. Adams, it has been raised before about the course that we are looking at in terms of getting sufficient pit production.

This Administration is committed to rebuilding the half finished mixed oxide or mock fuel plant at the Savannah Riverside, in addition to operating the existing plant at Los Alamos in order to achieve the 80 pits per year. The cost of converting the plant to produce plutonium pits has increased from the initial 2018 estimate of some \$4.6 billion to December 2021 estimate of \$8 to \$11 billion.

That is a significant change. Why do you think this cost increased and how will you help set requirements to contain future costs? Also, how will you integrate these two facilities? There is one concern I have heard is that there will be a sort of a, if you will, a brain drain from Los Alamos to Savannah, which might leave those institutions without them, you know, critical mass of talent to get the job done. So could you respond to those issues?

Dr. ADAMS. Thank you, Mr. Chairman, for raising that important issue and for giving me a chance to comment more fully on that. So first of all, let me say that while I have stated that I do not think we will be making 80 pits per year by 2030 on our current path, I do firmly believe that if we stay on our current path, we will make 80 pits per year with more than 30 per year at Los Alamos and more than 50 per year at Savannah River.

I just cannot tell you exactly when the Savannah River production will come online. As far as the cost estimates at Savannah River, the NNSA has gotten a lot better at its cost estimates, once the facility in question has been designed fairly thoroughly and the scope and size of the facility itself and its supporting infrastructures are known. We are not there yet with Savannah River.

So the question is why are early estimates—why are the NNSA early estimates so low in general compared to the more realistic estimates that come out later? This is a question that I intend to pursue vigorously if I am confirmed. I have had some conversations about this already. I believe there is a way to make them better. It is difficult, let me say, to do a cost estimate on a facility that hasn't been designed yet.

So, you know, I kind of cut people a little bit of slack there. Nevertheless, we have got to do a lot better.

Chairman REED. Could you comment on the potential for a brain drain of moving people from Los Alamos? I mean, I could see someone who has spent her career there and just for personal reasons, even though the job still is challenging, deciding he or she does not want to go from the deserts of New Mexico to the coast of South Carolina.

Dr. ADAMS. Yes, thank you for reminding me of that question, Senator. That was a concern that I had also early on. What I have seen actually happen is a win, win situation that is in progress right now and that Savannah River employees are coming to Los Alamos to not only learn the business of pit production, but also to help out at Los Alamos with pit production.

In a closed session some time we could talk about some of the specifics where the people from Savannah River have pitched in and made a significant difference in a positive way at Los Alamos.

Chairman REED. Well, thank you very much, Dr. Adams. I have been informed that we have eight colleagues that are on their way from the Commerce Committee. At this point, I would call the hearing to recess for a few minutes. Please stand in place. As soon as the first of my colleagues arrive, we will reconvene the hearing for additional questions. The Committee stands in recess.

[Recess.]

Chairman REED. Let me call the hearing to order once again after the recess and recognize Senator Scott.

Senator SCOTT. Thank you, Chair. Dr. LaPlante—first of all, thank you for each of you been here. Dr. LaPlante, I have been here about three years and my background is in business, and one thing I have watched since I have been up here is, it seems like what defense does is that they do a lot of research, development, but you don't get it in to fruition.

If we did that in business, we would all go bankrupt, and so what do you think you can do that is going to change that where we don't just research everything and never develop it to something that is going to help us defend the country?

Dr. LAPLANTE. Senator Scott, I appreciate the question. I believe that industry and small business and innovators have to see there is a chance they are going to get whatever they do in research into a production line, and so we have to have the metrics. If we don't get things into a production line, we are not succeeding. That is what we have to do.

Senator SCOTT. So, a year from now, what do you going to come back and say, hey, I changed this process, and this is why it works better now.

Dr. LAPLANTE. Yes. Two things, Senator. One would be to make—to up the production lines of the production lines we currently have to put munitions, UASs, just get them—higher production. But the second is work on all the weapons systems across the valley of death to make sure we are injecting technology into the systems we have.

Because we have the program officers over here that have the weapons systems with the technologists over here. We have to make those—that pipeline go and make it a metric for success.

Senator SCOTT. So what would you—so what is a private company that you would say, they know how to take something from research and development to actual use quickly that you would use as a best practices?

Dr. LAPLANTE. Well, I think SpaceX is one. SpaceX is a private company, but they also do business with the Government. They are doing an agile software development processes to get to a launch every two weeks on their critical launch capability. That is a speed that is just unheard of, and so it can be done. I think they have to see that.

The other pieces, I think that small businesses and industry have to see that there is skin in the game, that they have a viable line of business, if they are successful and innovating. They don't just get a one off contract for a prototype, but with SpaceX as an example, of just rapid innovation.

Senator SCOTT. So are there any standards where the private sector says, we spend this much on research and development be-

fore things get to something that is going to be useful that you would be able to apply?

Dr. LAPLANTE. Well, I think what I understand the private sector does, and we saw this when we were doing agile software study, was they do it incremental all the time. They will do some research, come back in 90 days, two months, three months, say, what do you got for it?

If it is not paying off within 6 months, they will stop and go to something else. But so that is something the DOD does not do, generally. We have got to move to those much more agile approaches. So a lot of private business, they are simultaneously having a lot of these R&D efforts going on at the same time, but they will stop them immediately if it is not paying off.

Senator SCOTT. You think you have the ability to do that?

Dr. LAPLANTE. In software, I think we do. What I don't know about Senator, and I would like to find out should I be confirmed, is if we can bring those agile approaches to more hardware centric systems.

That if we are doing the research and we are doing tests and say, no, we have got to stop that or do three at the same time and do best of breed bake off within 6 months.

Senator SCOTT. Okay. Thank you. Dr. Adams, do you support the monetization of U.S. nuclear deterrence, and do you have any concerns with the current modernization schedule?

Dr. ADAMS. Thank you for that question, Senator. I do support the current modernization efforts. I have concerns in general about our ability to meet schedule. If confirmed, I will dig into the details of that and see if there are looming problems that would cause us to not meet schedule.

Senator SCOTT. Are you committed to make sure that the annual budget request for defense programs will be sufficient to support the DOD military requirements?

Dr. ADAMS. Yes, Senator.

Senator SCOTT. What if they weren't, what would you do? What if you said we have to have this and the people above you said, no, we are not going to do that? We just don't spend the money like that. What would you do?

Dr. ADAMS. Well, I would certainly have the conversation with Jill Hruby, and I have got a lot of confidence in her as far as being receptive to that message.

Senator SCOTT. Alright. Thank you, Chair.

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

Senator PETERS. Thank you, Mr. Chairman. Mr. LaPlante, in your opening statement and in your written testimony, you identified the need to tap into the private sector's innovation by lowering barriers to doing business with the Department of Defense, particularly for small businesses.

In your view, to let the Committee know, what do you believe is the proper balance between the untapped resources such as small businesses, nontraditional commercial firms and startups, and proven defense industries that can continue to deliver world class systems for warfighters? We have a lot of elements there. What is the proper balance?

Dr. LAPLANTE. Thank you for the question, Senator. I would look at it this way, Senator, I think as I understand it, we want the widest amount of competition possible. We want all of those elements there. Any part of that portfolio you just described whether small business, startups, or main defense contractors that are getting out of the business is bad for us. So the real question about the balance is we want competition. We want competition not just for its own sake, but it will drive better behavior.

We also have to make sure that frankly if you are a traditional defense contractor and you are a prime that you shouldn't get complacent. That if in fact there is a new entrant, small business or startup that can do your job, you will be competitive with them, and it is going to drive better behavior. That is the way I would look at it.

Senator PETERS. Mr. LaPlante, in my committee assignments, I serve as chair of Homeland Security and Government Affairs, I am a member of the Commerce, Science and Transportation Committee, and, of course, a member of the Armed Services Committee. So I am frequently working on concepts that address kind of the crossroads between industry, Department of Defense, as well as general Government accountability.

In many instances, these concepts all intersect. In my State of Michigan, as you know, there are significant industrial capacity, and they are also continually engaging with academic institutions to research and development new materials new technologies systems, all of the things we need for the future warfighter.

Given the significant role that Michigan plays in support of defense acquisition and sustainment, I would like to invite you to join me in Michigan to witness firsthand some of our current operations and discuss how we can meet these needs.

So, my question to you is, if confirmed and after you have a few months to settle into your position, if confirmed, will you commit to visiting Michigan to see firsthand how acquisition and sustainment needs and partners in the industry could be beneficial?

Dr. LAPLANTE. Senator, absolutely.

Senator PETERS. Right. Thank you, Mr. Raven, Mr. Putin's unlawful and immoral invasion of Ukraine has reminded many in Washington of the enduring need for the United States to maintain and to deploy effective missile defense systems all across the globe.

The Navy currently operates the Aegis Ashore site in Romania and is constructing a site in Poland. There have been some concerns within the Navy, though that the operating of a land based version of the Aegis system consumes some valuable personnel and funding resources that might be better spent elsewhere in the Navy.

My question for you, Mr. Raven, do you believe there is a right balance between maintaining an effective naval component to missile defense while also ensuring the Navy has the resources to perform its core missions every day?

Mr. RAVEN. Yes, Senator, and first, let me share my thoughts for the people of Ukraine who are fighting for their democracy against this unparalleled aggression against them. In terms of those missile defense sites that you are referencing, if confirmed, I intend to

work closely with the Missile Defense Agency to make sure that our allies are defended, but also go deeper and understand the resourcing requirements for those versus other Navy priorities.

Senator PETERS. Alright, thank you. Also, Mr. Raven, to continue with the theme of resource constraints on the Navy in the midst of introducing a host of new platforms and technologies to the fleet, these include the *Constellation*-class frigates, which I would add very proudly are built by Michigan workers in the shipyard the Marionette just across the border in Wisconsin, as well as *Ford*-class carriers, unmanned surface vessels, *Columbia*-class submarines.

Since you come from an appropriations background, I know you realize, or I realize that you have extensive experience in funding these programs. But if confirmed, how will you help ensure that the Navy is able to efficiently and effectively integrate these new platforms at an operational level?

Mr. RAVEN. Senator, thank you for that. In terms of the integration of new capabilities, I think the Navy is looking at a mix of both capacity and new capabilities to deliver those—what is needed by our sailors. In terms of those new platforms, I look forward to working closely with the CNO and others to make sure that the capabilities of those exciting platforms are delivered right.

Senator PETERS. Great. Thank you. Thank you, Mr. Chairman. Chairman REED. Thank you, Senator Peters. Senator Wicker, please.

Senator WICKER. Thank you, Mr. Chairman. Senator Peters has expressed a concern about the fleet, and I want to echo that in questions for both Mr. Raven and Dr. LaPlante. The most recent 30 years shipbuilding plan submitted last year calls for a Navy of between 321 and 372 ships. A December 2020 version of the plan calls between 382 and 446 ships. The Navy's most recent publicly released force structure assistance called for 355 ships, and as you know, that is the statutory requirement passed by this Congress and signed into law by the President of the United States.

Yet recent testimony from the Chief of Naval Operations indicates the fleet cannot grow from its current roughly 297 ships without a larger budget. In the recently passed Fiscal Year 2022 omnibus, Congress responded to a need shared on both sides of the aisle for a larger fleet by committing the resources necessary to move us in that direction. In a bipartisan manner, we voted for \$26.7 billion to procure 13 Navy ships.

This was \$4.1 billion more than President Biden asked for in his request. So, Mr. Raven and Dr. LaPlante, please respond to this set of facts. What are your views on the most recent 30 year shipbuilding plan and the various analysis and requirements for the size of the Navy? What mix of ships do you believe should be emphasized? What are your plans to fund the Navy, particularly shipbuilding? We will start with Mr. Raven first and then go to Dr. LaPlante.

Mr. RAVEN. Alright. Thank you, Senator Wicker. In terms of establishing a good shipbuilding plan for the Navy, I think there is a couple of elements here. First of all, is, of course, as you mentioned, the 30 year shipbuilding plan that is the signal to industry

of what to expect for future years so industry can prepare to build those ships in the most effective manner possible.

Let me also add that the authorities provided by this Committee to make sure that industry can operate efficiently in building those ships is a very critical tool.

Senator WICKER. Absolutely.

Mr. RAVEN. I would also add that the force structure assessment that is ongoing and should be released shortly is another key element of what the warfighting requirements will be. I really look forward to reviewing both that force structure assessment and the 30 year shipbuilding plan when it comes out in the very near future.

Senator WICKER. Could you be a little more specific about the very near future?

Mr. RAVEN. My understanding is that the Department of Defense is planning to release those—I am afraid I can't be more specific than the near future, but I understand it will be soon.

Senator WICKER. Dr. LaPlante, what do you say to this, and will you commit to working with the Navy and the Marine Corps on their requirements and not simply letting OSD and OMB determine the requirements for the services?

Dr. LAPLANTE. Absolutely. Force levels and all the force level studies that were talked about, I will support them and do whatever I can to make sure these requirements are met. Again, thank you to the Committee for giving the authorities for the ships that you just described, Senator.

Senator WICKER. Do you have any views about the question I asked Mr. Raven? What mix or type of ships and the various requirements for the size of the Navy?

Dr. LAPLANTE. Yes. All I would say is that, I mean, obviously we need more numbers. As has been said many times, quantity has a quality all its own.

As far as the exact force structure, I am not current on the current, you know, all plans to really be able to answer that. My bias of my background is we want survivable, and we want to strike. But I would really look forward, if confirmed, to see the force structure that is being offered by the Navy recommended.

Senator WICKER. Okay, and quickly. In the recently passed 2022 omnibus, Congress responded to needs by appropriating \$625 million for shipyard infrastructure optimization plan. This was \$219 million above President Biden's budget. How will you work to ensure that our Government's depots, ammunition plants, labs and shipyards are sustained and modernized? Can you say whether you support increased funding to these areas? Dr. LaPlante.

Dr. LAPLANTE. Yes, Senator. Thank you. I believe our infrastructure overall needs attention, whether it is the shipyards and the like, and also the workforce for the shipyards. Yes, I support increased funding.

As we know, as we see in Ukraine, sustainment and readiness of the force is a top—has to be a top priority and we have to fund these areas that is going to continue to give a ready force for years to come.

Senator WICKER. Mr. Raven, shipyards, depots, military infrastructure?

Mr. RAVEN. Senator, these facilities are key to generating readiness. There has been much discussion about the shipyards, and I agree that this is a once in a century bill that needs to be addressed. I also would support looking at the other facilities that help generate not only servicemember readiness, but industrial readiness. So I would look forward to working with you on those issues.

Senator WICKER. Thank you, Mr. Chairman.

Chairman REED. Thank you very much, Senator Wicker. Senator Gillibrand, please.

Senator GILLIBRAND. Thank you, Mr. Chairman. Scientific studies have demonstrated that exposure to PFAS in the environment is linked to harmful health effects in both humans and animals. Due to the presence of this harmful forever chemical on DOD installations, the Fiscal Year 2022 NDAA requires the DOD to test the groundwater of all installations by the end of 2023 for PFAS contamination.

For Mr. LaPlante, if confirmed, will you commit the DOD will meet this NDAA deadline to complete groundwater testing for PFAS contamination? Do you commit to sharing the test results with nearby communities?

Dr. LAPLANTE. Yes, Senator. I appreciate the question and I understand the toll that this issue has had on many of the local communities around our bases and the impact it has had on families.

So yes, if confirmed, I am going to be diving into this issue, finding out again what the survey of the problem is, making sure we are transparent to the Committee and with the local communities, and we can get on with mitigation plans. A terribly important issue.

Senator GILLIBRAND. Excellent. Millions of servicemembers likely drank water contaminated with PFAS for decades. If confirmed, when will DOD alert veterans and servicemembers they may have been drinking contaminated water?

Dr. LAPLANTE. Well, I don't—I think what—if confirmed, we need to find out when the survey of all the facilities is done, and as soon as that is done, we should notify people immediately. I just I don't know of sitting here what that date would be, but it can't be soon enough.

Senator GILLIBRAND. Please commit to working with me on that issue.

Dr. LAPLANTE. Absolutely.

Senator GILLIBRAND. Many local communities are frustrated by their interactions with the DOD concerning environmental hazards caused by the use of PFAS. If confirmed, how do you recommend that DOD communicate and engage with DOD communities?

Dr. LAPLANTE. Yes. What I believe, Senator, is that if confirmed, I am going to have to spend time and my staff doing open town halls, doing a lot of engagement with the community, doing a lot of listening, and try to treat transparent as possible. This is such an important issue in the towns surrounding our bases.

Senator GILLIBRAND. Yes, thank you. Ms. Johnson, in the civilian justice system across the country, criminal charging decisions are made by district attorneys that are experienced prosecutors. Yet this is not the case in the military justice system, where Military

Commanders make the decisions whether to charge servicemembers with serious crimes. Could you explain why this is important for the military justice system to mirror civilian justice systems?

Ms. JOHNSON. Thank you, Senator Gillibrand. I am aware of the concern that the Congress has had with regards to the role of the Commander in the system, and that also the changes in the Fiscal Year 2022 NDAA has narrowed the number of crimes of which Commanders are involved.

To the extent that those recent changes may come under challenge, and if confirmed, I would be on the court, I would have to decide on that. As a result of that, Senator Gillibrand, under Canon 386, I cannot comment on that.

Senator GILLIBRAND. Under the UCMJ, Commanders select individuals to sit on military juries. They usually selects these officers and noncommissioned officers from a pool of senior individuals that they may know and supervise. Could you discuss how this type of bias affects the perception of the military justice system among civilians?

Ms. JOHNSON. Senator, I am sorry. I didn't understand the back end of that question, how it affects it among civilians?

Senator GILLIBRAND. No, what is the perception of the civilian world to the military in that the Commander chooses the jurors based on a pool of officers and noncommissioned officers that they may know?

Ms. JOHNSON. Well, Senator, again, I—because Congress has expressed concern about that, they have made changes with regards to how panels are selected and the rights of the accused with regards to expanding the pool of the selectees.

Again, because they are fairly recent changes, they are likely to be challenged or they could be challenged, and to that extent, if they bubbled up to CAAF, if confirmed, I would have to rule on that. Again, Senator, I am not free to make comments with regards to that.

Senator GILLIBRAND. In *Ramos v. Louisiana*, the Supreme Court recently invalidated the practice of non-unanimous juries for criminal cases. This decision, however, may not impact servicemembers because they have been traditionally treated as a separate class and currently subjected to a three-fourths majority verdict for guilt. Without discussing any pending cases, could you describe the importance of aligning servicemembers' Fifth and Sixth Amendment rights with those in their civilian counterparts?

Ms. JOHNSON. Thank you, Senator. Again, Constitutional rights have been affirmed. Servicemembers do not lose their Constitutional rights, their civil rights, and civil liberties when they put on the uniform. The Supreme Court and CAAF and its predecessor, COMA, has taken to account the uniqueness of the military context.

So some Constitutional rights may not be as broad. As you noted, Senator, several years ago, Congress changed the level, the threshold for arriving at a conviction from two-thirds to three-quarters. Again, we have seen those cases bubble through the system, and so it would again be inappropriate for me to comment on that.

Senator GILLIBRAND. Thank you, Mr. Chairman.

Chairman REED. Thank you very much, Senator Gillibrand. Let me recognize Senator Blumenthal, please.

Senator BLUMENTHAL. Thank you, Mr. Chairman. I would like to follow up with a couple of questions on PFAS, Mr. LaPlante that were just asked by Senator Gillibrand. You know this potentially highly dangerous chemical has already infected many, many service people. I understand that there would be a study done by DOD of the human health impacts of PFAS by the end of 2021. Has that report been completed?

Dr. LAPLANTE. Not that I am aware of, but I could be wrong. Not that I am aware of.

Senator BLUMENTHAL. I am going to ask that you commit to determine whether it has been completed, and that you also commit to release it to the Committee.

Dr. LAPLANTE. Absolutely. I commit to that Senator.

Senator BLUMENTHAL. Thank you. The President recently released an Executive Order that directed Federal agencies to buy products made without PFAS. I would like to know how you will comply with this Executive Order, if confirmed, and what steps you will take to ensure that DOD takes an enterprise wide approach to PFAS, that is throughout the Department, as recommended by the Pentagon's Inspector General.

Dr. LAPLANTE. Yes, Senator. So to comply with that Executive Order, we would have to be doing, if confirmed, inventory across the Department, at the enterprise level as you said, on all the places where that—where products like that are purchased and stop.

Then of course, we also have to have backup plans when we don't purchase the product anymore. If there still needs to be some fire-fighting capability, how do we come up with something that is safe and usable? So that is what I would see as having to be done, if confirmed.

Senator BLUMENTHAL. Has that begun?

Dr. LAPLANTE. Pardon me, I am sorry?

Senator BLUMENTHAL. Has that enterprise wide review been started?

Dr. LAPLANTE. Of the Executive Order, I am not aware of it, but it may be. I have not been in the discussions, in the policy discussions.

Senator BLUMENTHAL. There are safer alternatives, for example, to firefighting foam that don't involve PFAS, correct?

Dr. LAPLANTE. Yes. I am aware of at least several candidates for that, and I think that would have to be accelerated to address this issue.

Senator BLUMENTHAL. Will you commit to accelerate it?

Dr. LAPLANTE. Yes, absolutely.

Senator BLUMENTHAL. Let me ask you on a separate topic The CH-53K. You and Mr. Raven, I am sure, are both familiar with the CH-53K, the most capable heavy lift helicopter in our nation's history. It is a technological marvel. It lifts three times the amount of weight that the Echo does. It is far more survivable, faster, more easily maintained, and it is significantly more valuable in combat than any of its predecessors.

The program has been criticized because of its acquisition timeline and because potentially it might increase the cost of acquisition. The GAO, for example, in a report last March, took issue with the integrated master schedule timeline. Let me ask both of you briefly what you would do to make sure that we move forward with that program as quickly and cost effectively as possible.

Dr. LAPLANTE. I will take the first chance and then turn it over to my colleague here. I think the first thing that needs to be done, if it hasn't been done, is to do an independent schedule estimate. GAO has a very good references and validations for doing independent schedule estimating. So what we should do, if it hasn't been done, is do an independent schedule estimate and see how it can be sped up, either with contractor incentives or other items.

Senator BLUMENTHAL. Thank you. Mr. Raven.

Mr. RAVEN. Senator, I would add that the CH-53K is one of many systems that is really important to the Marine Corps and their ability to move marines, move supplies, especially in their concept for more distributed operations.

So I see a good future for this capability. If confirmed, I would go forward and review the schedule for fielding this as well as testing and make sure that marines have the capabilities that they need to do their job.

Senator BLUMENTHAL. I agree that it is an essential program for the marines to do their job, and that is the DOD assessment. I hope that you would pursue it as well and move the program forward as expeditiously as possible. Thank you very much, Mr. Chairman.

Chairman REED. Thank you, Senator Blumenthal. Senator Duckworth, please.

Senator DUCKWORTH. Thank you, Mr. Chairman, and just a point of pride, I have to say, while the CH-53K is a remarkable aircraft, I wouldn't say that it is better than the Blackhawk, so just wanted to put that out there. I would like to start by focusing in on acquisition and sustainment and your role if confirmed, Dr. LaPlante.

I think we are at a critical moment right now and need to make sure we are learning the right lessons and capitalizing on our strengths. For example, my personal interest in the Army's future vertical lift program doesn't just come from my background of flying Blackhawks or as chair of air land, but also with a real interest and appreciation for how the Army has been investing in its next generation of critical lift programs.

I lived through the Comanche debacle as a young soldier, and it is so refreshing to see what is happening with future vertical lift. As different FEO components develop, I want to make sure that we are learning from the program's successes so that we can try to replicate those across other acquisition programs and deliver necessary capabilities to our military on time and on budget.

Our acquisition and maintenance need to be able to grow more agile, more innovative, and if we can't get there quickly, we may lose the opportunity to truly maintain our over match against our adversaries. Our small and disadvantaged businesses are drivers of agility and innovation, and as such, they must play a larger role in our defense industrial base. Yet the barrier to entry for these

businesses is too high for many of them to achieve success, and the small business industrial base has shrunk over the past decade.

The Department's February report on the State of competition in the defense industrial base cuts out the need to remove these barriers and increase opportunities for small businesses. In Illinois, we have one of the largest concentration of tulle and dye manufacturers for the aerospace industry, for example.

Dr. LaPlante, what role do you see small and disadvantaged businesses playing in our defense industrial base? If confirmed, how do you plan to address our recommendations in this report and make sure that DOD is supporting small, women owned, and other disadvantaged businesses?

Dr. LAPLANTE. Senator, I certainly appreciate the question. I just State what I think you know, and this Committee knows, is GAO says often 70 percent of the life cycle costs of a weapons system are in the sustainment. Okay, the other piece of it is we need these small business and these startups to be in our industrial base. That is the ace in the whole of the country, and the fact that the number of small business is going down has to be reversed. Now what are those obstacles that these reports point out?

My understanding, they typically point out things like cost accounting standards, IP, intellectual property concerns, how long it takes to get on contract. Another piece of it, which maybe doesn't come up very much in public, but it should is something called authority to operate.

If you get a network, even for critical unclassified information, it may take a small business months to have the Government come in and give them the authority to operate their network, even if they are making parts. So all of these things have to be driven collectively and work collectively so small business can say they have confidence that it is going to get better for them. If confirmed, that is what I am going to focus on.

Senator DUCKWORTH. I do think that a strong collaboration between the Department and Congress to address a lot of these hurdles is important. Would you commit to working with my office, if confirmed, to take any necessary steps to fix these issues?

Dr. LAPLANTE. Absolutely, Senator.

Senator DUCKWORTH. Thank you. Switching topics slightly, I would like to quickly touch on the issue of defense contractors are facing in the supply chain, which we have all seen exposed through the past two years of the pandemic. Contractors and suppliers have lived through delays and shortages of critical components during COVID but operating in a contested environment would present additional challenges we may not be ready for.

In order to make sure our industrial base can scale to the needs during a potential conflict, the Department needs to understand these choke points and plan for them in advance. Dr. LaPlante, if confirmed, what strategy would you use to identify these present and future choke points, especially for contested logistics environment?

What are some steps you would recommend taking to mitigate these types of risk for both acquisition and sustainment?

Dr. LAPLANTE. Yes, Senator. I would say to start with, we as a country have to have more hot production lines, period. Sometimes

it means redundant production lines to deal with some of these single point failures.

Second, is that on the good news side is there has been developments in big data analytics using open source as well as other sources of information and machine learning to actually dove into some of these supply chain and find out critical nodes that they didn't even know they had.

These are starting to come out there. Some of them are quite good. What I intend to do is find the best of breed of these, get Department to use them, and also make them available to small businesses so they understand their critical node as well as the primes.

Senator DUCKWORTH. I think there is also an opportunity to work with their arsenals as well. Rock Island Army arsenal, for example. It is the last vertically integrated metals manufacturing facility in the DOD, and I think they can play a role in helping keep those hot production lines.

Dr. LAPLANTE. Absolutely.

Senator DUCKWORTH. Thank you. I yield back, Mr. Chairman.

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

Senator ROSEN. Oh, there it is. Sorry, my mic didn't come on. Thank you, Chairman Reed, for holding this hearing. Thank you to the nominees for testifying today and for your willingness to serve. We appreciate you. I want to speak a little bit about Fallon Naval Air Station and the land withdrawal, because in Nevada, we are really proud to host the Naval Air Station. It is home to TOPGUN and our nation's premier carrier Airway, and it is our Navy SEAL Training Center.

Mr. Raven, as you know, the Navy is seeking an expansion of 600,000 acres of Federal land, over 65,000 acres of non-Federal land. It would expand the Fallon Training Range Complex to about 900,000 acres. This proposal would impact local counties, tribes, sportsmen, farmers, energy companies who currently access and operate on these lands.

So it is why last year I invited Secretary Del Toro and Acting Under Secretary Berger to come to Nevada and meet with local stakeholders. I am grateful they did both travel to my State to hear firsthand how this proposed expansion would affect our local economies, recreation, wildlife, and of course, cultural resources.

So Mr. Raven, as the Navy pursues modernization of the range, can you commit, if confirmed, to continuing the Navy's engagement with local, state, and tribal Governments? Can you commit to working with me and the rest of the Nevada delegation to craft a consensus based proposal that enhances our National Security, we know we need to do that, but we have to address two stakeholder concerns.

Mr. RAVEN. Senator, yes. I had the pleasure of visiting Fallon just a few years ago and saw the outstanding capabilities there. Of course, with future weapons systems coming online in the near future, the ability of ranges are essential to making sure our servicemembers are trained.

As you rightly point out, to make that happen requires partnerships across Federal Government, State Government, local Govern-

ment, and tribal Governments, and I commit to working on that with you.

Senator ROSEN. Well, I am glad that you mentioned partnerships because the Navy's legislative proposal last year unfortunately did not incorporate any suggested changes or feedback from local stakeholders or the Nevada delegation. So if you are confirmed, will you ensure that the Navy submits an improved legislative proposal and map which incorporates stakeholder input?

Mr. RAVEN. Senator, I know this is a key issue within the Department of the Navy, and if confirmed, I want to understand what happened last year and what will happen in the future. But I want to work with you on these issues. This partnership is very important.

Senator ROSEN. Thank you. I want to move a little bit now to Dr. Adams because I want to talk about the Nevada National Security site and our infrastructure upgrades. We had an opportunity to speak over Zoom last week. For those of you who don't know, the Nevada National Security Site oversees the nuclear stockpile stewardship program, principally at the U1a facility.

It is an underground laboratory where scientists conduct subcritical experiments that verify the reliability and the effectiveness of our nuclear stockpile. U1a is undergoing major construction. It is going to soon host the most capable weapons radiographic system in the world.

However, the NNSA currently faces significant infrastructure delays, including at the Nevada National Security site. So Dr. Adams, if confirmed, how will you address NNSA's infrastructure modernization challenges and delays, particularly when it comes to upgrades at U1a, so they don't impact the agency's ability to fulfill its mission of performing these subcritical tests?

Dr. ADAMS. Thank you, Senator, for that question. First, let me reaffirm the importance of that site. It is a national treasure, and the enhanced capabilities for subcritical experiments that you are referring to is absolutely vital to our ability to answer some of the pressing stockpile questions that we are going to have in the future.

As far as the schedule and cost issues, I am not privy to exactly the details of what is going on there, but if I am confirmed, I will certainly dove into that and try to understand what is going on and mitigate any problems that are there.

Senator ROSEN. Thank you, and finally, for Dr. LaPlante, the DOD innovation cycle, I would like to ask you about the valley of death, where cutting edge military technologies die before they can win a DOD contract to produce software or equipment at scale.

If confirmed, what specific steps would you take to improve the transition of successful prototypes to the point of production and then rapidly field those technologies at scale so we can leverage technology to better compete with our adversaries?

Dr. LAPLANTE. Thank you for the question, Senator. All of those prototypes that you described and those innovations, they all should have a plan of, if successful, what weapon system are they going to transition into? Then the other side of it, the weapons system has to have a tech insertion plan to accept it, and it has to be all part of it.

Also production and sustainment has to be thought of at the very beginning of these innovations. Otherwise, it will just fall into the valley of death. So that is where I am committed to really work hard on and also work with Ms. Heidi Shyu, who has the R&E job. We are going to be joined at the hip to get these technologies across the valley of death and get them to our warfighter.

Senator ROSEN. Thank you.

Chairman REED. Thank you, Senator Rosen. Let me thank the nominees for their excellent testimony, and we will move, I hope very rapidly, to a vote on your confirmation. Thank you for your commitment to public service. With that, let me adjourn the hearing. Thank you.

[Whereupon, at 11:40 a.m., the Committee adjourned.]

[Prepared questions submitted to Honorable William A. LaPlante, Jr. by Chairman Reed prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES

Question. Section 133b of title 10, United States Code, describes the duties and powers of the Under Secretary of Defense for Acquisition and Sustainment (USD(A&S)).

In your opinion, what are the most important roles of the USD(A&S) in supporting the missions of the Department of Defense (DOD)?

Answer. As the Principal Staff Assistant and advisor to the Secretary of Defense for all matters relating to acquisition and sustainment in the Department of Defense, the USD(A&S) is responsible for ensuring that secure and resilient capabilities are delivered to our forces and allies quickly and cost effectively. The USD(A&S) must maintain effective oversight of the Department's entire acquisition and sustainment enterprise; establish policies and processes as appropriate to drive innovation; sustain and modernize our weapons systems; improve cost efficiency; empower a capable and agile acquisition workforce; support a robust defense industrial base; build a resilient logistics and mission support enterprise; address environment and energy resilience challenges; and ensure servicemembers have safe and resilient places to live and work.

Question. Do you believe the USD(A&S) has been provided appropriate authority over the DOD acquisition and sustainment enterprise?

Answer. At this time, I believe the USD(A&S) has the appropriate authority over the Department's acquisition and sustainment enterprise. If confirmed, I will work with my staff and senior OSD leadership to review these authorities and identify any recommended changes.

Question. What changes, if any, would you recommend to section 133b of title 10, United States Code?

Answer. I do not have any specific recommendations at this time. If confirmed, I will work with my staff and senior OSD leadership to identify any recommended changes.

Question. If confirmed, how do you plan to assess the organizational structure, workforce, authorities, and availability of resources to ensure that the Office of the USD(A&S) is able to effectively execute its mission?

Answer. If confirmed, I will work with my staff and senior OSD leadership to identify any recommended changes to A&S's organizational structure, workforce, and resourcing.

Question. If confirmed, what duties and responsibilities would you assign to the Deputy Under Secretary of Defense for Acquisition and Sustainment (DUSD (A&S))?

Answer. If confirmed, I will prescribe duties to the DUSD(A&S) in accordance with 10 U.S.C. § 137a(b). I will work in close partnership with the DUSD to maintain oversight and accountability for the entire A&S portfolio, and expect the DUSD to provide the support necessary to deliver secure and resilient capabilities to our forces and allies.

Question. If confirmed, what duties and responsibilities would you assign to the Assistant Secretaries and other officials (e.g., Executive Directors for International Cooperation and Special Programs) who will report to you or the DUSD (A&S)?

Answer. If confirmed, I will prescribe duties to the Assistant Secretaries and other direct reports within A&S in accordance with 10 U.S.C. § 138(b), the A&S charter, and their individual organizations' charters. I will work closely with them to maintain oversight and accountability for their portfolios, and expect them to provide the management and subject matter expertise necessary to deliver secure and resilient capabilities to our forces and allies.

QUALIFICATIONS

Question. If confirmed, you would be responsible for managing the defense acquisition system. Section 133b of title 10, United States Code, requires the USD(A&S) to have “an extensive system development, engineering, production, or management background and experience with managing complex programs.”

What background and experience do you have that qualify you for this position?

Answer. I have over 36 years of experience in the national security and non-profit technology communities, including as the Assistant Secretary of the Air Force for Acquisition, member of the Defense Science Board, and as a member of the Section 809 Panel charged to reform the defense acquisition system. I have a proven track record of delivering material and conceptual innovations that enhance our national security capabilities and efficiency, and will continue to do so if confirmed as the USD(A&S). I also have significant executive leadership experience – including budgeting, finance, talent management, enterprise security, and driving culture change.

Question. If confirmed, how would you leverage the skills and knowledge gained through your prior experiences to carry out the duties of the USD(A&S)?

Answer. The duties of USD (A&S) require technical, programmatic, financial, and talent management experience at an enterprise level. If confirmed, my skills and knowledge will be directly applied to this position on a daily basis.

PRIORITIES AND CHALLENGES

Question. If confirmed, what are the top priorities you would plan to focus on during your tenure as the USD(A&S)? What would be your plans for achieving these priorities?

Answer. Our troops must have what they need to confront and overcome rapidly evolving challenges from a fast-moving pacing threat and peer competitors. As such, my top priority, if confirmed, would be ensuring that the defense acquisition system has a laser-like focus on delivering capabilities that meet the needs—both current and future—of U.S. forces.

I would also focus on improving our ability to acquire software and software-intensive systems, sustaining our fielded weapon systems in a cost-effective manner, and strengthening the Defense Industrial Base and our supply chains.

I would do this by transitioning emerging technologies—hypersonics, artificial intelligence, autonomy, directed energy, and others—into programs of record and fielding them for operational use; tapping the innovation of the private sector by lowering barriers to doing business with DOD for small businesses, commercial firms, non-traditional defense contractors, and startups; and empowering and enabling the dedicated professionals who comprise the defense acquisition workforce.

Question. In your opinion, what are the greatest challenges facing the DOD's acquisition and sustainment communities?

Answer. I believe the greatest challenge facing these communities is the rapidly evolving threat environment and the constant changes in acquisition and sustainment priorities that result. Russia's invasion of Ukraine only a few weeks ago has provided a stark reminder that the threat environment can change at any time, and the DOD's acquisition and sustainment communities must be postured to deliver the capabilities needed to confront and overcome rapidly evolving challenges from a fast-moving pacing threat and peer competitors. Technology is also changing fast, and our warfighters must have access at scale to the best technology to do their job.

At the same time, we face an enduring strategic challenge from China that comprehensively stresses the Defense Acquisition System and on which we can never lose focus.

Question. What would be your plans for addressing these challenges, if confirmed?

Answer. The key to addressing these challenges is an innovative, empowered workforce, backed by an acquisition system that empowers decision-making authorities and program managers, institutionalizes critical thinking, and employs shorter, iterative product delivery cycles. Close cooperation with the Office of the Undersecretary of Defense for Research & Engineering (OUSD(R&E)) will also be critical to ensuring we can bring leading edge capabilities to the field as quickly as possible.

I understand the Department continues to implement a number of acquisition reforms that will ensure the Defense Acquisition System is capable of keeping pace with a dynamic threat landscape. This includes the Adaptive Acquisition Framework, which provides an adaptable, flexible, and responsive policy foundation which encourages greater flexibility and empowers common-sense decision making, while also maintaining discipline and the employment of sound business practice. If confirmed, I will continue to prioritize innovation and look for additional opportunities to improve the efficiency and effectiveness of the Defense Acquisition System and improve collaboration with OUSD(R&E).

Question. By what metrics will you measure your progress towards achieving these priorities and addressing these challenges?

Answer. Data that is robust, readily accessible, and measured against sound metrics is critical to understanding Defense Acquisition System performance and making informed acquisition and sustainment decisions. I understand there is a Department-wide effort to develop enterprise-wide business health metrics system that integrates data from a wide variety of sources across the Department and performs advanced analytics on that data. If confirmed, I will review this effort and work to identify metrics and tools that support delivery of timely, cost-effective, and uncompromised capabilities to the warfighter.

IMPLEMENTATION OF ACQUISITION REFORMS

Question. If confirmed, what steps would you take to ensure the Department continues its progress in implementing congressionally-mandated and Department-driven reforms to the acquisition system?

Answer. If confirm, I will prioritize innovation and timely fielding of needed capabilities to address key challenges, leveraging Congressionally-provided authorities and responsibilities to do so, and promoting additional Department-driven reforms as appropriate.

Question. Are there any congressionally-mandated or Department-driven reforms that you would recommend be modified or suspended? If so, why?

Answer. I do not have specific recommendations at this time. There will always be ways to improve processes as complicated as acquisition, and I understand the Department has implemented a number of changes to Acquisition recently. If confirmed, I will examine how these changes are being implemented and seek opportunities to improve upon them.

Question. If confirmed, what additional acquisition reforms, if any, would you recommend?

Answer. I do not have specific recommendations at this time. If confirmed, I will assess where we are and work with leadership throughout the Department, Congress, and our industry partners to ensure that ongoing efforts are effectively implementing the reforms directed by Congress.

Question. In your view, of the congressionally-mandated or Department-driven reforms, which specifically have been the most successful and impactful acquisition reform initiatives of the past decade?

Answer. The expansion of Other Transaction Authorities has provided a key tool for adopting new business models and working with non-traditional providers. Similarly, the mid-tier acquisition path (Section 804) has also provided flexibility to move faster and get to operational capabilities. If confirmed, I look forward to reviewing the additional impacts that acquisition reform has had on the Defense Acquisition System since 2017. I will work with my staff to develop a data-driven understanding of the impact of the changes, especially the Adaptive Acquisition Framework, in the last few years.

You served as a commissioner on the Advisory Panel on Streamlining and Codifying Acquisition Regulations (Section 809 Panel), which made nearly 100 recommendations for “transforming” the defense acquisition system to enable consistent, timely, and cost-effective acquisition of the goods and services the DOD needs in order to carry out its national security mission. The majority of the Panel’s recommendations have not been implemented. Nevertheless, in 2019, you advocated for taking a “breather” from further reforms to the defense acquisition system.

Question. Do you still hold this position?

Answer. The Section 809 Panel concluded its mandate and published its final report in July 2019. If confirmed, I look forward to understanding the impact made by instituting the Adaptive Acquisition Framework and determining in a data driven way the changes that have been made to the Defense Acquisition System. After I fully understand the impact of the changes from the last four years, I will determine if additional changes are need to the Defense Acquisition System.

Question. If so, please elaborate, and if not, explain why your viewpoint has changed, and what additional reforms to the defense acquisition system, particularly stemming from the Section 809 Panel, you view as especially important.

Answer. I continue to support the Section 809 Panel's core recommendations, particularly its support for acquiring innovative commercial technologies and approaching the market in a way that allows commercial capabilities to complement our defense-unique capabilities by solving many problems for which they are suited. I also support portfolio management approaches to acquisition as outlined by the Section 809 panel.

KEY RELATIONSHIPS

Question. Recent National Defense Authorization Acts have directed significant changes to the assignment of responsibilities within the defense acquisition system. For example, the National Defense Authorization Act (NDAA) for fiscal year 2017 split the former Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) into the USD(A&S) and the Under Secretary of Defense for Research and Engineering (USD(R&E)).

In your view, what are the advantages and disadvantages of having two separate organizations: one to manage acquisition and sustainment, and one to manage research and engineering?

Answer. I believe having two separate organizations allows each to focus on its respective area of expertise. While the transition area between these portfolios can introduce challenges as we transition emerging technologies from research and development programs into fielded capabilities, these can be overcome through close collaboration between A&S and R&E.

Question. If confirmed as the USD(A&S), how would you envision your relationship with the USD(R&E)?

Answer. A&S and R&E can complement each other and must be close partners to keep pace with technological advancements and deliver timely, cost-effective, and uncompromised capabilities for the Armed Forces. If confirmed, I will focus on building strong relationships and trust between the two organizations to bridge any seams that may be present.

Question. In recent years, considerable authority and responsibility for acquisition activities have been given to the Services through: (1) the Secretary's delegation of Milestone Decision Authority for most acquisition programs to the Service Acquisition Executives (SAEs) and (2) Congress' emphasis on the Service Chiefs' role in requirements development, resourcing discussions, and tradeoff decisions for major defense acquisition programs.

In your view, what are the advantages and disadvantages of delegating more responsibility for managing acquisition programs to the Services and away from the Office of the Secretary of Defense (OSD)?

Answer. It is my understanding that delegating much of the program management has led OSD to focus on implementing reform efforts and improving the Defense Acquisition System. If confirmed, I will fully review the advantages and disadvantages of the delegation of authority and responsibility to the Services and make recommendations as appropriate to Congress.

Question. If confirmed as the USD(A&S), how would you envision your relationship with the SAEs and the Service Chiefs? Are there any programs for which Milestone

Decision Authority should be moved to the OSD-level or, conversely, returned to the SAEs?

Answer. It is my understanding that the role of OSD, consistent with Title 10 authorities, is to provide oversight and advice to the Secretary of Defense of the appropriate resource and capability balance between the different Military Departments, Military Components, and Agencies. If confirmed, I will work closely with the Military Departments and Military Services while working to optimize the capabilities available to the entire Department. I do not have any specific recommendations at this time on moving programs. If confirmed, I will conduct a review of the Department's acquisition programs to determine if any require changes to their Milestone Decision Authority.

Question. What do you believe should be the respective roles and responsibilities of the Secretary of Defense, USD(A&S), and the SAEs in ensuring acquisition programs deliver promised capabilities to the end user on time and on budget?

Answer. I believe the role of the Secretary of Defense, the Under Secretary of Defense for Acquisition and Sustainment and the Service Acquisition Executives is to operate in combination, consistent with their statutory responsibilities, to ensure the effective operation of the Defense Acquisition System.

Question. What further steps do you believe are necessary to align authority and accountability in the acquisition system, if any?

Answer. I believe that aligning authority and accountability is a critical endeavor and a continuous process. I can't make any recommendations at this time but, if confirmed, I will make assessment of the authorities and accountability a high priority.

Question. In your view, who should provide independent oversight within the acquisition system, and specifically, who should ensure that acquisition strategies are based on prudent technical risk, subsystem technology maturation prototyping when necessary, and realistic cost estimating while allowing for sufficient time in the program schedule to accomplish these tasks?

Answer. If confirmed, I will ensure that decision authority is maintained at the proper level to account for program complexity, dollar value, and technological maturity. The relevant entities identified in statute and policy must be the Department's honest brokers.

I think many challenges lie in understanding the interdependencies between programs and the ramifications to other defense acquisition programs. If confirmed, I will focus on these program inter-dependencies and cross-portfolio risks ensuring that decisions are made at the appropriate level in the Department.

Question. The acquisition of information technology, ranging from embedded software in weapons systems to cybersecurity tools to the procurement of commercial cloud computing services, is an increasingly important challenge for defense acquisition programs.

If confirmed, what role will you have in developing acquisition strategies for information technology systems and services and how is that role different, in your view, from that of the Chief Information Officer and other Department officials?

Answer. I look forward to working with CIO and the newly-established Chief Digital and Artificial Intelligence Officer (CDAO) on information technology systems and services acquisition strategies. The USD(A&S) provides the acquisition oversight and guidance necessary to ensure those systems and services are effectively and efficiently developed and meet user requirements. I will work with the proper Component Acquisition Executives to ensure they are implementing sound acquisition strategies.

Question. If confirmed, what responsibilities related to policies for and oversight of the acquisition of information technology systems and services should be delegated to the Chief Information Officer or other Department officials, as opposed to the USD(A&S)?

Answer. I will work with CIO and CDAO to support the Service/Component Acquisition Executives (SAEs/CAEs). Having properly supported SAEs/CAEs is critical to successfully implementing acquisition programs. I will also review related policies with CIO, CDAO and other Department officials to understand the needed roles and responsibilities.

MANAGING THE PERFORMANCE OF THE DEFENSE ACQUISITION SYSTEM

Question. Many of the Department's major defense acquisition programs have established overly optimistic cost, schedule, and performance goals that they have subsequently struggled to achieve, resulting in cost growth, performance shortfalls, and schedule delays.

If confirmed, what steps would you take to address cost growth, schedule delays, and performance shortfalls on the Department's major warfighting and business system programs?

Answer. If confirmed, I will work with my staff and the Service and Component Acquisition Executives to address cost growth, schedule delays and performance shortfalls on major programs. I will emphasize rigorous independent cost and schedule estimates, updated at each critical program milestone. I will also work with the Joint Staff and CAPE to understand how to better synchronize the JCIDS and PPBE processes with the Defense Acquisition System to address these concerns. I believe setting realistic cost, schedule and technical baselines is key to address these issues. I will focus on the early phases of program and technology development; in my experience, risk that is not retired early ends up driving costs later. We should also examine and learn lessons from the many programs that do better than originally planned.

Question. What is your assessment of the Department's ability to estimate lifecycle costs for its programs and activities? If applicable, what specific changes would you make or propose to make to improve this ability?

Answer. Estimating and managing sustainment costs is a significant challenge. If confirmed, I will work closely with the CAPE cost assessment group and the Service

Acquisition Executives to understand the status of the Department's current lifecycle costing capabilities.

Question. What is your assessment of the Department's ability to assess and appropriately manage programs based on the programs' technical maturity?

Answer. In general, my understanding is that our evaluations of technical risk are good. If confirmed, I will work closely with the USD(R&E) and Service Acquisition Executives to understand the Department's ability to assess technical risk for programs.

Question. What is your assessment of the Department's ability to assess a program's health over its lifetime, with respect to the necessary industrial base and availability of the supply chain?

Answer. Our greatest risks develop when the broader economy moves on to newer technologies but our defense systems continue to depend on outdated technologies with diminishing manufacturing sources or sources of supply. If confirmed, I will work closely with the newly-established Assistant Secretary of Defense for Industrial Base Policy to assess a program's health over its lifetime, with respect to the defense industrial base and supply chain risk management.

Question. Traditionally, acquisition programs are managed on a program-by-program basis. In your view, what are the advantages and disadvantages of moving toward a more portfolio-based management approach?

Answer. As a member of the 809 Panel, I recommended a review of moving to a portfolio-based management approach. If confirmed, I will work with USD(R&E), the SAEs and CAPE to review the advantages and disadvantages of moving toward a more portfolio-based management approach.

Question. In your view, what are the strengths and weaknesses of the current Adaptive Acquisition Framework?

Answer. If confirmed, I will lead a data driven review of the advantages and disadvantages of the Adaptive Acquisition Framework.

Question. If confirmed, do you plan to make major changes to DOD's Adaptive Acquisition Framework? If so, please explain.

Answer. At the end of my review, I will recommend ways to improve the performance of the Defense Acquisition System.

ACQUISITION DATA

Question. In order to implement a risk-based approach for managing acquisition programs, many experts believe that DOD needs to adopt modern tools and methods for collecting and analyzing large amounts of acquisition data.

In your opinion, does the Department have sufficient and timely data to assess the full range of risks facing acquisition programs, including risks pertaining to development and sustainment costs, schedule, performance, integration, supply chains, and technical maturity, among others?

Answer. If confirmed, one of my initial priorities will be to assess the status of relevant data, its availability and accessibility, as well as our tools and human capital to use that data to inform decision-making. I will build on progress made to date to make data accessible and usable at all levels of the Department. I will focus my efforts to work with other leadership in the Department and Executive Branch, Congress, and Industry to address any shortcomings identified.

Question. What specific steps would you take, if confirmed, to ensure the acquisition enterprise is collecting the appropriate authoritative data, including data from industry partners and other DOD organizations, to effectively model risk, and use appropriate indicators of program and portfolio health?

Answer. The Department has been taking steps to ensure availability of authoritative data for a number of years and I will continue scaling these efforts. I intend on leveraging my previous experiences along with current efforts across the Department to scale while preserving transparency to Congress and ensuring effective use of data throughout the Department. As such, I will evaluate current data collection to ensure alignment with industry best practices. Accurate, timely, clearly understood and authoritative data is absolutely essential to transparently understanding the status of how we're performing and where we should seek to improve.

CONTROLLED UNCLASSIFIED INFORMATION

Question. The Committee has seen an increased use of the new "Controlled Unclassified Information" (CUI) designation to reports and information submitted as part of NDAA mandates and has heard repeatedly from representatives of the Government Accountability Office that the services and OSD are increasingly using the label. The Pentagon's Director of Operational Test and Evaluation for the first time this year has issued a CUI and non-CUI version of its important annual report, for

example. The Committee is concerned the designation could be abused to limit the public dissemination of critical cost, schedule and performance information.

If confirmed, what steps will you take with your service counterparts, DOD Public Affairs and DOD information security officials to review the size and scope of CUI and other unclassified but not publicly releasable markings (e.g., For Official Use Only) to ensure that the use of such designations is appropriately limited?

Answer. If confirmed, I will review the policies and guidance for use of CUI and other classifications to ensure they are being utilized appropriately.

SOFTWARE AND IT ACQUISITION

Question. Software has become one of the most critical components of DOD systems, but recent studies by the Government Accountability Office (GAO), the Defense Innovation Board, and the Defense Science Board, among others, show the Department's software development practices have not kept up with leading industry practices. While DOD has taken significant steps in the last few years, such as establishing a software acquisition pathway emphasizing rapid delivery and user engagement, programs have yet to consistently incorporate leading software development practices.

What do you believe are the major barriers to DOD fully adopting modern software development approaches, and what additional steps, if confirmed, would you take to drive their adoption throughout DOD?

Answer. While DOD has made considerable progress in adopting modern software practices over the last few years, there is still much work to be done in transforming our processes, tools, culture, and workforce. If confirmed, I will work with OSD, Joint Staff, the Services and others to further build on DOD's initial momentum, and modernize enterprise processes, strategies, tools, and culture for rapid digital capability delivery. I would partner with key organizations to further tailor DOD interoperability, test and evaluation, contracting, and requirements processes for software. I would champion investments in DOD's workforce to hire more software experts and develop DOD's workforce with modern training and career fields for software development and acquisition. As software is central to every DOD mission and system, we must ensure our policies, processes, and culture support speed and agility in development.

Question. What is your assessment of the current capabilities of the Defense Industrial Base (DIB) to properly execute agile software development?

Answer. The Section 809 Panel, on which I served, identified many recommendations needed to move the DOD and its industrial base toward a more streamlined and agile acquisition system in sync with the information age. I understand many of the firms in the DIB are growing their agile software development capabilities and practices, yet we still see many struggles with software approaches integrated into major hardware development. There are barriers preventing widespread adoption of business models and best practices common in the tech industry. If confirmed, I would seek to promote leading private-sector industry practices throughout DOD where delivery of capability is done iteratively and collaboratively with the government, which can reduce cycle times and be more responsive to changing technologies, operations, and threats. This is particularly true for software, which is central to every major DOD mission and weapon system.

ITERATIVE DEVELOPMENT APPROACHES

Question. What is your opinion on the merits of DOD incorporating iterative development approaches centered on fielding minimum viable capabilities?

Answer. Best practices in software development focus on rapidly fielding a minimum viable capability to get into the hands of users to accelerate learning, capture feedback, and use the insights to shape requirements, design, and strategies. The Defense Science Board Study on Software and Acquisition, which I co-chaired, made many recommendations I support. Similarly, the Defense Innovation Board's Software Acquisition and Practices (SWAP) study came to many of the same conclusions. The Section 809 Panel, on which I served, likewise articulated "the need for speed" in acquisition, "without forgetting integrity, competition, transparency, and delivering lethality." Iterative development can reduce cycle times and be more responsive to changing technologies, operations, and threats. If confirmed, I would seek to promote the DOD's use of this leading industry practice.

Question. To what extent do you believe DOD has broadly implemented commercial best practice agile development approaches adequately for software and hardware systems?

Answer. I understand the DOD has made significant progress over the last several years to enable more modern software development and acquisition practices,

policies, pilots, and training, with strong Congressional support. I also understand DOD has taken important steps such as issuing the new Software Acquisition Pathway which is purpose-built to implement best commercial agile approaches and enable modern software practices for both applications and embedded software. DOD is still in the early stages of effectively implementing agile and modern software approaches with progress in software intensive systems that can be leveraged for application to more of our hardware systems. If confirmed, software acquisition will be a high priority.

ADVANCED TECHNOLOGY ADOPTION

Question. The rapid pace at which our adversaries are fielding technological advancements demands the Department establish an acquisition system that can deliver capabilities that are responsive to new threats and emerging technological opportunities.

In your view, do the current policies and practices of the defense acquisition system sufficiently encourage and support the adoption of disruptive technologies in the Department's acquisition programs? If not, what changes would you recommend in support of these initiatives?

Answer. If confirmed, I will ensure we meet the imperative to offer a range of options to the programs such as applying new technologies and concepts. I believe we have improved flexibility in the Defense Acquisition System, but must continue to evolve to become more agile and leverage these innovative technologies. I will also leverage the recent legislation which authorized the establishment of an Acquisition Innovation Research Center to research, model and pilot innovative practices for adoption by the Department. In terms of changes, I have no specific recommendations at this time, but I know how important it is to leverage leading-edge commercial capabilities to the military faster and more cost-effectively, and if confirmed I will be looking at those options as well as any others recommended by the staff of the office of the USD(A&S).

Question. What do you believe are the specific technologies that will be critical to defeating a near-peer competitor?

Answer. The Department has many opportunities to leverage current and emerging technologies to ensure military superiority. If confirmed, I will work the Services, the Combatant Commanders, and USD(R&E) to ensure we are successful in converting those technologies into warfighting capabilities. I support Undersecretary Heidi Shyu's recent Technology Priorities memo, signed by the Secretary recently that outlined 14 technologies across 3 major areas including hypersonics, directed energy weapons, and integrated sensor and cyber resiliency. If confirmed, I will place special attention on ensuring we can attract commercial industry partners in those areas, like AI, autonomy, and advanced computing so that the Department can obtain the most cutting-edge technology at the most affordable price.

Question. In your opinion, how should the Department define and manage concepts like risk and failure so that program managers can try new technologies and acquisition practices, derive lessons learned and establish a common understanding of best practices, and more quickly drive technological advancement in ongoing acquisition programs and into current fielded capabilities?

Answer. If confirmed, I will encourage acquisition decision makers at all levels to balance risk and reward when crafting technology development and fielding strategies. To achieve the desired outcomes and innovation, I believe that some failure will need to be accepted as part of the learning and discovery process. This learning will occur throughout the program lifecycle but with the appropriate application of prototyping and experimentation, major issues should be identified as early as possible. Embracing the concept of iterative development whereby a basic capability is delivered and improved over time will also reduce the number of risks a program has to manage, increase technology insertion opportunities, increase user feedback, and enable accelerated fielding.

Question. What do you view as the major barriers to entry for new companies that want to do business with DOD? How would you address these barriers, if confirmed?

Answer. I believe transparency between industry and government is critical to deliver the capabilities we need at costs we can afford. Technical exchanges and continuous interactions will help us inform industry to focus their investments. Non-traditional companies struggle with long timelines from DOD budgeting and contracting, concerns about intellectual property, and a vast amount of certifications (e.g., cost accounting systems, cybersecurity). If confirmed, I will continue to encourage engagements with industry, work with the Services to simplify requirements, stress use of novel contracting strategies such as commercial solutions opening, and work to ensure we can provide the required capabilities at the best cost possible.

Question. DOD continues to struggle with the transition of new technologies into existing programs of record. The USD(R&E) enterprise has primary responsibility for development of new advanced technologies, but the Acquisition and Sustainment enterprise must also do its part to address transition of technology development programs into procurement and fielding.

What impediments to technology transition do you see within the Department?

Answer. Technology transition continues to be a critical issue across the DOD. We must aggressively exploit new commercial and government technologies, integrate them into our programs, and deliver to operations. DOD needs the ability to rapidly invest in new technologies and products and must rethink our technology and business approaches to do so. From my view, there are a few key impediments that make collaboration and alignment of emerging technology to current needs difficult: budgeting timelines with the PPBE process, outmoded requirements systems preventing programs from moving rapidly, and complex decision-making processes.

Question. If confirmed, what steps would you take to increase the rate and frequency at which proven technologies developed by DOD, defense industry, or the commercial sector are transitioned into programs of record?

Answer. DOD should build and deliver capabilities in iterations similar to industry to reduce cycle times and be more responsive to changing technologies, operations, and threats. This is particularly true for software which is central to every major DOD mission and weapon system. We must continue to employ modular, open systems approaches as well as commercial as-a-service models, and invest in foundational enterprise infrastructure that allow rapid insertion of emerging technologies. We must organize around capability or mission area portfolios that rapidly harnesses a wide-array of commercial and defense solutions and enable rapid insertion of emerging technology. If confirmed I will work with my counterpart in USD(R&E) to align acquisition programs with advances in the technology sector.

OTHER TRANSACTIONS AUTHORITY (OTA)

Question. In your opinion, what adjustments, if any, to OTA authorities, cost share arrangements, and limited competition features are appropriate to consider?

Answer. At this time, I do not have any recommendations about whether any statutory adjustments to this authority are warranted; however, I understand that Section 824 of the Fiscal Year 2022 National Defense Authorization Act requires the Department to provide a report to the Congress by the end of the year to address this matter. If confirmed, I look forward to engage stakeholders who use this authority to understand what adjustments, if any, might be appropriate.

Question. What steps will you take to promote the appropriate use of OTAs to encourage the participation of new and non-traditional defense contractors in the defense industrial base?

Answer. If confirmed, I will engage with DOD Components to understand how they are effectively using this authority now to attract new entrants and non-traditional defense contractors. I will promote appropriate use of OTAs by ensuring the Department has provided the workforce with the necessary guidance and training.

Question. What do you see as the benefits and downsides of using OTA consortium agreements?

Answer. I understand that when used appropriately, OTA consortium agreements enable access to a wider range of entities that might not otherwise participate in the Department's research and development and prototyping pursuits to accelerate innovative technology into capabilities for DOD. To the extent agreements with consortium management firms mitigate real or perceived barriers to entry and broker administrative management of participants for a given issue area, they are a beneficial form of OTA. However, I also understand the need for transparency in using OTA authority and concerns that using consortium agreements limit reporting and accounting of individual transactions. If confirmed, I will investigate, and if necessary, address these concerns.

EARNED VALUE MANAGEMENT

Question. The earned value management system (EVMS) is used to assess the cost, schedule, and technical performance of major capability acquisitions for proactive course correction. However, the Section 809 Panel reported that EVM does not measure product quality and concluded, "EVM has been required on most large software programs but has not prevented cost, schedule, or performance issues." In 2009 DOD reported to the Committee that "a program could perform ahead of schedule and under cost according to EVM metrics but deliver a capability that is unusable by the customer" and stated the program manager should ensure that the

EVM process measures the quality and technical maturity of technical work products instead of just the quantity of work performed.

If confirmed, what steps would you take, if any, to require contractors to report valid measures of cost, schedule, and technical performance for all acquisition pathways?

Answer. If confirmed, I will work across the Department and with the industrial base—current and emerging—to validate, improve, or establish appropriate metrics across the acquisition pathways. I have no specific recommendations at this time. I plan to continue open communications to ensure transparency and allow individual programs to continually improve and tailor approaches to best meet the warfighter need.

Question. If confirmed, what steps would you take, if any, to require contractors that employ the DOD Digital Engineering (DE) Strategy to maintain valid information in the digital authoritative data source that is sufficient for program managers to make informed and timely decisions to manage cost, schedule, performance, and risk?

Answer. If confirmed, I would seek to engage with our industry partners and Service representatives to better understand how they are currently employing DE and how we can work in partnership to better collaborate within and outside of the Department. Today, many of our contractors are independently employing Digital Engineering as they are developing systems. A combination of strong data, tool and modeling standards and environments, training of our Acquisition Corps, and proper contract and data rights guidance are foundational to enabling successful adoption of DE to feed the right cost, schedule, performance and risk data to our acquisition decision makers.

PLANNING, PROGRAMMING, BUDGETING, AND EXECUTION (PPBE)

Question. The Department's acquisition process is closely linked with its PPBE process, and acquisition programs can move only as nimbly as the budget processes that fund them. The National Defense Authorization Act for Fiscal Year 2022 establishes a commission to examine and make recommendations for PPBE reform.

In your view, what changes are needed to the PPBE process to ensure it can effectively support ongoing acquisition reforms, including by improving timeliness, reducing bureaucracy, and increasing flexibility?

Answer. The PPBE process requires years of planning before finally getting funds appropriated, which is not conducive to the kind of responsiveness and agility necessary to counter adversaries who do not have to operate under similar constraints.

If confirmed, I look forward to working with the PPBE Commission and stakeholders across the Department and in Congress to examine the system issues and develop proposals to address these challenges.

Question. What steps can the Department take under the current PPBE construct to ensure acquisition programs are appropriately resourced in a timely manner?

Answer. I think there are pathfinder initiatives that may offer benefits at the margin, but it is not clear that these approaches address the issue holistically and at scale. If confirmed, I will work with CAPE, the Comptroller, and Congress to identify solutions that support the acquisition system.

One of the major obstacles to successfully bringing emerging technologies into the Department's acquisition system is the so-called "valley of death," partially caused by the gap in funding between the development of a new technology and its transition into a program of record.

Question. What changes are needed to the PPBE and other processes to help bridge the "valley of death"?

Answer. The Defense budget development and appropriation process can make it difficult to fund an unproven technology as an acquisition program. If confirmed, I will continually assess our processes to ensure transparency and security while balancing the imperative for speed. I would advocate re-evaluating our decision processes to ensure we are event driven vice calendar driven, responsive to change, and incentivizing innovation.

Question. To what extent should the role of the government's systems engineering commands (e.g., Naval Warfare Centers and the Air Force Research Laboratory), as the government's technical experts in particular technology areas, be enhanced or otherwise modified to help emerging technologies bridge the "valley of death"?

Answer. If confirmed, I will work diligently with my USD(R&E) counterpart in ensuring the warfighter's prioritized capability gaps are appropriately communicated and aligned with the efforts of our laboratories and industry partners, to include small businesses and venture capitalists. Organizations such as Warfare

Centers and Research Labs provide great opportunities to engage with non-traditional companies and create long lasting partnerships and talent pipelines.

Question. In your experience, to what extent have military departments and defense agencies had different results in transitioning technology developed “in-house” versus technology developed by others, such as DARPA, the Strategic Capabilities Office, or the commercial sector?

Answer. The Military Departments inherently have a greater opportunity to transition technology developed “in-house” since they have processes in place to align the investment of science and technology funds with their individual priorities. This is what was called years ago, “requirement pull”. DAPRA, SCO and others have the ability to look at needs differently and bring “technology push” to the table to look at emerging technologies. Both requirement pull and technology push can address changes in threat technologies that are unplanned. The transition of these technologies relies on the needs of the individual services as represented by their requirements and resource offices. Aligning the requirements, resource and development communities is critical to reversing the erosion of technical advantage.

Question. The Goldwater-Nichols Act (GNA) of 1986 was enacted just prior to the explosion in information technology. The GNA successfully instilled a “joint” culture in the Department’s warfighting operations, but the PPBE, requirements, and systems acquisition processes remained service-centric. Today’s information technology could enable interoperability between ground, maritime, air, space, and cyber systems to proliferate options to detect, locate, identify, track and guide weapons to targets. However, systematically constructing “kill chains” across domains, systems, and services and managing such joint operations may be very difficult given that the “man, train, and equip” role is performed by the separate military departments and a small number of defense agencies. Currently, DARPA is struggling to determine how it can “transition” its Assault Breaker II initiative, since the interconnect-edness it is working on transcends any one military service or department.

Do you agree? Why or why not?

Answer. I understand that the Joint Staff has been working to focus on overarching joint requirements rather than individual system specifications.

Question. If so, what are some ways in which the Department can address these problems?

Answer. I believe a portfolio management approach can help us focus on key kill chains and other mission threads. If confirmed, I will work to take a portfolio management approach to assist with transition and identify critical technology areas for investment.

Question. As there are few options other than the military departments, Special Operations Command, and Cyber Command to field and maintain systems, do you believe consideration should be given to creating joint acquisition and sustainment capabilities? Please explain your answer.

Answer. If confirmed I would work with the organizations with Title 10 responsibilities to man, train and equip to understand the benefits and the disadvantages of creating joint acquisition and sustainment capabilities. I would review past Department efforts in creating joint efforts to understand the utility of applying those concepts to future efforts.

REQUIREMENTS

Question. The Joint Capabilities and Integration Development System (JCIDS) process was established nearly twenty years ago with the intention of addressing overlap and duplication in the Military Services’ acquisition programs.

With respect to driving the acquisition system to deliver capabilities that meet the national security needs of the nation, to what extent is the current requirements system effective, and what do you see as the primary shortfalls?

Answer. I believe the Department needs to aggressively modernize its requirements system to enable greater speed, flexibility, and interoperability in a digital age. Instead of programs defining and locking down system requirements up front via a years-long process, I believe the Department should draw lessons from highly successful and innovative companies to foster practices that enable innovation, rapid tech insertion, and product delivery in response to conditions of uncertainty. We must rapidly exploit leading commercial technologies and solutions and adapt our way of fighting. Insights from prototypes, experiments, challenges, and pilots should continuously shape requirements and designs with Active user engagements. We cannot predict what operations, threats, and technologies will look like decades from now, so our requirements approach must be dynamic and allow rapid iterative technology insertion. Decisions on how to invest must be data-driven based on programmatic, threat and capability gap information.

Question. If confirmed, how would you propose to reform the process?

Answer. If confirmed, I will work with my staff, the Service and Component Acquisition Executives, the Vice Chairman of the Joint Chiefs of Staff, and CAPE to understand how to better synchronize the JCIDS and PPBE with the Defense Acquisition System (DAS).

Question. The requirements process has often been incapable of developing requirements that consider technological advances made by DOD's own research programs. In recent years, DOD has also undertaken a number of initiatives to improve the Department's connectivity with commercial technology companies.

Answer. If confirmed, what changes would you suggest to ensure that emerging technologies from within DOD, defense industry, and the commercial sector are better accounted for and leveraged within the requirements process?

Answer. I would work closely with the Joint Staff to understand the impact of the Joint Warfighting Concept on the requirements process. I think it is critical to understand the capabilities needed by the warfighter and then let the acquisition process determine how to meet those capability needs.

Question. Many requirements are established with technical goals that are unachievable at any reasonable cost or schedule.

What changes would you recommend to the requirements development process to support the development of requirements that are technically feasible at reasonable costs and schedules?

Answer. If confirmed, I would work with the Joint Staff, services, USD(R&E), and CAPE to ensure we well understand the technical risk of meeting stated requirements before starting any major programs. I look forward to exploring how the use of Middle-Tier Acquisition efforts can reduce these risks.

Question. The USD(A&S) is not a member of the Joint Requirements Oversight Council, but does advise the Secretary of Defense how to acquire capabilities and what capabilities should be acquired.

In your opinion, should the requirements process for new capabilities continue to be exclusively the province of the military departments, and military officers of the Joint Staff and the combatant commands?

Answer. If confirmed, I look forward to working with the Joint Staff and fully understanding their implementation of the Joint Warfighting Concept. I believe USD(A&S) and USD(R&E) have an important advisory role to the JROC and look forward to working with them in the development of future capability needs.

Question. If confirmed, in what circumstances or fora would you consider it appropriate to recommend that the Secretary invest in a capability you consider of high importance, for which there is either no formal requirement or no military department is funding a solution to a requirement?

Answer. It is my understanding that, in special circumstances, the Secretaries of the Military Departments or the Secretary of Defense may establish requirements after consulting with the Chairman of the Joint Chiefs of Staff. This can sometimes include providing a capability for an ally or partner or other another government agency.

MODULARITY AND INTEROPERABILITY

Question. Section 805 of the Fiscal Year 2017 National Defense Authorization Act (NDAA) established requirements for implementing Modular Open Systems Approaches (MOSA) for all major systems acquisitions in DOD and for rights in interface data for the critically important objectives of improving interoperability and increasing potential competition throughout the life cycle of the system. This section further required the use of widely supported and consensus-based standards for system interfaces. Since enactment of section 805, DARPA has developed and transitioned technology that should revolutionize interoperability, under the STICHES program (System of Systems Technology Integration Tool Chain for Heterogeneous Electronic Systems). STICHES enables auto-generation of software to achieve interoperability across any interface that has been properly characterized and defined, including when neither system or subsystem has been built to a common standard. STICHES achieves this interoperability with less performance degradation than with a common standard. Accordingly, Congress enacted section 804 of the Fiscal Year 2021 NDAA to require that all DOD programs characterize system interfaces and that these interface specifications be available in multiple databases for rapid integrations.

What is your judgment of the progress that DOD and the Defense Industrial Base has made in implementing the MOSA mandate?

Answer. It is my understanding that the Department is working to implement modular open systems approaches through updating DOD instructions and regula-

tions, developing capability reference architectures and repositories for modular systems interfaces, working with industry, and developing workforce training for acquisition professionals. While progress has been made, the “MOSA mandate” is a complex mix of technical, business, and legal aspects with more to be done for full implementation and industry acceptance.

Question. Are you familiar with DARPA’s technical achievement in the STITCHES program?

Answer. It is my understanding that DARPA recently transitioned the program to the Air Force and that there are a number of use cases for this innovative tool across the Department to create greater interoperability. If confirmed, I look forward to learning more about how the Air Force is supporting that effort.

Question. If confirmed, will you commit to assisting in fulfilling the requirements of section 804 with respect to defining interfaces and making them accessible in databases?

Answer. Yes, if confirmed, I will work to ensure the Department meets the section 804 statutory requirements to define modular system interfaces and make them accessible for authorized use.

TEST AND EVALUATION

Question. The objective of test and evaluation activities is to ensure that system performance meets specifications and requirements, and that deployed capabilities are operationally effective against threats.

In your opinion, what is the appropriate role of developmental, operational, and live-fire testing in the acquisition process?

Answer. Realistic testing is critical to the acquisition process. If confirmed, I will work with my staff, the Service and Component Acquisition Executives, the Director of Operational Test and Evaluation and the DDR&E, Advanced Capabilities to understand the role of testing in the acquisition process.

Question. If confirmed, what steps would you take to ensure acquisition programs efficiently address issues and deficiencies identified through test and evaluation?

Answer. If confirmed, I will work with my staff, the Service and Component Acquisition Executives, the Director of Operational Test and Evaluation and the DDR&E, Advanced Capabilities to address issues and deficiencies that arise in testing.

Question. Under what circumstances, if any, do you believe DOD should procure weapon systems that have not demonstrated, through test and evaluation, to be operationally effective, suitable, and survivable?

Answer. If confirmed, I will work with my staff, the Service and Component Acquisition Executives, the Director of Operational Test and Evaluation and the DDR&E, Advanced Capabilities to appropriately manage risks in programs where field in urgent and when new capabilities provide essential functions that current systems cannot provide.

Question. If confirmed, under what circumstances would you support programs accepting more risk upfront (e.g., flight test failures) to attempt to accelerate fielding schedules for a potential conflict with China?

Answer. Some test failures are an inevitable element of realistic testing and we learn from these events. Accelerating capability requires discipline in managing these risks and rapidly implementing corrections.

Question. In recent years, the Department’s test and evaluation community has sought to integrate aspects of developmental and operational testing and conduct such testing early in the acquisition process.

In your view, what are the advantages and disadvantages of increasing the integration among the developmental, acquisition, and testing communities?

Answer. My understanding is that the Department has moved to integrated testing, an approach emphasized via DOD’s newly published Test and Evaluation policy. I believe that across the Department there has been much investigation and investment in new techniques and automation, including development and test automation. However, if these efforts are stove-piped, they will constrain the pace of the integration effort. I believe the Department must work to bridge our engineering organizations and our test and certification entities to ensure they work together; standardize data collection so that test and certification entities can conduct their processes early and often; and reskill our workforce and automate our processes to allow us to operate within our adversaries’ decision processes.

Question. What other reforms would you recommend to improve the timeliness, efficiency, and effectiveness of the test and evaluation process to more quickly correct technical deficiencies in weapon systems?

Answer. I have no immediate recommendations but, if confirmed, will actively monitor the effectiveness of our current policies to ensure they facilitate the desired outcomes.

Question. If confirmed, how would you work with USD(R&E), the developmental test and modeling and simulation community, the Director of Operational Test and Evaluation, and the Military Services to ensure the Department has the testing infrastructure, workforce, and other resources it needs to support the test and evaluation needs of current and future acquisition programs?

Answer. If confirmed, I will work across all these organizations to unify our mission of delivering capability to the warfighter. Through acquisition, I will ensure critical decision data is freely accessible and transparent through the development, deployment and sustainment; as well as ensure test and operations equities are embedded in the development process. I will work to ensure that acquisitions are structured to allow capabilities to be fielded quickly with realistic and relevant testing and adapted readily to meet changing technology, missions, and threats.

DEFENSE INDUSTRIAL BASE (DIB)

Question. Over the past several years, there have been increasing concerns in Congress, industry, and the Department over the health of the DIB and its ability to reliably meet current and future defense needs.

If confirmed, what do you assess to be the most significant challenges facing the DIB and how would you propose to address them?

Answer. As I understand it, the most significant challenges facing the DIB stem from steady de-industrialization of the economy over the last 50 years, China's well-resourced efforts to undermine a rules-based international order, and the complexity of managing global supply chains. Additionally, unpredictable budgets and erratic DIB investments weaken the DOD-industrial base relationship and prompt limited DIB interest in DOD as a customer.

If confirmed, I will work with Congress to assess challenges and opportunities within the DIB, promote capabilities through targeted investment and small business support, protect against adversarial capital and cyber intrusions, and partner with international partners and allies.

Question. What steps will you take to ensure the DIB has the appropriate scientific, technical, and manufacturing workforces to support current and future needs of DOD?

Answer. If confirmed, I would focus on maintaining a defense industrial workforce that is robust and balanced across both traditional and, in partnership with R&E, next-generation scientific, technical, and industrial skills. This includes a continued emphasis in critical STEM education and technological innovation underpinning the DIB's scientific and engineering workforce, as well as focused efforts in ensuring the health of the nation's industrial trade skills which are key to producing and sustaining our weapon systems.

Question. What steps will you take to ensure that the DIB has the appropriate manufacturing and production infrastructure to support current and future needs of DOD?

Answer. I believe the Defense Production Act, Industrial Base Analysis and Sustainment, and other authorities are key to DOD efforts to support the DIB. If confirmed, I will continue to leverage these authorities as effective tools to continue DOD's strong partnership with industry and explore what modifications to the authorities and what other tools may be required.

Question. What steps should the Department take—on its own or as part of a “whole-of-government” approach—to increase domestic industrial capacity and reduce reliance on suppliers in China and on other adversaries?

Answer. I believe the United States must develop a whole-of-nation approach to incentivize commercial industry to on-shore and ally-shore their supply chains. We must work to build resilience into our supply chains, support innovative small businesses, and expand domestic manufacturing capacity. If confirmed, I will review how A&S and its authorities can be used to support these efforts within and external to the Department, with an emphasis on productivity and competitiveness. I will also work with R&E to transition manufacturing innovations and reduce dependence on foreign sources.

Question. The Biden administration has made domestic sourcing a key portion of its policy agenda. If confirmed, you would oversee the beginning of a significant push to increase DOD's procurement of American-made goods, products, and materials.

Do you see any associated challenges or opportunities? Please elaborate.

Answer. I strongly support the DOD's and other Federal agencies' efforts to better leverage authorities, such as a "Buy America," to encourage increased domestic and allied production of critical items and raw materials.

Question. In your opinion, what role should domestic sourcing requirements play in efforts to manage the DIB, support domestic companies, and ensure trusted and reliable supplies of goods and services?

Answer. I believe domestic sourcing requirements can be leveraged to promote domestic and allied industrial capabilities and reduce U.S. dependence on competitor nations.

Question. In your view, what steps should the Department take to ensure that companies are able to find needed financing and resources from trusted sources?

Answer. In my view, we need to facilitate better access to vetted financing and resources for DIB companies, particularly small- and medium-sized DIB companies. We must also effectively utilize our authorities to prevent the transfer of sensitive U.S. technology and information to foreign adversaries.

Question. What actions should the Department take to address the threat of "adversarial capital" from China and other sources that seek to gain undue influence over the DIB?

Answer. I believe Chinese and other adversarial investments in U.S. infrastructure, data, and emerging technologies are a significant concern. I understand that the Department works closely with interagency partners and international allies to combat these efforts and develop a common understanding of these threats. If confirmed, I will review these efforts and provide any recommendations on additional actions or authorities as appropriate. Existing authorities under the Committee for Foreign Investment in the United States (CFIUS) and export and technology controls are our major tools for technology protections.

Question. In your view, what is the appropriate role for the Department with respect to proposed and ongoing private sector merger and acquisition activities of DOD contractors?

Answer. It is my understanding that DOD's role with respect to merger and acquisition activities of DOD contractors is to assess their anti-competitive implications on the Defense Industrial Base and their ultimate impacts on national security.

Question. What are your views on defense industry mergers and acquisitions in terms of Pentagon guidance to industry?

Answer. Generally speaking, I believe this should be a subject of on-going dialogue between the Pentagon and the defense industry as we implement our acquisition policies and ensure effective competition.

Question. How can the Department better leverage suppliers in the national technology and industrial base (NTIB) and among other allies and partners?

Answer. I understand the United States is strengthening its NTIB through exploring opportunities to pursue joint action against supply chain vulnerabilities, especially for critical materials and rare earth elements. If confirmed, I will also work with NTIB partners to enhance our combined capabilities and ensure that we are protecting our mutual interests from adversarial practices and threats, alongside our allies and partners.

Question. The NDAA for fiscal year 2021 established an Assistant Secretary of Defense for Industrial Base Policy, responsible for overseeing the Department's efforts to manage and support the DIB.

In your view, what should be the key priorities and activities of the Assistant Secretary of Defense for Industrial Base Policy?

Answer. If confirmed, I would work with the ASD(Industrial Base Policy) to determine what the key priorities and activities of the office should be. This would include continual assessment of the strengths and weaknesses of the defense industrial base to identify risks, and then determining the best authorities available to mitigate those risks.

Question. If confirmed, how would you ensure the office of this new Assistant Secretary is adequately resourced (in terms of personnel, budget, and authority) and provided with the high-level support necessary to perform its duties and responsibilities?

Answer. If confirmed, I look forward to working with the relevant DOD components and the Congressional Defense Committees to determine the appropriate resource and support requirements to support the OASD(IBP)'s mission.

Question. What steps would you take to assess the health of the current and future defense industrial base?

Answer. If confirmed, I would work with the Office of the ASD(IBP), other relevant DOD components to assess the health of the current and future DIB, building upon the efforts of the Executive Order 14017 report.

DEFENSE INDUSTRIAL BASE CYBERSECURITY

Question. Section 1648 of the Fiscal Year 2020 NDAA requires the Secretary of Defense to develop a comprehensive framework to enhance cybersecurity for the DIB.

What is your understanding of the challenges of enhancing cybersecurity of the DIB?

Answer. In my view, the loss of intellectual property and sensitive information from all U.S. industrial sectors, including that due to theft and other malicious cyber activity, threatens economic and national security. It is imperative that we share information with the DIB so that critical national security information is protected. At the same time, we must hold also industry accountable for doing what is required to protect this information. If confirmed, I will work with the CIO's office to enhance the cybersecurity of the DIB.

Question. If confirmed, how would you balance the needs of improving cybersecurity with the burden of compliance on small and medium sized businesses?

Answer. The Department must work with small businesses and help with the information resources necessary for them to meet cybersecurity standards. However, it is my understanding that this activity was transitioned to the Office of the Chief Information Officer (CIO). If confirmed, I will work with the CIO's office to enhance the cybersecurity of the DIB.

Question. In the last few years, the focus of the Acquisition & Sustainment model has been on one element of the framework: the Cybersecurity Maturity Model certification (CMMC).

If confirmed, are there any changes you would make or recommend to the CMMC efforts beyond those already mandated by the Deputy Secretary?

Answer. It is my understanding that the CMMC program was transferred to the Office of the Chief Information Officer. If confirmed, I will support their efforts and work with the CIO to determine if any changes or recommendations are necessary.

Question. If confirmed, what actions would you take to increase efforts to strengthen other (non-CMMC) aspects of the framework required in Section 1648 of the Fiscal Year 2020 NDAA?

Answer. It is my understanding that, if confirmed, I will be responsible for the cybersecurity of DOD weapon systems. If confirmed, I will work closely with the CIO and facilitate robust industry engagement—especially with small businesses—to address cybersecurity concerns.

Question. What do you believe is the appropriate role of DOD in the CMMC effort?

Answer. It is my understanding that the CMMC program was transferred to the Office of the Chief Information Officer. As such, I respectfully defer this question to the DOD CIO.

Question. What do you believe is the appropriate role of the CMMC Advisory Board (CMMC-AB)?

Answer. It is my understanding that the CMMC program was transferred to the Office of the Chief Information Officer. As such, I respectfully defer this question to the DOD CIO.

COVID-19 PROGRESS PAYMENTS RELIEF PAYMENTS

Question. The Pentagon has continued issuing accelerated payments to defense contractors to insulate the impact of COVID-19 on their defense workforce and on program delays, with \$5.3 billion expedited through June. Under the Defense Department program that began in March 2020, large companies have been paid as much as 90% of incurred costs, up from the usual 80% paid as progress goals are met. For small businesses, the figure climbs to 95%, up from 90%.

If confirmed, how will you assess whether these payments are still needed and for how long?

Answer. If confirmed, I will lead the Department's efforts to consider the operational and economic effects of COVID-19 that necessitated the increased progress payment rates. I expect Defense Pricing and Contracting, the Defense Contract Management Agency, and Defense Finance and Accounting Services to assess the conditions and advise me on the continued need for increased progress payment rates. I will ensure the Department provides industry advance notice of any changes to the current payment structure.

Question. Should Congress be concerned that contractors may be using the funding to pay for dividends and share buybacks?

Answer. I understand there have been substantive increases in share buybacks amongst the top DOD contractors recently. As a condition for receiving progress payments, contractors must have already incurred costs associated with DOD con-

tracts. If confirmed, I will examine this matter more closely to ensure the objectives of increased progress payments are being achieved.

DEFENSE PRODUCTION ACT (DPA)

Question. Since 2020, the Defense Production Act (DPA) has been successfully leveraged during the pandemic to provide vital COVID response materials, including through Operation Warp Speed, accelerating vaccine development and the delivery of other COVID-related medical supplies.

What is your understanding of how DOD has leveraged DPA authorities, including as an interagency funding mechanism, during the pandemic?

Answer. It is my understanding that the DPA Title III authorities were leveraged to increase domestic production capacity for necessary health resources and to sustain defense industrial base capabilities during the pandemic.

Question. What are your views on DOD's recent use of traditional (non-COVID) uses of DPA Title III authorities to support the defense industrial base?

Answer. I understand that the DPA Title III authorities allowing the Department to develop different approaches to sustain, expand, and modernize the DIB. If confirmed, my goal would be to continue to use the DPA to make key investments to strength the DIB and improve resiliency of our supply chains.

Question. What are your views on the DPA loan and loan guarantee programs? If confirmed, would you advocate expanding this program, and if so, for COVID relief only, or for more traditional uses as well? How would you monitor the effectiveness of the loan program?

Answer. It is my understanding that Title III of the Defense Production Act offers a wide array of authorities to sustain, expand, and modernize the industrial base. To date, the Defense Production Act Program has largely focused on grants, contracts, and purchases.

If confirmed, I will evaluate the loan authorities to determine its applicability to the DIB's challenges, particularly where a loan program could mitigate the DIB's reliance on foreign adversary capital.

Question. Do you have any recommendations to improve the effectiveness of how DOD employs DPA Title III authorities?

Answer. Currently, I don't have any specific recommendations. If confirmed, I will work with leadership throughout the Department, Congress, and industry to identify and implement improvements on how DOD employs DPA Title III authorities.

ORGANIC INDUSTRIAL BASE

Question. In your opinion, what role does the organic industrial base play in modernization efforts and in the sustainment of warfighting capabilities?

Answer. The organic industrial base plays a vital role in the modernization and sustainment of our warfighting capabilities. It is the nation's insurance policy to safeguard readiness and provides a ready and controlled source of technical competency for responding to contingencies, and for sustaining and modernizing capabilities to address warfighting requirements.

Question. What is your assessment of the status of the facilities and workforce in DOD depots, logistics centers, arsenals, and other elements of the organic industrial base?

Answer. Both facilities and workforce for the organic industrial base are in need of deliberate reinvestment after nearly 2 decades of persistent conflict. If confirmed, I will work to build mechanisms and improvement processes to modernize and optimize the facilities, workforce, and other key elements of our OIB.

Question. What role should the organic industrial base play in the sustainment of software in defense systems?

Answer. The OIB is essential to sustaining current and future software intensive weapon systems, along with the capabilities provided by the private sector. If confirmed, I will work with the Services to focus on improving OIB efficient and effective software sustainment operations that are timely, effective, and affordable.

Question. What role should the organic industrial base play in the sustainment of dual use and commercial technologies used by DOD?

Answer. DOD's organic industrial base must work collaboratively with industry to ensure that these technologies can continue to support the Department's requirements. While there are existing mechanisms to encourage this cooperation, including cooperative agreements and technology transfer authorization, if confirmed, I would work with senior leaders in the DOD sustainment communities and industry to seek opportunities to enhance these relationships.

Question. What role, if any, does USD(A&S) have in ensuring that the facilities and equipment at the military depots are modern, operable, and effective?

Answer. I understand the Military Services regularly update their depot maintenance strategic plans and are actively working on Infrastructure Optimization Plans (IOPs) to make targeted improvements to the Organic Industrial Base. If confirmed, I will continue the process of evaluating the Military Services' plans against their current and future logistics and depot maintenance requirements. I will work with Congress to ensure the Military Services' depot maintenance strategic plans are properly aligned and resourced with the National Defense Strategy readiness priorities and meet applicable statutory depot maintenance requirements.

Question. If confirmed, what steps would you take to strengthen the Department's organic industrial base?

Answer. Both facilities and workforce for the organic industrial base (OIB) are in need of deliberate reinvestment after nearly 2 decades of persistent conflict. If confirmed, I will work with Congress to build mechanisms and improvement processes, and resource the modernization and optimization of our OIB facilities and workforce, together with other key elements of our OIB.

SUSTAINMENT

Question. DOD has committed to rebuild its readiness to conduct large-scale combat operations against near-peer competitors such as China and Russia. The readiness of critical weapon systems relies on the quantity and timeliness of sustainment. However, sustainment challenges continue to impede readiness across the warfighting domains and military services.

What is your assessment of the sustainment challenges facing the Department's naval vessel, ground vehicle, and aviation fleets, and what actions would you take to improve mission capable rates for these fleets?

Answer. The combination of aging fleets of weapon systems combined with high operational tempo over the last twenty years and the impact of unpredictable defense budgets has undermined the near-term readiness of DOD weapon systems. In addition, an aging infrastructure combined with decades of underfunding of military construction and Facilities, Sustainment, Restoration, and Modernization (FSRM) has created a bow wave of installation sustainability issues. If confirmed, I will work with each of the Services to understand and advocate for funding to support sustainment.

Question. What is your assessment of the sustainment challenges facing the F-35 program and what steps should the Department take to mitigate or resolve those challenges to improve sustainment outcomes and availability of the aircraft?

Answer. The F-35 is the premier, multi-mission fifth generation strike fighter for three U.S. Services, seven international partners, and a growing number of Foreign Military Sales (FMS) customers. My understanding is that there are clear sustainment challenges facing the F-35 program in terms of both readiness and affordability. Addressing these challenges is critical to the continued success of the F-35 program. If confirmed, one of my top priorities will be to address the root causes of those challenges to ensure a capable, affordable weapon system that meets warfighter readiness requirements.

Question. In your view, what are the most viable options for the Department to reduce F-35 sustainment costs?

Answer. At this time, I do not have the access to the information necessary to evaluate the various options for F-35 sustainment. If confirmed, I commit to working with the Military Departments, the Joint Program Office, and industry partners to evaluate and implement viable options to reduce sustainment costs for the F-35 enterprise.

Question. In your opinion, what steps should DOD take to ensure our ability to execute the current and expected volume of ship maintenance and modernization?

Answer. I understand the Navy is working multiple initiatives to improve both our public and private maintenance performance. If confirmed, I will get insights and recommendations from the Navy on the Shipyard Infrastructure Optimization Plan (SIOP), as well as information from our private industry partners about what opportunities there are to improve maintenance and modernization programs. Understanding the constraints in the supply chain, workforce, capacity and capability of the nation's ship repair infrastructure is critical to planning effective improvements.

Question. In your view, what are the biggest challenges in sustainment of software systems and embedded software in other systems?

Answer. I believe increasing costs, access to software source code, early focus on designing for sustainment, and investment into modernizing software laboratories are critical issues in the software community. If confirmed, I will work across the DOD software sustainment community to provide rigorous oversight, improve poli-

cies, and promote sharing of best practices in order to provide solutions to the software sustainment challenge areas.

Question. In your view, what are the biggest challenges in the sustainment of commercial technologies that are fielded to warfighters?

Answer. Many of the existing processes within the DOD were not developed for the pace of commercial technology advancement we are seeing in the 21st century. Recent acquisition reforms begin to address this, but other structural challenges remain within the USD(A&S) area of responsibility, including changes to the Planning, Programming, Budgeting and Execution (PPBE) process, and enabling the workforce to adapt quicker to exploit these technologies.

IMPROVING PLANNING FOR SUSTAINMENT

Question. The GAO has reported that operation & sustainment (O&S) costs account for about 70 percent of a system's total lifecycle costs, and that O&S costs are largely pre-determined by decisions made during the acquisition process, such as decisions about requirements, system design, and technical data. Given this, it is critically important that programs effectively consider and plan for the sustainment of a system early in the acquisition process.

In your opinion, how well are the Department's acquisition programs planning for sustainment?

Answer. I believe this is an area where the Department needs to make additional progress. If confirmed, I will work with the Services and Defense Agencies to ensure we instill comprehensive sustainment planning for new programs and that we continuously assess and refine sustainment planning for existing programs at all stages in their lifecycle.

Question. If confirmed, what steps would you take to ensure acquisition programs are planning for sustainment early and often during the acquisition process?

Answer. If confirmed, I will ensure sustainment planning is an integral aspect in weapon system development. Given that sustainment represents the bulk of the cost of a weapon system, I believe the Department needs to do careful planning up front to ensure sustainment requirements are designed into weapon systems delivery readiness at best cost.

Question. When faced with cost and schedule pressures during the acquisition process, some programs have reduced or deferred activities that would have improved long-term sustainment outcomes, in order to save money and time in the near-term.

If confirmed, how will you ensure acquisition programs make upfront investments that could help keep sustainment costs down and improve readiness, such as conducting reliability testing, designing for maintenance, and negotiating for technical data rights, among others?

Answer. If confirmed, I will work with the Services and Defense Agencies to ensure acquisition program offices perform sustainment analysis as part of weapon system design and development. This includes necessary reliability investments, maintenance analysis, and government access to data rights needed for sustainment planning and system maintenance.

Question. If confirmed, how will you ensure lifecycle operation and support costs have appropriate visibility, as a key performance parameter or equivalent consideration, in DOD's acquisition system and budget presentations to Congress?

Answer. If confirmed, I will work with the Services and Defense Agencies to ensure acquisition program offices perform sustainment analysis as part of weapon system design and development. This includes necessary reliability investments, maintenance analysis, and government access to data rights needed for sustainment planning and system maintenance.

Question. In your opinion, what opportunities exist to increase coordination and communication between the Department's acquisition and sustainment communities, to help ensure sustainment is adequately considered during the acquisition process?

Answer. The Department has the benefit of past and continuing investments across the acquisition and sustainment workforce. Because of this, DOD has two highly professional communities that are more than capable of working together to arrive at mutually beneficial strategies. If confirmed, I will work with both the acquisition and sustainment communities to ensure they are sharing data and are making data driven decisions as a team.

Question. If confirmed, what steps will you take to ensure the Department's Major Defense Acquisition Programs and large Middle Tier Acquisition Programs effectively plan for sustainment?

Answer. Regardless of the acquisition pathway, sustainment must always be an integral part of weapon system design, development, and fielding. If confirmed, I will work with the Services and Defense Agencies to ensure program offices are held accountable for sustainment outcomes under all acquisition pathways.

FACILITIES SUSTAINMENT

Question. In fiscal year 2020, DOD reported a deferred facilities maintenance backlog of \$137 billion, which equates to about 12 years of facility sustainment funding at fiscal year 2020 levels.

If confirmed, what approach will you take to address this backlog and to ensure that facility sustainment funding is sufficiently prioritized and funded? Please specify aspects of the approach such as increased funding, elimination of excess infrastructure, and infrastructure in failing condition.

Answer. If confirmed, I will review and assess the Department's approach for prioritizing and funding investments in our built infrastructure. I will work with organizations across DOD to strike a balance between increasing funding and reducing unneeded infrastructure to ensure investments enhance military readiness.

Question. DOD's facility sustainment funding primarily focuses on mission-critical facilities. Given the chronic underfunding of facility sustainment, lower-priority facilities, such as unaccompanied housing (barracks) and childcare centers, have experienced increased deterioration to the point where they need more costly repairs to prevent their failure.

What actions, if any, will you take to fund facilities that have been treated as lower priority, such as unaccompanied housing and childcare centers—but that are facilities that contribute directly to servicemembers' and their families' quality of life—to assure their continued availability?

Answer. I am committed to ensuring that DOD appropriately invests in facilities that directly impact the quality of life for servicemembers and their families, which is critical to ensure readiness including the Department's ability to recruit and retain the force. If confirmed, I will review and assess the Department's approach for prioritizing and funding investments in our built infrastructure. I will work with organizations across DOD to strike a balance between increasing funding and reducing unneeded infrastructure to ensure facility investments enhance military readiness.

CONTRACTING FOR SERVICES

Question. In fiscal year 2019, the Department obligated about \$190 billion on services acquisitions, which accounted for nearly half of the Department's total contract obligations. The GAO has identified a number of shortcomings with the Department's management of services contracts and has placed this oversight challenge on its High Risk list since 2001.

What is your assessment of the Department's ability to manage its services contracts?

Answer. Service contracts present different challenges from weapon systems contracts and require different management mechanisms. It is my understanding that the Department has established policies and procedures in place, grounded in statute and regulation, to help decision makers at all organizational levels of the Department make determinations regarding the management of services contracts. If confirmed, I will work with the Services and Component Acquisition Executives to ensure that the acquisition of contracted services is made in a manner that ensures a balance of effectiveness and efficiency while meeting unique needs of the mission.

Question. If confirmed, what steps would you take to improve the Department's ability to strategically assess and manage its requirements for services contracts?

Answer. If confirmed, I will work to strategically improve the requirements process for service contracts by infusing their decisions with improved data to inform their tradeoff decisions. This assessment will require working closely with the Services to leverage review processes they may already have in place.

Question. What steps would you take, if confirmed, to improve the quality of data collected on services contracts and the analysis performed on such data, so as to better understand and control spending on service contracts and improve management of these activities?

Answer. I believe the Department should continually improve its ability to collect, disseminate, analyze, and use data in this new digital age to support decision makers. If confirmed, I will work with the empowered leaders who own the mission that the service contracts support and who make key requirements and funding tradeoff decisions to understand what data they will need to control their spending and evaluate the success of the resulting tradeoffs. I expect the data that they will need

will come not only from Department-wide repositories of awarded contract documents, but also from their own systems for services requirements, financial management, contract writing, and contract management.

Question. What do you believe is the most important factor in determining whether a service role should be performed by government or contractor personnel, i.e., cost, flexibility, efficiency, ability to meet mission, or some combination thereof?

Answer. If confirmed, I will work with my counterparts in the personnel community to ensure that the acquisition of contracted services is made in a manner that ensures a balanced and cost effective mix of labor. For work that is not considered inherently governmental or sensitive, I believe each of the elements identified should be considered in combination when making decisions regarding the sourcing of work.

ACQUIRING COMMERCIAL TECHNOLOGY

Question. Since the end of the Cold War, Congress and successive leaders in DOD have recognized that the technological superiority and modernization that is critical to national security increasingly takes place in the commercial sector, and that in many technical areas, the pace of commercial technological advance is much quicker than that of the government.

In your view, does DOD adequately consider commercially available solutions to meet its requirements?

Answer. I believe the Department could do better to consider commercial solutions to shape requirements. Traditionally, requirements are documented up front often with a bias of legacy systems with increased performance. DOD needs to increase its understanding of the commercial technology landscape before defining requirements.

Question. In your opinion, are there new ways to reward and incentivize the acquisition workforce and programs to choose commercial solutions, if available?

Answer. If confirmed, I will work to place greater emphasis on DOD business processes while also encouraging greater use of proven and less risky commercial solutions. I believe an understanding of the workforce's challenges is essential to managing these kinds of efforts and will work with Department leadership to support a culture that provides the necessary resources to encourage innovation to improve decision making as well as incentivize and encourage modern business approaches.

Question. In your view, how should the USD(A&S) work with the Chairman of the Joint Requirements Oversight Council to promote the acquisition of commercial technologies?

Answer. I believe there should be a close partnership between USD(A&S), the Vice Chairman of the Joint Chiefs of Staff, and their counterparts in the Services to modernize DOD's requirements system. We need a system that integrates operational needs "requirements pull" with commercial solutions "tech push," informed by experimentation, via a collaborative, iterative approach to exploit new technologies and adapt our ways of fighting.

Question. Do you believe that current bid protest processes are adequate to enable commercial firms to protest DOD acquisition decisions that may be inconsistent with the statutory preference for commercial products?

Answer. If confirmed, I will review the bid protest processes and consider recommendations to improve existing processes and gain efficiencies where possible.

Question. Do you believe the Department is making the best use of both Part 12 and Part 15 of the Federal Acquisition Regulations in developing acquisition strategies for programs?

Answer. If confirmed, I will look for opportunities to do more to increase competition, including competition from commercial sources, non-traditional Defense contractors, small businesses and other historically underserved communities. Using the most appropriate procurement tools for a given acquisition, including FAR Parts 12 and 15, ensures the Department is getting the best value for the taxpayers' money.

Question. Federal acquisition regulations and statutes establish a clear preference for commercial capabilities, products, and services wherever commercial solutions are able to reasonably meet DOD's needs at reasonable cost. Faithfully pursuing this preference is all the more important today when commercial technological innovations could play a pivotal role in great power competition. Section 807 of the Fiscal Year 2022 National Defense Authorization Act requires the USD(A&S) and the Chairman of the Joint Requirements Oversight Council to jointly assess the impediments and incentives for pursuing commercial capabilities, products, and services

wherever commercial solutions are able to reasonably meet DOD's needs at reasonable cost.

If confirmed, based on your experience, how do you believe DOD could improve its adoption of commercial solutions?

Answer. I am aware of the Fiscal Year 2022 NDAA Section 807 requirement for the Department to assess impediments and incentives to improving the acquisition of commercial products and services. I look forward to engaging as required as the review progresses. I am also familiar with the significant amount of thought that the Section 809 Panel put into this area of acquisition. In this time of strategic competition, the Department will certainly benefit from improvements to how we find, acquire, and employ commercial products and services.

Question. In your view, can improvements be made without mandates and additional processes?

Answer. If confirmed, I will assess our process and identify what changes, if any, are necessary.

INTELLECTUAL PROPERTY

Question. Do you believe that DOD has implemented intellectual property (IP) best practices sufficiently to ensure that the government has appropriate access to IP and technical data in order to give a proper return on investments in federal research and development (R&D), retain the ability to re-compete programs to control costs, and exercise better control over program sustainment costs?

Answer. I believe IP must be a higher strategic priority, considered earlier and more often in planning, and more focused on longer-term needs. I believe this will be key to make sustainment more affordable and to ensure DOD can take full advantage of industry's faster pace in technology innovation.

Question. If confirmed, what adjustments would you make to DOD's practices in negotiating IP and technical data rights for programs in order to improve DOD's ability to develop, procure, and sustain new systems and technologies affordably?

Answer. If confirmed, my initial focus in this area will be to better understand the practical obstacles that DOD program personnel are facing related to IP. I anticipate the need to improve our training for the DOD acquisition workforce and contracting officers to take greater advantage of agile tools and techniques such as negotiating specialized licenses, and fully implementing modular open systems approaches in DOD programs. If confirmed, I will bring my insights from Air Force acquisitions to make the acquisitions system more flexible for traditional and non-traditional contractors and technology innovators to affordably develop, procure and sustain new and existing systems and technologies.

REFORM OF THE PROTEST PROCESS

Question. To what extent do you think that the time required to settle protests warrants reform in order to protect the interests of both industry and the government?

Answer. I understand the Department previously submitted reports to the Congress on protest timeframes along with recommendations for change. If confirmed, I will review the regulatory and policy approaches along with the recommendations to determine what changes, if any, are necessary.

Question. Do you have any recommendations on how to improve the protest process?

Answer. If confirmed, I will review the previously submitted recommendations and determine if there are any additional recommendations that would improve the protest process.

SMALL BUSINESS

Question. If confirmed, what steps would you take to increase the participation of small businesses in the defense technology and industrial base?

Answer. Small businesses are a critical component of the Defense Industrial Base and a source of significant innovation, which is critical to the development, fielding, and sustainment of operational capabilities. If confirmed, I will work to increase the participation of small businesses in the defense technology and industrial base. I will collaborate with others in the department to apply those opportunities more holistically alongside other small business activities.

Question. In your view, what are the biggest barriers that prevent small businesses from becoming prime contractors for the Department?

Answer. If confirmed, I will make it a high priority to understand and create solutions to the biggest barriers that prevent small businesses from participating fully with DOD.

Question. Do you believe the Department is using all available authorities to provide small businesses the opportunity to subcontract with existing prime contractors in order to ensure that programs of record have access to the most advanced and effective technologies?

Answer. If confirmed, I will work with the broader acquisition community to better understand and create avenues for small businesses to subcontract and to ensure that we are leveraging the small business community to the maximum extent possible.

Question. If confirmed, what steps would you take to ensure that small businesses that provide goods and services to the Defense Logistics Agency are monitored and supported when facing financial pressures that challenge their viability?

Answer. Small businesses face financial challenges for any number of reasons, and the Department should support businesses facing those financial pressures when appropriate to maintain a healthy industrial base. As I understand it, the Defense Logistics Agency (DLA) has an Office of Small Business Programs that maintains ongoing dialogue with industry associations and small businesses to mitigate financial pressures, including COVID-19 impacts. If confirmed, I will continue working with DLA to assess and evaluate options that will minimize financial impacts to small businesses, while balancing the readiness and cash flow needs of the Department.

Question. What do you see as the benefits of diversifying the defense industrial base through more engagement with small and disadvantaged businesses?

Answer. Small and disadvantaged businesses are a critical part of the Defense Industrial Base. These businesses are a source of new and innovative technologies and capabilities that provide significant operational capabilities, when fielded. These businesses are also a source of competition that help drive down cost and increase innovation and efficiency and speed capability deliveries to the warfighter.

Question. What recommendations do you have to improve the Department's use of the Small Business Innovation Research programs in order to develop and field new, advanced capabilities?

Answer. The Small Business Innovation Research program is a key tool in the development and fielding of new technologies and capabilities for the DOD. One of the most significant challenges that the Department has faced is transitioning these new technologies to fielded systems. If confirmed, I will work with the Under Secretary of Defense for Research and Engineering to identify opportunities to more closely tie SBIR with other small business programs and bridge the gap between emerging technologies and fielded systems.

ACQUISITION WORKFORCE EDUCATION AND TRAINING

Question. A well-trained and empowered acquisition workforce is a critical enabler in the implementation of acquisition reform and in the management of acquisition programs.

What is your assessment of the Department's acquisition workforce, both in terms of its capacity and capability? Does the Department have enough acquisition professionals with the right skills?

Answer. Overall, I believe the Defense Acquisition Workforce has great talent and capacity. Since 2008, the Department has made a significant effort to rebuild the acquisition workforce and to modernize its implementation of the Defense Acquisition Workforce Improvement Act. If confirmed, I will assess the results of these efforts. I will also look at the specialty knowledge and skill areas that the Department requires to deliver the latest in capabilities to the warfighter. We will need to study how we can make the best use of existing expertise across the workforce in addition to how we are recruiting, developing, and retaining top talent.

If confirmed, I will assess targeted capacity and skill needs to ensure the Department has enough professionals in the acquisition workforce, with the appropriate skills, to deliver overmatch capabilities to the warfighter.

Question. If confirmed, what steps would you take to ensure the acquisition workforce is fully trained on new acquisition authorities and best practices, so that it can make informed decisions about when and how to use the different acquisition pathways and tools available to it?

Answer. If confirmed, I will work closely with the Department's Acquisition Executives, functional leaders, and the Defense Acquisition University to ensure the workforce is provided with an agile learning environment that meets the needs of today's workforce, including how to use different acquisition pathways and tools.

Question. If confirmed, what steps would you take to empower program managers to execute acquisition programs and hold them accountable for how their decisions contributed to program performance, including over the life of a system?

Answer. Fundamentally, program managers are accountable for cost, schedule, and performance of their programs. I believe program managers will be successful if they are empowered to execute their programs using all of the currently available legal and policy authorities as well as functional support. I will also exercise robust oversight to hold program managers accountable for program performance.

Question. What is your assessment of the Department's training, education, certification, and credentialing programs for the acquisition workforce?

Answer. In order to deliver necessary capability to the warfighter, the Defense Acquisition Workforce must be able to adapt to a variety of new and rapidly evolving threats. This requires training and learning in new and emerging areas and across one's career, not just in the first few years on the job. It is my understanding that DAU, the Services, and Components have been collaborating to better meet the training needs of the workforce and, if confirmed, I will review such efforts to make sure we have effective planning and investments.

Question. If confirmed, what role would you play in ensuring that there is an adequate supply of technical talent available for the Department and industry partners to meet the challenges of the future?

Answer. I believe the most important resource of any organization is its people. For acquisition and sustainment, the workforce is significantly STEM (Science, Technology, Engineering and Mathematics) oriented. Strengthening the pipeline of STEM talent is a national need and must be a top priority as we revitalize the national security workforce. If confirmed, I will assess the existing pipeline of STEM talent and work across the Department and with industry to identify how we can accelerate and grow such efforts.

Question. If confirmed, what specific steps would you take to improve the effectiveness of the Defense Acquisition University?

Answer. If confirmed, I will evaluate each aspect of the Defense Acquisition University's current transformation initiative and ensure its supporting activities are aligned to strategic workforce readiness needs. It is my understanding that DAU has endeavored transform the way it develops and delivers training and to build stronger relationships with the Services and Components. The capabilities of our workforce are critical to our success, and if confirmed, review the steps being taken to improve these capabilities.

Question. What specific steps would you take to assess and ensure that the Defense Acquisition Workforce Development Account (DAWDA) is adequately resourced to meet the needs of the Department?

Answer. If confirmed, I would review the process in place to assess acquisition workforce requirements and ensure planned budget levels are requested to meet requirements. I would also ensure DAWDA resources are prioritized and allocated to the greatest need(s).

Question. How would you engage with the Acquisition Innovation Research Center (AIRC) to perform research on acquisition issues of interest, and to engage a future workforce for defense acquisition?

Answer. If confirmed, I will engage with the AIRC to understand how it supports and enables the A&S mission.

ASSISTANT SECRETARY OF DEFENSE FOR ENERGY, INSTALLATIONS AND ENVIRONMENT

Question. The Fiscal Year 2021 NDAA recently reestablished the position of the Assistant Secretary of Defense for Energy, Installations, and Environment.

If confirmed, to what extent would you seek to expedite the reestablishment of the Office of the Assistant Secretary of Defense as an effective organization and address persistent understaffing in the domains of privatized housing, PFAS, energy, resiliency, and the remainder of the environmental portfolio?

Answer. It is my understanding that the Department recently finalized the reestablishment of the Office of the Assistant Secretary of Defense for Energy, Installations & Environment (EI&E), in accordance with Section 904 the Fiscal Year 2021 National Defense

Authorization Act. If confirmed, I will review EI&E resources and staffing and ensure the Office is postured to carry out the priorities within its portfolio.

Question. If confirmed, to what extent would you seek to improve the incorporation of the energy Key Performance Parameter (KPP) and incorporation of operational energy and sustainability into maintenance requirements and the acquisition system, which should also save money over the lifecycle of a weapons platform?

Answer. The energy key performance parameter is a significant tool for improving the supportability and lethality of Department capabilities in contested operating environments. If confirmed, I will work with my staff and the Services to ensure

sustainability, energy supportability and demand reduction are integral to acquisition and sustainment decision-making for new and current platforms.

Question. What is your understanding of the role of the Department as compared to that of other agencies with regard to environmental research and regulations?

Answer. If confirmed, I will ensure that DOD conducts research along with other Federal agencies to improve DOD's environmental performance, increase the adoption of sustainable alternatives, reduce costs, and enhance and sustain mission capabilities. I will also ensure the Department continues to support the needs of the warfighter, be a good steward of the environment, preserve our Nation's resources and respect Federally recognized Tribes. This includes managing environmental compliance, emerging chemicals of concern, clean-up efforts, and conservation of natural and cultural resources.

MICROELECTRONICS

Question. Over the last few decades, Taiwan, South Korea, and the People's Republic of China have implemented large-scale national industrial policies to build microelectronics manufacturing facilities. In contrast, the availability of large-scale state-of-the-art microelectronics manufacturing foundries in the United States has been steadily declining. DOD has a diverse set of requirements and needs for the domestic production of measurably secure state-of-the-art, state-of-the-practice, and legacy integrated circuits in low volumes to meet its needs.

What is your assessment of the Department's microelectronics needs, to include both legacy, state-of-the-practice, and state-of-the-art?

Answer. As I understand it, DOD is hampered by lack of access to assured sources for leading edge microelectronics technologies. DOD requires quantifiably secure access to microelectronics that meets all its requirements, especially for trust and assurance. The Department develops new systems that require state-of-the-art microelectronics, but also needs to acquire and sustain our existing systems – most of which use legacy and state-of-the-practice microelectronics – as well as modernizing systems in the field. If confirmed, I will continue DOD's effort to secure assured sources of microelectronics components for current and future weapons systems.

Question. In your view, what role should the Department play in working with the interagency and industry to increase domestic production of dual use microelectronics?

Answer. While DOD is the largest U.S. government buyer of microelectronics, it is a small part of the overall U.S. market demand. As such, I believe collaborating with the other affected agencies and industry is critical to both establish and sustain domestic production of microelectronics.

Question. If confirmed, what steps would you plan to take to support increased domestic production of dual use microelectronics?

Answer. DOD needs to leverage commercial microelectronics technology and production wherever possible to be able to help ensure future capacity for microelectronics that meet DOD requirements. The CHIPS Act is an important priority, as it will help re-energize domestic commercial microelectronics production. If confirmed, I would prioritize that DOD leverage the resources provided by the CHIPS Act and the commercial industrial base.

Question. If confirmed, what actions would you take to partner with the USD(R&E) on this issue?

Answer. I believe the USD(R&E) is a critical partner to A&S on this strategy. Their focus is on developing and demonstrating new technologies that will provide the best future capabilities for the warfighter. If confirmed, I will partner with them by providing input into the requirements for those new approaches and faster transition pathways to programs of record.

WEAPON SYSTEMS CYBERSECURITY

Question. The GAO reported in March 2021:

The Department of Defense has struggled to ensure its weapons systems can withstand cyberattacks. Since we last reported, DOD has taken some positive steps toward that goal, like conducting more cyber testing.

But we found that DOD programs aren't always incorporating cybersecurity requirements into contract language. Contractors are only responsible for meeting the terms written in a contract. Some contracts we reviewed had no cybersecurity requirements when they were awarded, with vague requirements added later.

What is your assessment of the Department's posture towards weapons systems cybersecurity?

Answer. If confirmed, I will work with SAEs and CAEs to assess the cybersecurity posture of the DOD weapon systems that they are responsible for. For those pro-

grams where I am the MDA, I will assess the cybersecurity posture of programs during program reviews.

Question. If confirmed, what actions would you take to improve the cybersecurity of the Department's weapon systems?

Answer. I firmly believe that cyber hardening DOD weapon systems and DOD critical infrastructure is a warfighting imperative required to support the National Defense Strategy.

If confirmed, I will work SAEs and CAEs to assess the cybersecurity posture of our highest priority weapon systems. Based on that status of the cybersecurity posture identified, I will work with DOD Senior leaders to identify and prioritize funding for mitigating cyber vulnerabilities for our highest priority weapon systems and the missions they support, in alignment with the Congressionally mandated Strategic Cybersecurity program and related NDAAAs.

SPACE

Question. As part of the creation of the Space Force, the Fiscal Year 2020 National Defense Authorization Act created a Service Acquisition Executive (SAE) for Space to consolidate space acquisition functions in the Air Force. The Fiscal Year 2022 National Defense Authorization Act subsequently expanded the role of the SAE to oversee space acquisition across the "space systems and programs of the armed forces in support of the Chief of Space Operations." This was part of a series of reforms to empower the SAE for Space and the Chief of Space Operations as the Space Force achieves institutionalization of its Title 10 status.

If confirmed, will you support the SAE for Space per the duties included in the Fiscal Year 2020 and Fiscal Year 2022 National Defense Authorization Acts?

Answer. Yes, if confirmed, I will work with the Department of the Air Force's Service Acquisition Executive for Space programs and the other Service Acquisition Executives in accordance with the Fiscal Year 2020 and Fiscal Year 2022 National Defense Authorization Acts to strengthen, enable, and synchronize space related acquisition efforts for the armed force.

Question. The USD(A&S) co-chairs the Council on Oversight of Defense Positioning, Navigation and Timing (PNT) Enterprise. The major activities of the Council have been to coordinate the Military GPS User Equipment (MGUE) across the Department of Defense, given the increasingly contested electromagnetic spectrum within which DOD systems must operate.

If confirmed, what do you see as the major issue(s) with acquiring and coordinating the installation of MGUE components across the myriad number of DOD systems that rely on GPS signals, to include synchronization with the GPS satellites?

Answer. If confirmed, I will work closely with the other tri-chair members of the PNT Oversight Council. Together with the USD(R&E) and Vice Chairman of the Joint Chiefs of Staff, we will continue to address the issue of ensuring access to trusted and assured microelectronics in order to field advanced MGUE systems to support America's soldiers, sailors, airmen, marines and guardians.

Question. The Committee is deeply concerned about vulnerabilities in the GPS system that could prove to be devastating in a conflict with near-peer competitors and the lack of urgency and resolve within the Department for addressing the problem. The M-Code modernization effort will close only some of the PNT vulnerabilities, and also will not be completed for a long time. Section 1611 of the Fiscal Year 2021 National Defense Authorization Act established a mandate for fielding alternative resilient PNT capabilities for the most critical operational components within two years, but the Department does not appear to be on track to achieve that.

If confirmed, will you commit to studying carefully the problems in the GPS system, the limitations of the M-Code modernization, potential methods of closing those vulnerabilities, and alternative methods for achieving resilient PNT?

Answer. Yes. If confirmed, I commit to carefully studying the problems, limitations, vulnerabilities and alternatives to achieve resilient a Position, Navigation and Timing architecture. I will work closely with the other tri-chair members of the PNT Oversight Council. Together with the USD(R&E) and Vice Chairman of the Joint Chiefs of Staff, we will address these challenges and opportunities in order to field resilient PNT systems to support America's soldiers, sailors, airmen, marines and guardians.

Question. If confirmed, will you advocate alternate sources of PNT for DOD systems and if so, how?

Answer. Yes. If confirmed, I will work closely with the other tri-chair members of the Positioning, Navigation, and Timing (PNT) Oversight Council. Together with the USD(R&E) and Vice Chairman of the Joint Chiefs of Staff, we will identify, as-

sess, and leverage alternate sources of PNT via partnerships with allies, industry, and academia as well as through DOD-internal research, development, and acquisition efforts.

ELECTRONIC WARFARE

Question. The Department recently moved oversight of Electromagnetic Spectrum Operations from the Joint Staff to the Chief Information Officer as the Senior Designated Official. The USD(A&S) co-chairs the Electronic Warfare EXCOM (EW EXCOM), which was created in 2015 (Electronic Warfare Executive Committee Charter) and is part of DOD Directive 3222.04 to oversee DOD acquisition-related investments and synchronization amongst the services of the multitude of EW related systems for the Joint Force.

Please explain your views on the following issues:

The role of the EW EXCOM?

Answer. As the Air Force SAE I attended EW EXCOMs to help facilitate synchronization and integration of EW by sharing tactics, techniques across the department. If confirmed I look forward to getting an update on the activities of the EW EXCOM and the way forward.

Question. The responsibilities of the USD(A&S) with respect to EW acquisition and the current state of acquisition coordination across DOD?

Answer. EW was treated as a portfolio area with the standup of the EW EXCOM. If confirmed, I will review the status of the EW portfolio and how we are coordinating EW across the Department.

Question. Whether the CIO office has the requisite knowledge or experience to serve as the Senior Designated Official for Electronic Warfare/EMSO?

Answer. If confirmed, I will work with the CIO and other stakeholders to understand the abilities of the CIO to undertake the role of Senior Designated Official for EMSO.

Question. How the EXCOM will coordinate its activities, with the recent shift of Electromagnetic Spectrum Operations oversight from the Joint Staff to the CIO?

Answer. If confirmed, I will work with the EW EXCOM to understand the shift of oversight of EMSO from Joint Staff to the CIO.

Question. The EW EXCOM's advisory role for future investment as it relates to decisions by the Deputy Secretary of Defense and the Deputy's Management Action Group (DMAG)?

Answer. In my past involvement with the EW EXCOM, they made recommendations on issue papers for the budget review process. If confirmed, I will work with the EW EXCOM to understand their current role in the budget review process.

NUCLEAR MODERNIZATION

Question. The USD(A&S) has oversight responsibilities of the recapitalization of the nuclear triad, which is rapidly aging out. The B-2 and B-1 bombers are being replaced by the B-21 bomber. The Air Launched Cruise Missile is being replaced by the Long Range Stand-Off Weapon (LRSO). The Minuteman III is being replaced by the Ground Based Strategic Deterrent. The *Ohio*-class ballistic missile submarine is being replaced by the *Columbia*-class ballistic missile submarine. The B-21, GBSD, LRSO and *Columbia*-class submarines are Major Defense Acquisition Programs that will have to operate well into the 2070s. These are in addition to efforts to sustain, recapitalize in the near term, and design a Next Generation Nuclear Command, Control and Communications (NC3) system.

What is your understanding of the state of U.S. nuclear forces, global nuclear command, control, and communications (NC3) architecture, and the supporting weapons sustainment and production capabilities within the National Nuclear Security Administration?

Answer. The Nation's nuclear platforms, delivery systems, Nuclear Command, Control, and Communications, warheads, and infrastructure have been extended far beyond their original service lives and are undergoing recapitalization, refurbishment, and replacement. The on-time replacement of our aging nuclear forces and associated systems is critical. If confirmed, I will work to ensure that our nuclear modernization programs continue to provide a safe, secure, and effective strategic deterrent for the future.

Question. Do you agree with the assessment of the past four Secretaries of Defense that nuclear deterrence is DOD's highest priority mission and that modernizing our Nation's nuclear forces is a critical national security priority?

Answer. Yes, I agree with the past four Secretaries of Defense that nuclear deterrence is DOD's highest priority mission and that modernizing our Nation's nuclear forces is a critical national security priority.

Question. Do you support and intend to advocate for the modernization of all aspects of the U.S. nuclear deterrent, particularly the B-21, LRSO, GBSB and *Columbia*-class programs?

Answer. Yes, if confirmed, I will support and advocate for modernization of the U.S. nuclear deterrent.

Question. Please describe what you see as the major acquisition issues with each of the above.

Answer. Nuclear deterrence is DOD's highest priority mission and modernizing our Nation's nuclear forces is a critical national security priority. I understand the importance of maintaining our fielded nuclear systems while simultaneously modernizing each leg of the nuclear triad. If confirmed, I will take immediate action to review each of our modernization programs and understand any associated acquisition challenges, and I will work with leadership throughout the Department, Congress, and our industry partners to ensure our modernization programs deliver the capabilities needed on time to meet the dynamic security environment.

Question. Do you support sustaining, recapitalizing, and designing the Next Generation NC3 systems?

Answer. Yes, if confirmed, I will support sustainment, recapitalization and design of the Next Generation NC3 systems. A reliable and modern NC3 is an essential to ensuring a safe, secure and effective nuclear deterrent.

Question. Please describe what you see as the major acquisition issues with each element.

Answer. Nuclear deterrence is DOD's highest priority mission and modernizing our Nation's nuclear forces is a critical national security priority. I understand the importance of maintaining our existing NC3 capability while simultaneously delivering a reliable and modern NC3 enterprise – sometimes called “NC3 Next”. If confirmed, I will take immediate action to review and understand the acquisition challenges and opportunities associated with NC3 modernization programs, and I will work with leadership throughout the Department, Congress, and our industry partners to provide robust and survivable Next Generation NC3 systems to ensure a safe, secure and effective nuclear deterrent.

Question. The nuclear enterprise functions through collaboration among the Navy, the Air Force, the Joint Staff, the Offices of the Under Secretaries of Defense for Policy, Acquisition and Sustainment, and Research and Engineering, the NNSA headquarters, and the NNSA national laboratories and production plants.

Do you believe that the current system adequately connects military requirements to acquisitions and procurement to technical expertise and production?

Answer. Yes. However, if confirmed, I will review this process more comprehensively and recommend improvements as appropriate.

Question. If confirmed, do you have any recommendations for improving the functions of the complex?

Answer. Coordinating the efforts of the defense nuclear enterprise is a critical and highly complex task. If confirmed, I will review the system and recommend improvements as appropriate.

NUCLEAR WEAPONS COUNCIL

Question. Section 179 of title 10, designates the USD(A&S) as the Chair of the Nuclear Weapons Council.

What is your understanding of this role?

Answer. My understanding of the role of Chair of the Nuclear Weapons Council is to ensure the Council fulfills the requirements set forth in Section 179 of Title 10 and ultimately to ensure that the Departments of Defense and Energy are postured to ensure a safe, secure, reliable, and effective nuclear stockpile.

Question. If confirmed, what steps would you take to ensure that the duties and responsibilities of the Nuclear Weapons Council are effectively executed?

Answer. If confirmed, I will ensure that the Nuclear Weapons Council is focused on the most critical issues facing the enterprise and will work with the Staff Director to enable timely, data-driven decisions.

Question. What is your understanding of the modifications to the role of the Nuclear Weapons Council (with respect to performance requirements and budget) that were enacted in section 1632 of the National Defense Authorization Act for Fiscal Year 2021?

Answer. I understand that section 1632 of the National Defense Authorization Act for Fiscal Year 2021 provided a clarified role for the Nuclear Weapons Council in establishing and validating performance requirements for nuclear warhead programs as well as a process by which the Secretary of Energy and the Nuclear Weap-

ons Council communicate and cooperate to align resources and to certify the adequacy of the National Nuclear Security Administration's annual budget request.

Question. If confirmed, what steps would you take to ensure effective implementation of these modifications?

Answer. If confirmed, I would work with fellow members of the Nuclear Weapons Council, the Secretary of Energy, and the White House Office of Management and Budget to ensure that current processes and procedures meet the intent of this provision.

Question. Are there any changes that you would recommend to the membership, organization, structure, or responsibilities of the Nuclear Weapons Council?

Answer. If confirmed, I will work to understand the current operations and procedures of the Nuclear Weapons Council and offer recommendations as appropriate or necessary.

Question. What do you see as the primary challenges that the Nuclear Weapons Council will face over the next four years, and if confirmed, what steps will you take as Chair to address these challenges?

Answer. The planned modernization of almost every element of the nuclear enterprise will be the primary challenge for the Nuclear Weapons Council over the next four years. In particular, the Council must ensure the close coordination of these efforts within DOD and with DoE. If confirmed, I will work with all stakeholders to understand and address these challenges, ensuring that the U.S. is prepared to address an evolving security environment.

Question. In addition to the Department of Defense programs for modernizing U.S. nuclear forces and the NC3 system, the Nuclear Weapons Council has laid out a schedule for modernization of the nuclear weapons stockpile and the supporting National Nuclear Security Administration infrastructure.

Do you agree that modernizing the U.S. nuclear weapons stockpile and supporting National Nuclear Security Administration infrastructure is a critical national security priority and should be addressed in a timely manner?

Answer. Yes, the nuclear weapons stockpile must be underpinned by responsive and resilient production capabilities and infrastructure.

Question. Do you support and intend to advocate for all aspects of the Nuclear Weapons Council's modernization plan for the U.S. nuclear weapons stockpile and supporting National Nuclear Security Administration infrastructure?

Answer. Yes, the nuclear weapons stockpile must be underpinned by responsive and resilient production capabilities and infrastructure. If confirmed, I will review plans for the U.S. nuclear weapons stockpile and the supporting NNSA infrastructure, and ensure they are postured to deliver the capabilities the nation needs.

Question. In your opinion, are the multiple components of the DOD and NNSA nuclear modernization plans appropriately sequenced and scoped in order to meet the operational needs of the commander of U.S. Strategic Command?

Answer. If confirmed, I will work closely with the Commander of U.S. Strategic Command to understand the linkages between challenges facing the scope and schedule of the modernization programs and how those challenges translate to operational risk. I will be prepared to offer recommendations as appropriate.

Question. If confirmed, how do you plan to leverage the USD(A&S)'s various roles within the nuclear enterprise (Milestone Decision Authority for various programs, Chair of the NWC, NC3 Capability Portfolio Manager) to ensure the health of the specialized industrial base needed to produce certain components currently being modernized?

Answer. If confirmed, I will leverage the important roles of the USD(A&S) in stewarding all aspects of the nuclear enterprise and ensuring that the specialized and fragile industrial base is robust and prepared to support the modernization of the nuclear deterrent.

Question. Do you support the Stockpile Stewardship Program, and have you reviewed the elements of this program as conducted by the NNSA?

Answer. I support the Stockpile Stewardship Program as a significant and successful endeavor of the National Nuclear Security Administration to ensure a safe, secure, reliable, and effective nuclear stockpile. If confirmed, I will further review the program to understand its many facets.

Question. In your view, are there any additional capabilities that the Stockpile Stewardship Program should develop?

Answer. If confirmed, I look forward to the opportunity to understand the capabilities of the Stockpile Stewardship Program and to work with the Administrator of the National Nuclear Security Administration on any additional capabilities that may support the program.

Question. If the technical conclusions and data from the Stockpile Stewardship Program could no longer confidently support the annual certification of the stockpile as safe, secure, and reliable, what would your recommendation be?

Answer. I understand that a core function of the Nuclear Weapons Council is to provide an annual assessment of the safety, reliability, and military effectiveness of the nuclear stockpile, underpinned by independent assessments of the national security laboratory leaders and the Commander, U.S. Strategic Command. If technical conclusions and data could not support this certification, I would work closely with the laboratory leaders, the Commander, the Members of the Council, and the Secretaries of Defense and Energy to understand the issues and provide the President with a recommendation to remedy.

Question. Major construction efforts are underway at the NNSA laboratories and plants to support the re-establishment of a U.S. plutonium pit production capability at the Los Alamos National Laboratory and the Savannah River Pit Production Facility, as well as the Uranium Processing Facility at the Y-12 Plant to produce uranium components.

Please explain your understanding of each of these construction projects and your views on each relative to statutory and DOD requirements.

Answer. I understand that the NNSA is focused on re-establishing critical production capabilities required to support nuclear stockpile modernization, specifically plutonium and uranium capabilities. I understand that the DOD and Nuclear Weapons Council play an important statutory role in ensuring these capabilities are delivered on the timelines necessary to support the deterrent. If confirmed, I will work the NNSA Administrator on the challenges and requirements associated with these projects.

Question. The Nuclear Weapons Council works with the United Kingdom through what is known as the “U.S. – U.K. Mutual Defense Agreement.”

Please explain your understanding of the importance of this agreement and its effects on DOD policies and programs.

Answer. The United Kingdom remains the most important ally of the U.S., and the “U.S.-UK Mutual Defense Agreement” underpins our relationship vis-&-vis our independent nuclear deterrent forces. If confirmed, I am committed to understanding the facets of the agreement and to continuing to fulfill our obligations in support of the UK.

Question. What are your views on the W93 weapon program?

Answer. I understand that the Congress has approved the W93 as a new program of record in support of the US Navy’s operational requirements. I also understand that this program plays an important role in support of the United Kingdom’s separate but parallel Replacement Warhead Programme. If confirmed, I will prioritize gaining a comprehensive understanding of all programs associated with the modernization of our nuclear stockpile, particularly the W93.

ASSISTANT SECRETARY OF DEFENSE FOR NUCLEAR, CHEMICAL, AND BIOLOGICAL
DEFENSE PROGRAMS

Question. Section 138 of title 10, United States Code, states that the ASD(NCB) may communicate views on issues directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department.

What is your understanding of how this access relates to the placement of the Office of the ASD(NCB) as a subordinate officer to the Under Secretary of Defense for Acquisition and Sustainment, and the role of the USD(A&S) as Chair of the Nuclear Weapons Council?

Answer. I understand that statute requires the ASD(NCB) to advise DOD’s senior-most leaders on the very serious—and very technical—matters pertaining to the programs under the ASD(NCB)’s purview. If confirmed, I am committed to enabling this direct access. Additionally, through the ASD(NCB)’s role as the NWC Staff Director, I am confident that the statutory requirements for the ASD(NCB) and the NWC Chair best enable DOD’s senior leadership to receive timely advice and accurate information on the nuclear enterprise and deterrent.

Question. What is your understanding of why this direct access is necessary?

Answer. My understanding of the need for this direct access to DOD’s senior-most leaders rests in the very technical nature of many issues facing the nuclear stockpile and the continuous collaboration between the ASD(NCB) and the NNSA leadership.

Question. What is your understanding of how this process has functioned in the past?

Answer. It is my understanding that the ASD(NCB) has always had the required access to the Secretary of Defense and Deputy Secretary of Defense on all issues

under its purview, working with the Under Secretary of Defense for Acquisition and Sustainment.

DEFENSE THREAT REDUCTION AGENCY

Question. What is your understanding of the relationship between the Office of the USD(A&S) and the Defense Threat Reduction Agency (DTRA)?

Answer. It is my understanding that DTRA reports to the USD(A&S) through the office of the ASD(NCB).

Question. If confirmed, what would be your priorities for DTRA?

Answer. I expect DTRA to serve as the Department's principal advisor on the relationship between tactical, operational, and strategic CWMD and emerging threats assessments, concepts, gaps, and solutions.

CLIMATE CHANGE

Question. President Biden has declared that climate change is an essential element of national security and foreign policy. Secretary Austin has stated that DOD will include the security implications of climate change in risk analyses, strategy development and planning guidance. If confirmed, you would sit on the Secretary's Climate Working Group and would oversee the Assistant Secretary of Defense for Energy, Installations and Environment. Thus, you would have a major role in implementing the President's vision and the Secretary's guidance.

What is your understanding of the ways that climate change poses a risk to national security and the Department's responsibility to prepare for its impacts?

Answer. It is my understanding the Department has identified climate change as a critical national security issue and threat multiplier. Climate change can amplify operational demands upon the force, degrade installations and infrastructure, increase health risks to Department servicemembers, and require modifications to much of the military's existing and planned equipment. The Department's Climate Adaptation Plan discusses these risks and the Department's strategy to adapt to changing climate, mitigate climate change, and improve climate resilience. If confirmed, I will ensure that the Department works to adapt its operations and infrastructure to improve resilience and support national priorities.

Question. How do you believe the Department should be incorporating climate change into its risk analyses, strategy development, and planning guidance?

Answer. I believe that the Department should be incorporating climate change into all of its processes, including operations, planning activities, business processes, and resource allocation decisions. If confirmed, I will ensure that the Department uses the best available science and actionable information to estimate reasonably foreseeable future conditions facing the Department and the Nation.

Question. How do readiness and budget concerns factor into these assessments?

Answer. In my assessment, climate preparedness is essential to readiness. We cannot be ready if our training ranges and infrastructure are adversely affected. Likewise, our military forces must be agile, flexible and trained and equipped to operate effectively under changing climatic conditions, even in the most extreme cases. If confirmed, I will work to ensure that the Department trains and equips a climate-resilient force.

Question. What steps do you think the Department can feasibly take to leverage its procurement power to accelerate its response to climate-related challenges?

Answer. In my assessment, the Department must increase its awareness of the effects of climate on supply chains, particularly those related to materiel, energy supplies, and transportation acquisition choices. To mitigate climate change, the Department should seek to procure from supply sources that can provide an acceptable product or service that meets the Department's requirements with lower overall net greenhouse gas emissions. For those markets and products where the Department's purchases represent a significant portion of the overall market, the Department should seek to leverage its purchasing requirements to accelerate innovation.

Question. If confirmed, to what extent would you seek to take steps to ensure that the acquisition workforce understands the urgency in addressing the climate crisis?

Answer. I understand from reading the Department's Climate Adaptation Plan, that key to all climate adaptation actions, including acquisitions, is to preserve the Department's operational capability over time and under all conditions. If confirmed, I would focus the acquisition workforce on understanding the long-term implications of any procurement decisions in a world altered by climate change.

Question. If confirmed, how will you ensure that measures taken to address climate change do not create additional risk to the supply chain, particularly with respect to China and Russia?

Answer. A truly resilient supply chain is one that protects against all risks, whether from climate change or from excessive dependency on unreliable, or even hostile countries for key components or critical minerals. I am aware of a range of Government-wide efforts to strengthen the resilience of U.S. supply chains, in response to the Executive Order on Securing America's Supply Chain (EO 14017). If confirmed, I am committed to working with other agencies, Congress, and industry to ensure we can meet the challenges of climate change without creating dependencies on unreliable suppliers.

Question. In a June 2020 report (GAO-20-511) the GAO determined that DOD has not routinely assessed climate-related risks faced by its contractors as part of its acquisition and supply processes, and that current DOD processes in general do not systematically identify and consider climate-related risks to materiel acquisition and supply or the acquisition of weapon systems. The GAO made a number of recommendations that DOD could implement to remedy this deficiency, and all recommendations from this report remain open and unresolved. One of those recommendations was that the USD(A&S) should update, as appropriate, relevant DOD guidance related to acquisition and supply processes to incorporate provisions of DOD Directive 4715.21 pertaining to those processes.

If confirmed, what specific steps would you take to implement that GAO recommendation?

Answer. Climate is a significant influence on national security, and the Department's policies must reflect the need for climate adaptation and mitigation. I am not familiar with the latest status of the Department's response to this GAO report. If confirmed, I will review the Department's approach to acquisition and supply processes related to climate risk and work to provide a full response to GAO and a review of whether DOD guidance should be updated.

Question. In your view, what further steps remain to be taken to address other vulnerabilities related to climate change?

Answer. Given the frequency and intensity with which climate-related global disruptions impact all components of the supply chain, if confirmed, I would take steps to be sure that the Department has fully explored the potential for climate-related financial risk to the materiel acquisition and supply or the acquisition of weapon systems.

MILITARY INSTALLATION RESILIENCE

Question. One of the principal responsibilities of the USD(A&S) is to develop and update policies, programs, and guidance, and oversee compliance within the Department to ensure resilience against the current and projected impacts of extreme weather on military installations—both in the United States and overseas. In the Fiscal Year 2020 NDAA, Congress amended section 2864 of title 10, United States Code, to require that Installation Master Plans include a component addressing the weather resilience of both the installation and of key supporting civilian infrastructure. Notwithstanding Congress' mandate, there does not seem to be any sense of urgency within the Department to comply, even at those installations identified as most vulnerable to impacts of extreme weather.

If confirmed, what steps would you take to increase the pace of the required revisions of Installation Master Plans to include this resilience component?

Answer. It is my understanding that several Unified Facilities Criteria have been updated since 2020 to direct all installations to develop comprehensive installation resilience plans that incorporate climate resilience analysis and ensure mission sustainment over the intended lifespan of their infrastructure and assets.

In addition, I understand each of the Military Department has published a planning handbook or guidebook supporting adaptation planning that supplements the Unified Facilities Criteria. To me, the sense of urgency is apparent in the Department's 2021 report "Highlights and Examples for the Department of Defense Climate Adaptation Plan." This report provides examples of the Department's past successes and ongoing initiatives to address climate change considerations in the Department's plans, strategies, operations, and infrastructure both inside and outside the fence line.

If confirmed, I look for opportunities to increase the pace of these actions and ensure that all plans include a component addressing the resilience of both the installation and of key supporting civilian infrastructure to climate change and extreme weather.

Question. What steps would you take to ensure that this component of such Master Plans addresses both the resilience of the installation and the resilience of the key supporting civilian infrastructure?

Answer. If confirmed, I would make installation resilience a priority and emphasize a comprehensive approach to installation resilience that includes climate change considerations.

Question. DOD has developed and is using a number of tools, such as the Defense Climate Action Tool (DCAT), to assess the vulnerabilities of military installations to the current and projected impacts of an always changing climate.

In your view, are the outcomes of the assessments generated by these tools adequately factored into the development of actions and measures to reduce vulnerabilities of both military installations and of key supporting civilian infrastructure located outside of the installations to an always changing climate?

Answer. While I am not personally familiar with the specific capabilities of the DCAT, it is my position that tools like the DCAT are essential for evaluating the climate exposure to installations, identifying where additional investment in more detailed information are necessary, and for use in prioritizing climate change adaptation actions on and off installations.

Question. In your view, what should be the next steps in the development of these kinds of assessment tools through either R&D, like the Strategic Environmental Research and Development Program and Environmental Security Technology Certification Program, or through existing program authorities, like Readiness and Environmental Protection Integration, Defense Access Roads?

Answer. If confirmed, I would support continued efforts by Department to expand the use of existing R&D and program authorities to improve on existing climate assessment tools and to ensure that such tools are appropriately utilized.

Question. What do you believe is the appropriate role of the Department, as compared to that of other federal and local agencies, in addressing infrastructure needs outside of military installations?

Answer. The Department's readiness and installation resiliency is intrinsically tied to the functioning and responsiveness of local infrastructure. I believe the Department must: 1) work with state and local officials, in varying collaborations with Federal agencies and the private sector, to plan outside-the-fence infrastructure improvements; 2) capitalize on local expertise and experience; 3) promote improvements that are responsive to both the local community's and the Department's needs; and 4) continue to leverage tools, including the Defense Community Infrastructure Program and the Readiness and Environmental Protection Integration Program, that can help facilitate the delivery of mutually-beneficial built and natural infrastructure solutions. If confirmed, I will ensure that the Department remains a leader in promoting infrastructure that supports installation resilience, military value, and military quality of life.

CONGRESSIONAL REPORTING

Question. Selected Acquisition Reports need to be replaced with a modernized reporting requirement that can be tailored to different acquisition strategies and pathways.

If confirmed, what are your suggestions for the format, content, and tailoring of future Congressional reporting on acquisition programs?

Answer. It is my understanding that the long term goal for the Department is to provide automated acquisition program dashboards. The Department is currently building this capability beginning with the Major Capability Acquisition and Middle Tier of Acquisition pathways; other pathways will follow as metrics are developed. OSD CAPE is currently researching improvements to the Selected Acquisition Reports; however, legally required content in Selected Acquisition Reports remains the same for at least the next two years. If confirmed, I will review these plans and make adjustments as appropriate.

Question. The Nunn-McCurdy process, as established by section 2433 of title 10, United States Code, has not been revisited since Congress and the Department began implementing significant acquisition reforms five years ago.

Given recent acquisition reforms, do you believe the Nunn-McCurdy process is still an appropriate and effective mechanism for reporting to Congress on troubled acquisition programs? Please explain.

Answer. The Nunn-McCurdy process remains a significant metric and an important process for Major Defense Acquisition Program reporting and accountability. If confirmed, I will review the process and recommend changes as appropriate.

Question. Do you perceive a need for changes to the Nunn-McCurdy process, such as expanding its scope beyond major defense acquisition programs or adjusting the thresholds for significant and critical breaches?

Answer. I believe the thresholds for significant and critical breaches are appropriate and do not think a change is needed. If confirmed, I will review the process and determine if any changes might be appropriate.

Question. If confirmed, what principles would guide your thinking on whether to recommend terminating a program that has experienced significant or critical cost growth under Nunn-McCurdy?

Answer. If confirmed, I will use the principals of the Nunn-McCurdy law itself along with data driven analyses to inform my recommendation. Decisions have to be informed based on balancing the need for the warfighter capability against further cost growth issues. Programs that experience significant or critical cost breaches must present a credible plan to meet performance requirements at acceptable cost levels.

SEXUAL HARASSMENT

Question. In responding to the 2018 DOD Civilian Employee Workplace and Gender Relations survey, approximately 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.

What is your assessment of the current climate regarding sexual harassment and gender discrimination in the Office of the USD(A&S)?

Answer. I believe that any organization must have zero tolerance for sexual harassment or gender discrimination, and I understand that the Office of the USD(A&S) is aligned with the Secretary Austin’s and Deputy Secretary Hicks’ emphasis on eliminating sexual harassment and gender discrimination. I fully support these priorities and, if confirmed, will ensure that all employees are treated with equity and respect.

Question. In your view, is the civilian workforce harassment prevention and response training for civilian employees in the Office of the USD(A&S) adequate and effective?

Answer. If confirmed, I will evaluate the effectiveness of OUSD (A&S) training and response efforts to maintain a work environment free of harassment, work with subject matter experts to review programs and policies for responding to incidents and complaints, and enhance them as appropriate. Reporting these crimes and, subsequently, victim care.

Question. In your view, does the Office of the USD(A&S) program for response to complaints of harassment or discrimination provide appropriate care and services to civilian employee victims?

Answer. If confirmed, I will review recent command climate surveys, work with OUSD(A&S) senior leaders to address any concerns raised in those surveys, ensure appropriate care is provided to victims, and resource outreach programs and educational material to get the message to the workforce that harassment and discrimination among our workforce will not be tolerated.

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 Office of the USD(A&S)?

Answer. I believe that any organization must have zero tolerance for sexual harassment or gender discrimination. If I am confirmed and I receive a complaint from an employee, I would take immediate action to ensure that their complaint is appropriately investigated and addressed. I would ensure that this employee is treated fairly and with respect throughout this process.

RELATIONS WITH CONGRESS

Question. What are your views on the state of the relationship between the Office of the USD(A&S) and the Senate Armed Services Committee in particular, and with Congress in general?

Answer. My priority will be ensuring that OUSD(A&S) has a strong relationship with all of the congressional defense committees, including the SASC. If confirmed, I will continue to emphasize regular engagement, and consult with committee professional staff members and the Department’s legislative affairs professionals to understand their views of the state of the relationship and where improvements can be made.

Question. If confirmed, what actions would you take to sustain a productive and mutually beneficial relationship between Congress and the Office of the USD(A&S)?

Answer. I believe that frequent, honest, and transparent communication is the foundation to any relationship. If confirmed, I will strive to maintain an open dia-

logue with the congressional defense committees and ensure that I and my staff are available to engage with Members and staff as appropriate.

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 the following 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 the following 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 the following 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 the following 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 the following 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 the following 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 the following with a simple yes or no.

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JEANNE SHAHEEN

PFAS

1. Senator SHAHEEN. Dr. LaPlante, as you may know, the grounds of the former Pease Air Force Base in New Hampshire were contaminated from years of using fluorinated firefighting foam, also referred to as AFFF. The impact of that contamination not only on the firefighters but also the surrounding community has been life altering. We now have state-of-the-art water treatment in the area to provide safe drinking water, but it has been a long road for the community. How will the Department of Defense (DOD) improve communications and engagement with DOD communities?

Dr. LAPLANTE. The Department must be transparent in its efforts to address PFAS. If confirmed, I will require the Department to share information and data regularly and through a variety a means, including direct public outreach.

2. Senator SHAHEEN. Dr. LaPlante, in the Fiscal Year 2020 National Defense Authorization Act (NDAA), I secured language that required the development of a PFAS [per-and polyfluoroalkyl substances]-free firefighting foam and the retirement of AFFF foam. Unfortunately, according to a March 2020 PFAS Task Force report, the Department had not yet found a PFAS free firefighting foam that met military standards. If confirmed, will you commit that DOD will meet the NDAA deadline to end the use of PFAS in firefighting foam and will you commit to ensuring proper and responsible disposal of legacy foam?

Dr. LAPLANTE. I understand the Department is committed to finding a PFAS-free alternative to AFFF. If confirmed, I will ensure the Department continues aggressively pursuing PFAS-free firefighting alternatives, as it works to meet the Fiscal Year 2020 National Defense Authorization Act (NDAA) deadlines. I will also ensure that DOD disposes of legacy foam in accordance with all applicable laws and regulations.

3. Senator SHAHEEN. Dr. LaPlante, the Fiscal Year 2022 National Defense Authorization Act contained a historic increase in funding for PFAS testing and remediation. It is my hope that we will finally see an appropriations agreement in the coming weeks that provides the funding to follow through on these initiatives. If confirmed, how will you ensure that those funds are used effectively and efficiently to assist the many defense communities impacted by PFAS?

Dr. LAPLANTE. If confirmed, I will work to ensure that all PFAS clean up funds provided to the Department are used in the most effective, timely, and transparent manner possible. To do this, I will commit to applying the best available science, data, and technology to address highest risks first, in defense communities impacted with PFAS.

4. Senator SHAHEEN. Dr. LaPlante, DOD has previously testified that the agency would release its study of the human health impacts of PFAS by the end of 2021. If confirmed, will you commit to release the report?

Dr. LAPLANTE. Yes, if confirmed I will work with the Office of the Undersecretary of Defense for Personnel and Readiness to ensure this report is completed and released.

5. Senator SHAHEEN. Dr. LaPlante, the Fiscal Year 2022 NDAA requires DOD to produce a progress report on the 50 sites with the most PFAS contamination. DOD has already missed the deadline for this report. When will DOD release its report on the 50 most contaminated sites?

Dr. LAPLANTE. The Department must share information about our installations impacted with PFAS in a timely manner. If confirmed, I will look into the status of the progress report and ensure it is provided.

6. Senator SHAHEEN. Dr. LaPlante, the Fiscal Year 2022 NDAA requires DOD to test the groundwater of all DOD installations by the end of 2023 for PFAS contamination. If confirmed, will you commit that DOD will meet this NDAA deadline to test groundwater at all DOD installations?

Dr. LAPLANTE. The Department must be committed to addressing its PFAS releases. If confirmed, I will ensure the Department works expeditiously to meet all PFAS-related NDAA deadlines, including those in Section 341 of the Fiscal Year 2022 NDAA.

7. Senator SHAHEEN. Dr. LaPlante, do you commit to sharing the test results with nearby communities?

Dr. LAPLANTE. Yes.

8. Senator SHAHEEN. Dr. LaPlante, the Fiscal Year 2022 NDAA requires DOD to produce a schedule for PFAS cleanup efforts by October. If confirmed, will you commit that DOD will meet this NDAA deadline to produce a schedule for PFAS clean-ups?

Dr. LAPLANTE. The Department must be transparent in its efforts to address PFAS, including providing information about its cleanup progress. If confirmed, I will ensure the Department works expeditiously to meet all NDAA deadlines, including this reporting requirement.

9. Senator SHAHEEN. Dr. LaPlante, the President recently issued an executive order directing Federal agencies to buy products that are made without PFAS. If confirmed, how will you comply with this executive order?

Dr. LAPLANTE. If confirmed, I will work expeditiously to comply with this executive order, to include working with my staff to understand how the Department and other Federal agencies are able to determine the PFAS content of purchased available products.

10. Senator SHAHEEN. Dr. LaPlante, what steps will you take to ensure that DOD takes an enterprise-wide approach to PFAS, as recommended by DOD's Inspector General?

Dr. LAPLANTE. An enterprise-wide approach is critical to ensuring that efforts are coordinated and resources are properly prioritized. If confirmed, I will oversee the DOD PFAS Task Force and ensure the Department takes an enterprise-wide approach to PFAS.

11. Senator SHAHEEN. Dr. LaPlante, will you commit to public reporting on the purchase of items made without PFAS?

Dr. LAPLANTE. If confirmed, I will look into opportunities for public reporting as the Department works to implement Section 333 of the Fiscal Year 2021 NDAA, concerning the purchase of PFAS-free products.

INSTALLATIONS

12. Senator SHAHEEN. Dr. LaPlante, how do you view tools like energy savings performance contracts to boost energy efficiency at installations?

Dr. LAPLANTE. It is my understanding that the Department has the largest performance contracting portfolio in the federal government and that it uses performance contracting to increase installation energy resilience by enhancing energy efficiency, reducing energy demand, and improving energy production. If confirmed, I will work to ensure that DOD continues to use these contracts where they enhance DOD mission readiness, mission assurance, and ultimately DOD's warfighting capability.

13. Senator SHAHEEN. Dr. LaPlante, what steps should DOD take to make our installations more resilient to the potential impacts of climate change and extreme weather?

Dr. LAPLANTE. DOD is already feeling the effects of climate change: more extreme heat, more heavy precipitation, increased drought, rising sea levels, and more. If confirmed, I will continue the Department's efforts to make its installations and equipment more resilient to the impacts of climate change and extreme weather, to include identifying and deploying appropriate climate adaptation and risk reduction methods and technologies.

SMALL BUSINESS INNOVATION RESEARCH AND SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAMS

14. Senator SHAHEEN. Dr. LaPlante, in your nomination hearing, you talked about the importance of leveraging small businesses to grow and strengthen the defense industrial base. The Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs are critical programs supporting that effort, providing \$2 billion in defense funding for early-stage research and development (R&D) funding to small businesses. According to a 2018 report on national economic impact, the DOD SBIR and STTR programs have achieved a 22-to-1 return on investment in small business R&D over the last 23 years and generated \$347 billion in total economic output nationwide.

Dr. LAPLANTE. As you know, SBIR and STTR represent merit-based contracting vehicles that provide important research and next-generation technology to DOD. A small business recently won a Navy contract worth \$300 million to update Mk 54 light torpedoes using technology originally developed through SBIR, and the Air Force's SBIR program has been credited with saving the F-35 Joint Strike Fighter program over \$500 million.

SBIR and STTR are set to expire on September 30, 2022. What, in your view, would be the impact to the small business defense industrial base, and to the DOD's innovative ecosystem if these programs were to lapse?

From my past experience, any lapse in the SBIR and STTR programs would cause the Department to lose a key tool needed for innovation and cost savings and to support small businesses, which may not otherwise be able to provide those capabilities to the force. If confirmed, I will work with the Under Secretary of Defense for Research and Engineering, who oversees the SBIR and STTR programs, to ensure that this critical piece of the DOD innovation ecosystem remains a valued part of the Department.

15. Senator SHAHEEN. Dr. LaPlante, there have been some suggestions that Congress should put a cap on the number of SBIR/STTR awards that DOD can give to a particular company per year. How would such proposals impact the DOD's ability to fund the best research and technology?

Dr. LAPLANTE. SBIR and STTR are critical tools to develop and field new and innovative capabilities. If confirmed, I will work with the Under Secretary of Defense for Research and Engineering to understand the impact of these proposals on the Department's ability to leverage these programs to transition emerging technologies to fielded systems

QUESTIONS SUBMITTED BY SENATOR MAZIE K. HIRONO

QUESTION ON NOMINEES' FITNESS TO SERVE

16. Senator HIRONO. Dr. LaPlante, 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?

Dr. LAPLANTE. No.

17. Senator HIRONO. Dr. LaPlante, have you ever faced discipline, or entered into a settlement related to this kind of conduct?

Dr. LAPLANTE. No.

ACQUISITION REFORM IN DEPARTMENT OF DEFENSE

18. Senator HIRONO. Dr. LaPlante, during the acquisitions process, there is a disconnect between what the combatant commanders (COCOMS) identify as a need and what the Services procure. Last year, I supported a pilot program within the Strategic Capabilities Office focused on closing significant capabilities gaps through an alternative process to try to address this exact issue. If confirmed, in what ways will you support efforts like this pilot program to move more acquisition authority to combatant commands?

Dr. LAPLANTE. If confirmed, I will work with Joint Staff and the Services to better understand the connection between how the COCOMs identify needs and how those requirements are provided to the acquisition community. As part of that review, I will look for opportunities to improve the process as appropriate, to include the potential for providing more acquisition authority to the combatant commands.

I also look forward to understanding the Strategic Capabilities Office pilot program and how that program compares to recommendations I made as part of the Section 809 panel.

19. Senator HIRONO. Dr. LaPlante, do you have other recommendations on how we can improve the ability for COCOMs to acquire the tools they operationally need in a timelier manner?

Dr. LAPLANTE. If confirmed, I will work with the COCOMs, Joint Staff, and the Services to understand the process for turning COCOM operational needs into capability in a timelier manner. Based on the recommendations from my time on the Section 809 panel, I will review the Joint Capabilities Integration and Development System (JCIDS), the Defense Acquisition System and the Planning, Programming, Budgeting, and Execution (PPBE) system to understand how we can better align those processes to quickly provide capability to the Warfighter. Section 804 mid-tier acquisition authorities also offer a means to streamlining the upfront requirements process to speed acquisition. If confirmed I intend to assess the use of these authorities and their effectiveness in speeding delivery to the warfighter.

20. Senator HIRONO. Dr. LaPlante, if confirmed, how will you be involved in the commission directed by last year's National Defense Authorization Act (NDAA) to examine the Department's outdated planning, programming, budgeting, and execution (PPBE) process, in order to outline the different shortcomings of the system and inject agility and responsiveness into the system?

Dr. LAPLANTE. If confirmed, I will work through Department representation to provide my views to the PPBE commission on how to improve the PPBE process.

21. Senator HIRONO. Dr. LaPlante, if confirmed, how will you ensure that the Department is leveraging the utility and innovation provided by U.S. small businesses in augmenting the Defense Industrial Base?

Dr. LAPLANTE. If confirmed, I will work to ensure that the Department maximizes the capabilities of small businesses as part of the Defense Industrial Base.

Leveraging our small businesses will reduce barriers to participation, facilitate transition of innovation to fielded or developing programs, and support continued participation in defense procurement. If confirmed, I will work with the Under Secretary of Defense for Research and Engineering to accomplish those goals.

QUESTIONS SUBMITTED BY SENATOR ELIZABETH WARREN

POST-EMPLOYMENT RESTRICTIONS

22. Senator WARREN. Dr. LaPlante, I have introduced legislation and called for new laws to prevent contractors from hiring senior government officials who leave Federal service for a period of years to help improve public trust in our leaders. This is particularly important for someone in the Pentagon's top acquisition role. If confirmed, do you pledge not to seek employment or compensation, including as a result of board service, from any major defense contractor for 4 years?

Dr. LAPLANTE. I have promised to abide by the extensive post-government employment ethics rules required by Federal law and the Biden administration, just as I have complied with the applicable ethics rules throughout my career in public service and private industry. These statutory and Administration provisions set forth comprehensive restrictions relating to acceptance of compensation from defense contractors, as well as communicating back to the Federal Government on behalf of any future employers and clients. I believe that these existing rules are appropriate and sufficient to protect the public interest. If confirmed, I will carry out the responsibilities of the Under Secretary of Defense for Acquisition and Sustainment honorably and will fully comply with all applicable post-government employment restrictions, as I have done during previous transitions from public service to the private sector.

POST-EMPLOYMENT LOBBYING

23. Senator WARREN. Dr. LaPlante, do you also pledge not to engage in lobbying activities or behind-the-scenes lobbying activities on behalf of a major defense contractor for 4 years after you leave public service?

Dr. LAPLANTE. I have promised to abide by the extensive post-government employment ethics rules required by Federal law and the Biden administration, just as I have complied with the applicable ethics rules throughout my career in public service and private industry. These statutory and Administration provisions set forth comprehensive restrictions relating to communicating back to the Federal Government on behalf of any future employer, as well as behind-the-scenes lobbying activities on behalf of any future employer. I believe that these existing rules are appropriate and sufficient to protect the public interest. If confirmed, I will carry out the responsibilities of the Under Secretary of Defense for Acquisition and Sustainment honorably and will fully comply with all applicable post-government employment restrictions, as I have done during previous transitions from public service to the private sector.

QUESTIONS SUBMITTED BY SENATOR MARK KELLY

PFAS

24. Senator KELLY. Dr. LaPlante, in Arizona, groundwater is the secondary source of drinking water for many communities. With worsening drought conditions on the Colorado River, groundwater may become a primary source of drinking water for more Arizona communities. The Fiscal Year 2022 National Defense Authorization Act (NDAA) requires the Department of Defense (DOD) to produce a schedule for PFAS cleanup efforts by October of this year. How will that schedule account for the unique needs of communities which are experiencing prolonged drought conditions?

Dr. LAPLANTE. If confirmed, I will work with my staff to understand how drought communities are prioritized under the federal cleanup law.

25. Senator KELLY. Dr. LaPlante, the Fiscal Year 2022 NDAA requires DOD to test the groundwater of all DOD installations by the end of 2023 for PFAS contamination. If confirmed, will you commit that DOD will meet this NDAA deadline to test groundwater at all DOD installations?

Dr. LAPLANTE. The Department must be committed to addressing its PFAS releases. If confirmed, I will ensure the Department works expeditiously to meet all

PFAS-related NDAA deadlines, including those in Section 341 of the Fiscal Year 2022 NDAA.

26. Senator KELLY. Dr. LaPlante, will you commit to ensuring that communities experiencing drought conditions are prioritized when completing groundwater testing?

Dr. LAPLANTE. If confirmed, I will work with my staff to understand how drought communities are prioritized under the federal cleanup law.

27. Senator KELLY. Dr. LaPlante, what are your thoughts on how the Department can improve engagement and communication with communities experiencing prolonged drought conditions?

Dr. LAPLANTE. If confirmed, I will ensure the Department continues its efforts to expand PFAS-related public outreach, including to communities experiencing prolonged drought conditions.

QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

CONTRACT FINANCE

28. Senator INHOFE. Dr. LaPlante, one of the major efforts now underway within the Acquisition and Sustainment organization is a study of DOD's contract finance practices. This is a matter of great importance to industry, since cash flow and flexibility drives innovation, supports the proper management of the workforce, underpins capital investment, and attracts investment from the securities markets. If confirmed, can you assure us that industry will have an opportunity to help frame the scope of this study, and that industry perspectives will be considered as DOD determines how contract financing can best be used to strengthen the defense industrial base?

Dr. LAPLANTE. Yes, if confirmed I will engage industry for data and other inputs to inform potential policy recommendations related to the work of this study.

INFLATION

29. Senator INHOFE. Dr. LaPlante, inflation is now a significant factor across the U.S. economy, including in the aerospace and defense supply chain; this increases risk. What are your views regarding how the Government and industry can appropriately share the risk posed by inflation in defense contracts?

Dr. LAPLANTE. I believe the Government must thoughtfully weigh how it shares risk in all contracts. One potential method of addressing risk with inflation is through the use of Economic Price Adjustment (EPA) clauses. If confirmed, I will ask DOD program managers and contracting officers to consider this tool and use it if appropriate.

30. Senator INHOFE. Dr. LaPlante, today's acquisition workforce has very little experience managing inflation in the contracting process, and lacks guidance and authority to use available tools to appropriately share risk with industry. If confirmed, what steps will you take to you sure that contracting officers have the authority, tools, and encouragement to properly manage inflation?

Dr. LAPLANTE. If confirmed, I will ensure our acquisition professionals have the guidance, authority, and tools to appropriately manage risk of inflation. I will lead cross-sharing of information amongst the Service Acquisition Executives, driving a consistent approach across the Department to appropriately share risk with industry.

QUESTIONS SUBMITTED BY SENATOR THOM TILLIS

NATIONAL SECURITY SUPPLY CHAIN ISSUES

31. Senator TILLIS. Dr. LaPlante, what are the short- and long-term national security concerns that stem from foreign adversaries having control of mineral supply chains and processing/production capabilities that create alloys and metals for the aerospace and defense industry?

Dr. LAPLANTE. Reliance on overseas localities for vital minerals and materials exposes essential civilian and military supply chains to short and long-term risks with regards to material availability and price volatility. In the long-term, this geographic concentration may result in the U.S. not having access to the quantities of minerals and materials required for aerospace and defense industries.

32. Senator TILLIS. Dr. LaPlante, what steps is the Department of Defense taking to secure the national security supply chain with respect to minerals and production crucial to the aerospace and defense industry?

Dr. LAPLANTE. My understanding is that the Department of Defense is taking active steps to mitigate supply chain risk for critical materials. This includes investment through the Defense Production Act and Industrial Base Analysis and Sustainment programs and acquisitions by the National Defense Stockpile program. If confirmed, I look forward to expanding on these efforts to further strengthen our access to strategic and critical materials.

33. Senator TILLIS. Dr. LaPlante, given that China controls roughly 85 percent of the world's tantalum metal supply, what steps has the Department of Defense taken to increase the domestic processing of tantalite and the resulting tantalum metal supply?

Dr. LAPLANTE. It is my understanding that the Department of Defense is prohibited from purchasing tantalum metal from the People's Republic of China pursuant to 10 U.S.C. 4871. If confirmed, I will continue to uphold this requirement to source sensitive materials from allies and partners. I will continue to look at options to increase the domestic resiliency of the tantalum supply chain, as well as other strategic and critical material supply chains.

34. Senator TILLIS. Dr. LaPlante, what incentives and assistance is the Department of Defense offering industrial stakeholders to develop domestic solutions to national security supply chain issues?

Dr. LAPLANTE. Supply chain resilience is not just a whole-of-government requirement, but is a whole-of-economy one that is only possible through close and continuing collaboration with our industry partners. As I understand it, DOD invests significant funding in U.S. suppliers to build out production and manufacturing capacity, as well as to develop the workforce needed to sustain and grow these capabilities. Beyond investments, I believe the DOD can also work more collaboratively with industry, making it easier and more appealing for industrial stakeholders to develop solutions to defense supply chain challenges. If confirmed, I look forward to working with the Department to work more collaboratively with industry.

BODY ARMOR

35. Senator TILLIS. Dr. LaPlante, Congress has repeatedly expressed concern with the weight and fit of body armor. The Committee wrote in the report to accompany the Fiscal Year 2022 National Defense Authorization Act that "... ill-fitting personal protective equipment is a leading cause of injury among female servicemembers, which anthropomorphic design and prototyping of such equipment can help address." The same report also included the following: "The committee notes that using a Warm Isostatic Press (WIP), vice uni-axial presses currently in use, may have the potential to reduce the weight of body armor by nearly 30 percent at the same ballistic protection level and permit manufacture of compound body armor shapes for differing human profiles. The Report directed that the Secretary of the Army to "conduct an assessment of the utility and potential strategy for establishing a domestic WIP capability for the purpose of producing lighter weight, higher protection, lower profile body armor and lightweight aviation armor components." The Report required a briefing to the Committee by March 1, 2022. The briefing has not yet occurred.

Dr. LAPLANTE. If you are confirmed will you make development of better fitting personal protective equipment, particularly body armor, a priority?

Our troops must have the right equipment to be effective on the battlefield, including properly-fitting personal protective equipment. If confirmed, I will work with the Army to ensure that development of suitable personal protective equipment is prioritized.

36. Senator TILLIS. Dr. LaPlante, will you also look at the domestic industrial base and determine if industry has the equipment including warm isostatic press to manufacture the lightest and best fitting body armor?

Dr. LAPLANTE. If confirmed, I will work with the appropriate elements of industry to review manufacturing processes for body armor and look for opportunities to improve them.

37. Senator TILLIS. Dr. LaPlante, in the last several years, the body armor industrial base has greatly contracted, with many of the largest companies exiting the military body armor business entirely. The hard body armor industrial base has

been adversely impacted by acquisition plans that do not provide a predictable flow of orders. The problem is exacerbated by the Defense Logistics Agency reliance on “full-opportunity to compete” which is a euphemism for “lowest price technically acceptable” (LPTA) contracting.

Dr. LAPLANTE. As an example of the uneven flow of orders, the contracts for the Army’s Vital Torso Protection (VTP) are scheduled to end in March of 2023. The Army has not yet released the follow-on contract. Since historically it has taken at least 20 months from release of a request for proposal to acceptance of a first article, industry is once again looking at a break in production. The impact of the starts and stops is not just on the prime contractors but also on the supply chain where in some cases there is only one or two remaining suppliers.

The Committee expressed concern that the Department of Defense is using “fair-opportunity to compete” procurements to circumvent the restriction on the use of LPTA contracting for body armor in Senate Report 117–39, the report to accompany the Fiscal Year 2022 National Defense Authorization Act. The report required a briefing by the Under Secretary of Defense for Acquisition and Sustainment to the Committee by January 31, 2022. The briefing has not yet occurred.

Do you agree that the Department of Defense needs to coordinate the acquisition planning for body armor so that the industrial base does not go through rapid contractions and expansions and programs lapse only to restart in a year?

I agree that the industrial base needs less variability and more predictability in ordering patterns to maintain a “warm” base, particularly in our most fragile supply chains. If confirmed, I will work to ensure that the Department takes steps to alleviate and lessen the impacts of fluctuations in demand on such vendors, specifically by specifying methods and processes to track and reduce fluctuations in demand and implementing policies to encourage predictable demand requirements.

38. Senator TILLIS. Dr. LaPlante, do you agree that items such as body armor, where a failure could result in the loss of life, should not be purchased using LPTA contracting?

Dr. LAPLANTE. Yes, I agree.

39. Senator TILLIS. Dr. LaPlante, upon confirmation will you get back with me on both issues as well as ensure that the overdue briefing is provided to the Committee?

Dr. LAPLANTE. Yes, if confirmed, I will review these issues with subject matter experts in A&S and the Army to ensure these briefings are provided and provide any follow-up to you.

PFAS

40. Senator TILLIS. Dr. LaPlante, the Fiscal Year 2022 NDAA requires DOD to produce a progress report on the 50 sites with the most PFAS [per-and polyfluoroalkyl substances] contamination. DOD has already missed the deadline for this report. When will DOD release its report on the 50 most contaminated sites?

Dr. LAPLANTE. The Department must share information about our installations impacted with PFAS in a timely manner. If confirmed, I will look into the status of the report and ensure it is provided and released.

41. Senator TILLIS. Dr. LaPlante, the Fiscal Year 2022 NDAA requires DOD to test the groundwater of all DOD installations by the end of 2023 for PFAS contamination. If confirmed, will you commit that DOD will meet this NDAA deadline to test groundwater at all DOD installations?

Dr. LAPLANTE. The Department must be committed to addressing its PFAS releases. If confirmed, I will ensure the Department works expeditiously to meet all PFAS-related NDAA deadlines, including those in Section 341 of the Fiscal Year 2022 NDAA.

42. Senator TILLIS. Dr. LaPlante, do you commit to sharing the test results with nearby communities?

Dr. LAPLANTE. Yes.

43. Senator TILLIS. Dr. LaPlante, the Fiscal Year 2022 NDAA requires DOD to produce a schedule for PFAS cleanup efforts by October. If confirmed, will you commit that DOD will meet this NDAA deadline to produce a schedule for PFAS clean-ups?

Dr. LAPLANTE. The Department must be transparent in its efforts to address PFAS, including providing information about its cleanup progress. If confirmed, I

will ensure the Department works expeditiously to meet all NDAA deadlines, including this reporting requirement.

44. Senator TILLIS. Dr. LaPlante, DOD has previously testified that the agency would release its study of the human health impacts of PFAS by the end of 2021. If confirmed, will you commit to release the report?

Dr. LAPLANTE. Yes, if confirmed I will work with the Office of the Undersecretary of Defense for Personnel and Readiness to ensure this report is completed and released.

QUESTIONS SUBMITTED BY SENATOR DAN SULLIVAN

SIZE OF U.S. NAVY

45. Senator SULLIVAN. Dr. LaPlante, how would you balance the need to implement new technology and platforms for a future fight with the necessity for combat power today?

Dr. LAPLANTE. If confirmed, I will work with my staff to understand the impact of the Adaptive Acquisition Framework pathways on how we can balance the need to provide capability and warfighting readiness today while working in the longer term to accelerate new innovations to the warfighter.

QUESTIONS SUBMITTED BY SENATOR MARSHA BLACKBURN

ACQUISITION AND SUSTAINMENT

46. Senator BLACKBURN. Dr. LaPlante, if confirmed, how would you prioritize the delivery of emerging technologies and warfighting capabilities during periods of continuing resolutions?

Dr. LAPLANTE. I am aware that continuing resolutions have significant effects on the acquisition system, delaying contracts and limiting work on emerging technologies. If confirmed, I will work with the Service Acquisition Executives to understand the impact of continuing resolutions on their delivery of capabilities.

47. Senator BLACKBURN. Dr. LaPlante, if confirmed, what innovative approaches will you take to bolster cooperation with international partners?

Dr. LAPLANTE. I believe that working with Allies and Partners is the key to achieving integrated deterrence and retaining our technological edge over our strategic competitors. If confirmed, I will engage frequently with Allies and Partners to identify multilateral and bilateral cooperation on emerging technologies, supply chain matters, and interoperability.

48. Senator BLACKBURN. Dr. LaPlante, if confirmed, how do you plan to balance priorities outlined in President Biden's Executive Order 14008 on Tackling the Climate Crisis at Home with the priorities of strategic capabilities and integrated deterrence?

Dr. LAPLANTE. In my view, the Administration's climate agenda and the Department's warfighting agenda are in alignment. The President's priorities of clean energy and energy efficiency are essential actions required to build the energy resilience of DOD's installations and operational forces. DOD is the largest energy consumer in the world—we need to address energy resilience and affordability with urgency, to make the Joint Force more resilient while also addressing climate change. If confirmed, I recognize that one of my most significant challenges will be to maintain and build strategic capabilities and integrated deterrence, and I will balance sustainability and climate priorities with mission requirements to meet national security concerns as well as Executive Order 14008 requirements.

49. Senator BLACKBURN. Dr. LaPlante, what is your understanding of Executive Order 14008 and its role in strengthening cooperation with international partners?

Dr. LAPLANTE. Executive Order 14008 makes it clear that climate change is a destabilizing force across the world, which is creating new impacts to the operational environment. It is clear to me the Department must work within the whole-of-government, and in coordination with allies and partners to address the impacts of climate change across the DOD mission space. Given the current trajectory, the demands and impact of climate change emphasized in EO 14008 will only increase, requiring our allies and partners to confront instability in societies strained by

drought and the resulting water and food insecurity, new challenges in places like the Arctic, and demands for humanitarian assistance worldwide.

Collaboration is critical to achieve meaningful progress on climate adaptation, mitigation, and DOD resilience. I am aware that OUSD(Policy) plays a major role in continued cooperation with our allies and partners around the security implications of climate change. If confirmed, I will diligently collaborate with OUSD(Policy) on climate change priorities to strengthen cooperation with international partners.

QUESTIONS SUBMITTED BY SENATOR JOSH HAWLEY

CHINESE PRINTED CIRCUIT BOARDS

50. Senator HAWLEY. Dr. LaPlante, last year's NDAA included my "Strengthening Protections Against Chinese Printed Circuit Boards Act", which requires DOD to phase out and ultimately end the use of Chinese printed circuit boards in our critical defense systems. Do I have your commitment to ensure the timely and effective implementation of this requirement, if you're confirmed?

Dr. LAPLANTE. Yes. If confirmed, I will work with the Department's leadership and my colleagues for the timely and effective implementation of this requirement.

CHINESE THREAT TO TAIWAN

51. Senator HAWLEY. Dr. LaPlante, former commander of U.S. Indo-Pacific Command, Admiral Philip Davidson, testified that China may try to invade Taiwan in the late 2020s. The current commander of U.S. Indo-Pacific Command has also testified that China may seek to invade Taiwan much sooner than is often anticipated. Other officials have testified further that they agree with these warnings, including Deputy Under Secretary of Defense for Policy Sasha Baker. Do you agree that the threat of a Chinese invasion of Taiwan is something we need to be worried about in this decade, not just in the 2030s or afterward?

Dr. LAPLANTE. Yes. China is our pacing threat, and the Department must be postured and resourced to deter or defeat Chinese aggression now and in the future, including any threats toward Taiwan.

CRITICAL MUNITIONS

52. Senator HAWLEY. Dr. LaPlante, the RAND Corporation and others have argued that the United States is short on—and needs to quickly grow its stockpiles of—many of the critical munitions we would need to defeat a Chinese invasion against Taiwan, including Long-Range Anti-Ship Missiles. Do you commit, if you are confirmed, to prioritizing rapid acquisition of these kinds of critical munitions—particularly Long-Range Anti-Ship Missiles—given how important they are for deterring China?

Dr. LAPLANTE. These munitions are critically important to the China scenarios. If confirmed, I will work with the Joint Staff, Director of Cost Assessment and Program Evaluation, and the Services to understand the current state of our critical munitions inventory and how we can accelerate acquisition of these weapons.

DEFENSE INDUSTRIAL BASE

53. Senator HAWLEY. Dr. LaPlante, how has consolidation in the defense industrial base, including the U.S. technology sector, impacted the Department's ability to promote industrial innovation and secure the capabilities it needs in a timely and cost-effective manner?

Dr. LAPLANTE. Competition improves cost and performance and fosters greater innovation for the products and services needed to support national defense. When consolidation weakens competition, it reduces pressures and incentives on firms to innovate to outpace their competitors and results in higher costs to taxpayers. The Department relies on the benefits of competition, especially in the U.S. technology sector, to maintain its edge over near peer competitors, including with speed to fielding. A vibrant, diverse defense and technical innovation base is critical to DOD's success.

54. Senator HAWLEY. Dr. LaPlante, what do you think DOD needs to do in order to push back on this kind of consolidation?

Dr. LAPLANTE. If confirmed, I would work in close cooperation with the Department of Justice and the Federal Trade Commission to ensure that the antitrust agencies are aware of any risks that a merger among U.S. defense suppliers may pose to our national security as a result of reduced competition in the industrial

base. Further, if confirmed I would commit to continue collaborating with Congressional leaders and our government partners to explore new ways to guard against excessive consolidation in the defense industrial base.

[The nomination reference of Honorable William A. LaPlante, Jr. follows:]

NOMINATION REFERENCE AND REPORT

PN1780

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
February 28, 2022.

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

William A. LaPlante, Jr., of Massachusetts, to be Under Secretary of Defense for Acquisition and Sustainment, vice Ellen M. Lord.

_____, 2022.
(Date)

Reported by Mr. Reed _____
(Signature)

with the recommendation that the nomination be confirmed.

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

[The biographical sketch of Honorable William A. LaPlante, Jr., which was transmitted to the Committee at the time the nomination was referred, follows:]

William A. LaPlante, Jr.**Education:**

- University of Illinois at Urbana-Champaign
 - 1981-1985
 - BS – Engineering Physics
- Johns Hopkins University
 - 1986-1988
 - MS – Applied Physics
- Catholic University of America
 - 1992-1998
 - Ph.D – Mechanical Engineering

Employment Record:

- Johns Hopkins University Applied Physics Laboratory
 - Physicist – Department Head, Global Engagement
 - August 1985 – April 2011
- Catholic University of America
 - Lecturer
 - January 1999 – April 2013 – intermittent semesters
- United States Air Force
 - Assistant Secretary of the Air Force (Acquisition, Technology and Logistics)
 - Principal Deputy Assistant Secretary of the Air Force (Acquisition)
 - May 2013 - November 2015
- MITRE Corporation
 - Senior Vice President for National Security, Vice President for Intelligence Programs, Executive Director, Missile Defense
 - May 2011 – May 2013; December 2015- September 2020
- Charles Stark Draper Laboratory
 - President and CEO
 - October 2020 – present
- Arka GP, LLC –formerly Amergint Topco GP, LLC
 - Member, Board of Managers
 - August, 2020 – present

- The Aerospace Corporation
 - Member, Board of Trustees
 - September 2021 - present

Honors and Awards:

- Decoration for Exceptional Civilian Service, Department of the Air Force – 2015
- General James B. Doolittle Award for Contribution to U.S. Air Force, - Massachusetts Institute of Technology (MIT) – 2016
- Stuart Symington Award for Most Significant Contribution by a Civilian for National Defense – Air Force Association – 2015

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Honorable William A. LaPlante, Jr. 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):**

William A. LaPlante, Jr.

2. **Position to which nominated:**

Under Secretary of Defense for Acquisition and Sustainment

3. **Date of nomination:**

28 February 2022

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):

- a. Buffalo Grove High School, Secondary School, 1977-1981, High School Diploma, 1981
 - b. University of Illinois Urbana-Champaign, College, 1981-1985, B.S. Engineering Physics, 1985
 - c. Johns Hopkins University, College, 1986-1988, M.S. Applied Physics, 1988
 - d. Catholic University of America, College, 1992-1998, Ph.D. Mechanical Engineering, 1998
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):**
- a. Physicist, Group, Program Area, & Department Supervisor; Johns Hopkins University Applied Physics Laboratory; Laurel, MD; August 1985-April 2011
 - b. Executive Director; The MITRE Corporation; McLean, VA; May 2011-May 2013
 - c. Lecturer; Catholic University of America; Washington, DC; Fall 1999-April 2013 (intermittently)
 - d. Assistant Secretary of the Air Force (Acquisition, Technology, and Logistics); Principal Deputy Assistant Secretary of the Air Force (Acquisition); U.S. Department of Defense; Washington, DC; May 2013-November 2015
 - e. Senior Vice President; Vice President; The MITRE Corporation; McLean, VA; December 2015-September 2020
 - f. Chief Executive Officer; Charles Stark Draper Laboratory; Cambridge, MA; October 2020-present
 - g. Board Member; LIFT (Lightweight Innovations for Tomorrow) a non-profit consortium; Detroit, MI, 2018-present
 - h. Board Member; Arka GP, LLC, formerly known as, Amegint Topco GP, LLC; Colorado Springs, CO; 2020-present
 - i. Board Member; NDIA (National Defense Industrial Association); Arlington, VA; 2020-present
 - j. Board Member; The Aerospace Corporation FFRDC; El Segundo, CA; 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):**
- a. Special Government Employee, STRATCOM Strategic Advisory Group (SAG), 2007-2013
 - b. Special Government Employee, Defense Science Board, 2010-2013 and 2016-

2021

- c. Section 809 Panel Commissioner, 2016-2019

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):

- a. Chief Executive Officer, President; Draper Laboratory
- b. Board Member; The Aerospace Corporation
- c. Board Member; LIFT (Lightweight Innovations for Tomorrow) a non-profit consortium
- d. Member of the Board of Managers; Arka GP, LLC, formerly known as, Amergint Topco GP, LLC
- e. Owner; Gloster Consulting, LLC (Inactive)
- f. Member of the Board of Directors, NDIA (National Defense Industrial Association)

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):

- a. Member, NDIA (National Defense Industrial Association)
- b. Previous Member, American Society of Mechanical Engineers (ASME)
- c. Member, Mohican Swim Club

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):**

None. Never have been a candidate or appointed to political office

- b. **List all memberships and offices held in, and services rendered to, all political parties or election committees during the last 5 years:**

Registered Democrat

- 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. \$1,000; Biden for President; August 15, 2019

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

- a. Decoration for Exceptional Civilian Service, Department of the Air Force, 2015
- b. General James B. Doolittle Award for Contribution to the U.S. Air Force, Massachusetts Institute of Technology (MIT), 2016
- c. Stuart Symington Award for Most Significant Contribution by a Civilian for National Defense, Air Force Association, 2015

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):

- a. "Opinion: The Challenge Of 21st Century Nuclear Command-And-Control;" Aviation Week; February 14, 2019
- b. "Report: Updating the military's nuclear communications systems a complex and expensive challenge;" Space News; February 14, 2019
- c. "Report: Modernizing U.S. Nuclear Command, Control, and Communications;" The MITRE Corporation, The Mitchell Institute for Aerospace Studies; February 2019
- d. "Time to update NC-3;" Air Force Magazine; March 22, 2019
- e. "What we don't know about military innovation;" Defense One; October 20, 2020
- f. "Five myths about artificial intelligence;" The Washington Post; April 27, 2018
- g. "Written Testimony for SASC Hearing on 'Cybersecurity Responsibilities of the Defense Industrial Base;" U.S. Senate Committee on Armed Services; March 26, 2019
- h. "Written Testimony for SASC Hearing on 'Reform of the Defense Acquisition System;" U.S. Senate Committee on Armed Services; April 22, 2015
- i. "Written Testimony for SASC Seapower and Projection Forces Subcommittee hearing on 'Air Force Projection Forces Aviation Programs and Capabilities Related to the 2015 President's Budget Request;" U.S. Senate Committee on Armed Services; April 2, 2014
- j. "Written Testimony for SASC Tactical Air and Land Forces Subcommittee hearing on 'Impacts of a Continuing Resolution and Sequestration on Acquisition

and Modernization;" U.S. Senate Committee on Armed Services; October 23, 2013

- k. "Owning the Technical Baseline — a Key Enabler Agility as the Counterweight to Uncertainty and Change;" Defense AT&L; July-August 2015 issue
 - l. "Final Report of the Defense Science Board (DSB) Task Force on Gaming, Exercising, Modeling, and Simulation;" Defense Science Board; January 2021
 - m. "Enhancing Adaptability of U.S. Military Forces, Part A: Main Report;" Office of the Under Secretary of Defense for AT&L; Defense Science Board (DSB), January 2011
 - n. "Active Control of Vibration and Noise Radiation from Fluid-Loaded Cylinder using Active Constrained Layer Damping;" Journal of Vibration and Control; June 1, 2002
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 not given any formal speeches in the last five (5) years. (I have testified to Congress with written testimony previously.)

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?**

Agree.

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?**

Agree.

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?

Agree.

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?

Agree.

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?

Agree.

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?

Agree.

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?

Agree.

[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.

William A. LaPlante, Jr.

This 28th day of February, 2022

[The nomination of Honorable William A. LaPlante, Jr. was reported to the Senate by Chairman Reed on April 5, 2022, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on April 7, 2022.]

[Prepared questions submitted to Mr. Erik Raven by Chairman Reed prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES AND RESPONSIBILITIES

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

Answer. The U.S. Code states that the Under Secretary shall perform such duties and exercise such powers as the Secretary of the Navy may prescribe. By regulation, the Under Secretary is the deputy and principal assistant to the Secretary in managing the Department of the Navy. The Under Secretary also serves as the Chief Operating Officer of the Department. In accordance with section 904(b) of the Fiscal Year 2008 NDAA, the Under Secretary serves as the Department's Chief Management Officer. As the Chief Management Officer, the Under Secretary is required to perform the duties set forth in 10 U.S. Code § 2222, including establishing and implementing measures to control and reduce costs; issuing guidance related to the planning, programming, and control of investments in covered defense business systems; and serving as the appropriate official for defense business systems unless otherwise directed. Additionally, the Under Secretary oversees intelligence activities, intelligence policy, intelligence related activities, special access programs, Department of the Navy critical infrastructure, and sensitive activities within the Department of the Navy.

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

Answer. Since 2007, my primary duty as clerk on the Senate Defense Appropriations Subcommittee has been to review nearly all annual spending requested for the Department of Defense and intelligence community. These reviews culminated in my making recommendations to Subcommittee Chairmen and Vice Chairmen on how to better allocate funds to programs that address top national security needs, and how to reform programs that are under-performing, in a defense budget of more than \$740 billion of annual spending. This work also allowed me to work closely with many leaders and organizations throughout the Department of the Navy, the Department of Defense, and others.

If confirmed, I intend to use the knowledge I have gained on the programs and processes in the Department of the Navy to capitalize on the strengths of the Navy and Marine Corps, and to accelerate reforms where needed.

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

Answer. If confirmed, I will work diligently to further my understanding of the Department of the Navy through close collaboration and consultation with military and civilian leaders of the Department. I will work with the Secretary of the Navy to ensure I am fully aligned with his priorities and vision for the Department of the Navy.

Question. What recommendations, if any, do you have for changes in the duties and functions of the Under Secretary of the Navy, as set forth in section 8015 of title 10, United States Code, or in Department of Defense regulations pertaining to functions of the Under Secretary of the Navy?

Answer. After review of the statutes and regulations, I do not currently recommend any changes. If confirmed, I will review these statutes and regulations within the context of the current challenges of the Department of the Navy and propose any changes that I may identify as meriting attention through the appropriate channels.

Question. If confirmed to be the Under Secretary of the Navy, what role do you envision for yourself with respect to the Assistant Secretaries of the Navy and the Navy General Counsel?

Answer. If confirmed, I will develop a close and collaborative relationship with the Assistant Secretaries and the Department of the Navy General Counsel. I will ensure there is a synergy of efforts in support of the missions and priorities established by the Secretary of the Navy.

Question. If confirmed, what duties and responsibilities would be appropriate for the Secretary of the Navy to assign to you?

Answer. If confirmed, I expect the Secretary of the Navy to assign me duties that I can execute by leveraging my strengths and experiences that will assist him with advancing his priorities and vision for the Department of the Navy.

MAJOR CHALLENGES AND PRIORITIES

Question. In your view, what are the major challenges that will confront the next Under Secretary of the Navy?

Answer. The President's Interim National Security Strategic Guidance describes our key national security challenge as the changing distribution of power across the globe, which impacts our ability to influence global events and outcomes. This creates two military challenges—1) developing and fielding capabilities that can influence, disrupt, and deter our adversaries and 2) strengthening existing and building new alliances and partnerships to form a united front against those who threaten our fundamental interests or seek to disrupt the rules-based international order. The major challenge for the Under Secretary of the Navy is to advance the Secretary's Title 10 authorities to man, train, and equip a force to deter and defeat any adversary while taking care of our sailors, marines, and civilians, within the existing budget.

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

Answer. The Department of the Navy must address a more assertive China and an aggressive Russia by accelerating prototyping, experimentation, and acquisition and mastering the data and technology space. Naval Forces must develop capabilities that limit our adversary's ability to maneuver in the battle or competition space, and these capabilities need to be shared, networked, and strengthened through our allies and partners. Our relationships with China and Russia will remain enduring challenges. If confirmed, I will support the Secretary and work with our Navy and Marine Corps leaders to address specific challenges in the near, mid, and long term horizons.

CIVILIAN CONTROL OF THE MILITARY

Question. If confirmed, specifically what would you do to ensure that your tenure as Under Secretary of the Navy epitomizes the fundamental requirement for civilian control of the Armed Forces embedded in the U.S. Constitution and U.S. law?

Answer. Our founding fathers ensured that civilian control of the military was permanently embedded in the Constitution. I believe Department of the Navy personnel respect this foundational constitutional principle. If confirmed, I will work with Navy and Marine Corps leaders to ensure the responsibilities and authority of senior civilian leadership continue to be emphasized, clearly articulated, and understood.

Question. If confirmed, how would you ensure your inclusion in the discussion, debate, and resolution of U.S. defense and national security issues?

Answer. I believe the Deputy Secretary of Defense's governance structure for executive decision processes, such as the Deputy's Management Action Group and Deputy's Workforce Council, provide for discussion and resolution of many U.S. defense and national security issues at the level of the Under Secretary of the Navy. Well-established relationships, coordination, and vetting processes between the Services, Department of Navy, and Office of the Secretary of Defense provide for timely incorporation and resolution of naval perspectives in the development of strategic guidance.

DUTIES AND RESPONSIBILITIES AS CHIEF MANAGEMENT OFFICER (CMO)

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

Answer. My understanding is the duties and responsibilities of the Under Secretary as the CMO of the Department of the Navy are those authorized by Congress and prescribed by the Secretary of the Navy. The Under Secretary is responsible to the Secretary of the Navy for the functioning and efficiency of the Department. Section 904(b) of the National Defense Authorization Act for Fiscal Year 2008, Public Law 110-181, directs that the Under Secretary be designated as having primary management responsibility for business operations of the Department of the Navy, as well as effective and efficient organizations of those business operations. In the performance of such duties, the Under Secretary of the Navy is known as the "Chief Management Officer." Therefore, I understand that, if confirmed, my duties shall be to manage the business operations of the Department of the Navy effectively and efficiently.

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

Answer. During my tenure as professional staff member and clerk of the Senate Defense Appropriations Subcommittee, I have worked to ensure the effectiveness of taxpayer funds provided to the Department of Defense and intelligence community, and to maximize efficiencies and value. Since 2007, I have recommended or implemented proposals to eliminate several hundred billion dollars of unneeded spending or underperforming programs, and to redirect those funds to higher priority programs. This work has resulted in an approximately 20 percent increase in the number of battle force ships provided by Congress from fiscal years 2015 to 2021, as compared to the number of ships requested in the President's budget.

In addition, in 2019, I proposed the creation of a pilot program for improving the maintenance of Navy ships in the Pacific at private shipyards. This pilot program seeks to increase the transparency and flexibility of ship depot maintenance efforts. The pilot program was enacted in the Department of Defense Appropriations Act, 2020, and has been embraced by Navy leadership, as shown by the Navy's formal request to continue the program in the President's Budget for fiscal year 2021, and to expand the program to the Atlantic fleet in the President's Budget for fiscal year 2022.

Question. Do you believe that the CMO has the resources and authority needed to carry out the business transformation of the Department of the Navy?

Answer. It is my understanding the CMO has the necessary authorities and the resources to carry out the business transformation of the Department of the Navy. In my opinion, transformation begins with identifying current performance and then driving reform and improvement. If confirmed, you have my commitment to fully assess the business transformation activities within the Department and notify Congress of any additional authorities or resources that may be required to make the Department's business practices more efficient and effective.

Question. If confirmed, on which specific business operations would you focus your improvement efforts and why?

Answer. If confirmed, I will actively support the Secretary of the Navy's Strategic Guidance to modernize business systems to enhance performance and affordability. This includes action to enforce business systems modernization on an accelerated and integrated path that is sufficiently resourced and supported. I am committed to data-driven decision-making to achieve savings while consistently working to become more effective and more efficient as a core element of the Department of the Navy's operations. I will also foster a culture that encourages innovation, solves problems, and achieves results to get the most out of every dollar and I will use my position to hold senior leaders accountable for performance improvement.

Question. What performance goals and measures would you establish for evaluating increases in the overall efficiency and effectiveness of each business operation you cite?

Answer. Inefficiencies and poor effectiveness in the execution of the Department of the Navy's business operations risks the misallocation of critical resources and may delay necessary logistics and maintenance support to operational forces. I would look at business operations across the Department to ensure the Department effectively and efficiently utilizes modernized business process and systems. Areas such as supply chain visibility and forecasting, contract execution, and information security are areas where business reform can improve effectiveness and reduce the amount of time needed to repair ships and aircraft, while ensuring costs are reasonable and appropriate. If confirmed, I look forward to understanding the full scope of the Department's business operations to develop realistic and stretch performance goals and measures.

Question. How will you work to improve the quality and quantity of Navy management personnel and expertise?

Answer. If confirmed, I will collaborate with Department of the Navy leaders to ensure there are processes and procedures in place to recruit, train, and retain world-class management personnel at all levels of the military and civilian workforce. I will evaluate training and development programs and ensure the Department provides the funding and support required to build a diverse cadre of managers who are prepared to execute the Department's missions.

Question. How will you make use of advanced business practices and technologies, and leverage the capabilities of Navy laboratories and research universities and business and public administration schools to improve Navy management capabilities?

Answer. One of the ways I will make use of advanced business practices and technologies is by reinforcing to all senior leaders within the Department of the Navy that every acquisition, every contracting action, and every hiring action has a business practice behind it. The business of the Department is to man, train, organize, and equip Navy and Marine Corps forces for global operations. In order to achieve this, the Department must fully leverage business best practices, Navy laboratories, and universities to help senior leaders make evidence-informed decisions. I believe the Department must embrace a culture of continuous learning and improvement. If confirmed, I am committed to implementing best practices to ensure the Department is implementing sound business practices and is effectively utilizing applied research to improve the management of the Navy, while directly supporting our warfighters.

DEFENSE CAPABILITIES

Question. In your view, are the Navy and Marine Corps current end strengths sufficient to meet current national security objectives and execute the associated operational plans?

Answer. I am aware that the Navy and Marine Corps are continuing to transform their forces, but I lack sufficient information on current operational plans and Navy and Marine Corps requirements to make a fully informed assessment. If confirmed, I will work closely with the Secretary of the Navy, the Chief of Naval Operations, and the Commandant of the Marine Corps to ensure the resources the Department of the Navy requests in the annual budget process are optimized to maximize current and future warfighting readiness across the entire naval force structure to meet our national defense objectives.

Question. If not, what end strengths do you believe are necessary? Please explain your answer.

Answer. Without knowledge of current operational plans, I do not possess adequate information to provide a recommendation on necessary end strengths at this time. I do know Navy and Marine Corps have recently changed strategies for managing end strength. The Navy has transitioned from a growth strategy to a sustainment strategy. The Marine Corps is continuing efforts to re-design the force and optimize end strength reductions to fund equipment and capability modernization, with focus on alignment as a maritime force. If confirmed, I look forward to working closely with the Secretary of the Navy and the leadership of the Navy and Marine Corps to achieve the right end strength for peak warfighting readiness.

Question. If confirmed, how would you propose achieving those levels with a focus on continuing to recruit and retain high quality candidates?

Answer. As Secretary Del Toro states in his strategic guidance, the Department of the Navy's people provide the foundational strength that give the Navy and Marine Corps a competitive warfighting advantage. We know that, in addition to compensation, job satisfaction, and quality of life matter for recruiting and retention. If confirmed, I will work closely with the Secretary of the Navy and Department of the Navy leaders to further innovate both monetary and non-monetary incentives

to meet recruiting and retention goals, while balancing current and future fiscal constraints.

Question. What is your opinion on the necessity to modernize Navy and Marine Corps weapons systems in light of current and emerging threats?

Answer. I agree with the Secretary of the Navy's Strategic Guidance that innovation and modernization is an enduring priority for the Navy and Marine Corps in order to maintain maritime dominance in defense of our nation. From artificial intelligence and cyber weapons, to unmanned platforms, to directed energy and hypersonic weapons, we are on the cusp of technological breakthroughs that will define future conflict. We must prioritize capabilities that create advantage relative to the pacing threats. If confirmed, I look forward to assisting the Secretary in the execution of his Strategic Guidance.

Question. What do you believe are the most critical capabilities the Department of the Navy needs to prioritize over the next 10 years?

Answer. I believe the Department of the Navy must expand capabilities for distributed operations and modernize the expeditionary posture to sustain dominance at sea. My key priorities include the modernization of the Sea Based Strategic Deterrent; developing resilient and persistent command, control, communications, computers, cyber, intelligence, surveillance, and reconnaissance systems; increasing the capabilities and capacity of logistics forces; improving combat capabilities such as long-range fires; and the development of unmanned technologies. Critical to all these priorities is the need to rapidly develop and field technologies by streamlining the acquisition process, while at the same time making sure taxpayer dollars are used effectively.

Question. If confirmed, how will you contribute to keeping Navy and Marine Corps acquisition costs under control and ensuring the Department successfully fields the capabilities for which the U.S. taxpayers are paying?

Answer. In my view, acquisition costs must be estimated and managed with the same discipline as traditional requirements. Properly defining operational and technical requirements, performing to stable acquisition and budget plans, leveraging investments, and procuring at efficient rates can all lower cost and schedule risk. If confirmed, I will review acquisition policies and practices to identify opportunities for improvement and will work to strengthen the culture of cost consciousness in the Department.

Question. Emerging anti-access and area denial capabilities of certain countries and the prospect that these capabilities may limit the U.S. Navy's freedom of movement and action in certain regions are growing concerns.

To what extent are anti-access and area denial capabilities a concern?

Answer. Anti-access and area denial (A2AD) capabilities are a significant concern as they force a different approach to conducting naval operations. The Navy and Marine Corps will need to deliver precision fires and ISR capabilities that are resistant to A2AD technologies from inside and outside the A2AD zone. Both services must be able to penetrate, sustain, and create desired effects within an A2AD area.

If confirmed, I will support innovative Navy and Marine Corps concepts and capabilities that will enhance the ability of our Naval force to maintain access and maneuver through the global commons, project power, and defeat an adversary trying to deny us freedom of action.

Question. What do you believe the Navy and Marine Corps need to be doing now and in the next few years to ensure continued access to all strategically important segments of the maritime domain?

Answer. First, we need robust security partnerships and collaboration with our partners and allies to maintain access across the maritime domain. I believe we are stronger as a team, and fostering this collaboration is an essential component of providing shared security. In addition, the Department of the Navy must continue to modernize and adapt to a changing security environment. Finally, our warfighting concepts must continue to evolve. I support the Commandant's vision and his efforts to adapt to future operating environments, replace legacy platforms with new capabilities better suited to future challenges, and ensure we retain the ability to outmaneuver our adversaries. The Navy's fleet needs to have the proper mix of both manned and unmanned platforms to provide greater geographical distribution with increased integration. If confirmed, I will work with the Services and with Congress to ensure the Department of the Navy continues to shape, modernize, and prepare our Naval forces to meet global challenges.

Question. In his Force Design 2030, the Commandant of the Marine Corps stated unequivocally, "I assess that the current force is unsuited to future requirements in size, capacity, and specific capability."

Do you agree with the Commandant's assessment and his plans for reshaping the Marine Corps? Why or why not?

Answer. I support the Commandant's vision and his efforts to transform the Marine Corps. The Marine Corps' transformational Force Design 2030 is a signature effort to adapt to future operating environments, and ensure we retain the ability to outmaneuver our adversaries. Force Design 2030 aligns with Secretary Austin's objectives for the Department, as well as to the Interim National Security Strategic Guidance. If confirmed, I look forward to working with the Marine Corps and Congress to advance this effort.

Question. What reform and modernization efforts do you consider most critical in support of the future Marine Corps?

Answer. I believe that the most critical reform and modernization effort for the future Marine Corps is to increase warfighting capability through long-range fires, coupled with the necessary command and control, air and maritime lift, and logistics support to enhance the Marine Corps' capabilities for multi-domain and distributed operations. If confirmed, I will work with the Secretary, Commandant, and Chief of Naval Operations to support these modernization programs.

INDO-PACIFIC REGION

Question. In your view, what are the key areas in which the Navy and Marine Corps must improve to provide the necessary capabilities and capacity to the Joint Force to deter Chinese aggression and, if necessary, prevail in a potential conflict with China?

Answer. An increasingly assertive China continues to develop sophisticated military capabilities to include surface, air, and undersea platforms, while demonstrating aggressive behavior that flouts the rules-based order and threatens regional stability and security. The Department of the Navy must invest in modernization of systems and deployment of capabilities focused on the needs of the Indo-Pacific region, while building cooperative alliances and partnerships to leverage capabilities and influence. The Department of the Navy must be funded to provide a balance of capacity and capability to confront near term as well as mid-to-long term threats.

If confirmed, I will fully support the efforts of Secretaries Austin and Del Toro to modernize Naval Capabilities and work with our allies and partners to meet the challenges posed by China with a combat-credible Navy and Marine Corps team.

Question. How would you assess the threat to Navy and Marine Corps forces and facilities from Chinese missile, naval, and air forces?

Answer. China has steadily developed complex military capabilities, including the world's largest missile force. In my previous capacity on the Senate Appropriations Committee, I have seen positive steps taken by the maritime services to address the growing threat in the Pacific through increased investments and posture adjustments. If confirmed, I will leverage my experience to ensure the Department of the Navy supports implementation of the 2022 Missile Defense Review and other strategic guidance for the protection of critical assets in the Indo-Pacific region and security of the American people.

Question. In your assessment, have Navy and Marine Corps investments, posture shifts and/or new operational concepts sufficiently addressed this threat?

Answer. I am not able to assess of the totality of Service investments, posture shifts, and/or new operational concepts against the threat. In my current position, I have reviewed and support the guidance that Secretaries Austin and Del Toro are providing on the China threat. If confirmed, I will work with Secretary Del Toro, the Services, and Congress to further advance efforts to address the threat posed by China.

Question. In your assessment, what are the priority investments the Navy and Marine Corps could make that would help implement the NDS and improve the military balance in the Indo-Pacific?

Answer. Cooperation with regional allies and partners, while conducting routine and robust forward operations in the Indo-Pacific sends a powerful message to our adversaries. Investments in warfighting capabilities, along with the supporting infrastructure to sustain training and forward operations, in the Indo-Pacific, are key drivers for implementation of the defense strategy in the Indo-Pacific.

My experience on the Appropriations Committee has made it clear that increased investment in critical capabilities requires a deliberate approach to developing the capability and capacity necessary to meet the threat across all domains and time horizons. If confirmed, I will work with the Services and Congress to ensure investments optimize implementation of the 2022 NDS priorities in the Indo-Pacific.

Question. What is your current assessment of the risk of operational failure in a conflict with China as a result of a critical logistics failure?

Answer. I believe combat-credible forces, forward-deployed with allies and partners, and sustained for enduring operations are critical to any successful campaign against China—whether to deter, or if necessary, defeat. If I am confirmed, I will want to ensure the nation has a Naval logistics force capable of enabling and supporting joint operations across the Indo-Pacific.

EUROPE

Question. What do you believe are the key areas in which the Navy and Marine Corps must improve to provide the necessary capabilities and capacity to the Joint Force to deter Russian aggression and, if necessary, prevail in a potential conflict with Russia?

Answer. Russia's unprovoked assault on Ukraine illustrates its complete disregard for international rules of order. The Department of Navy must be an active contributor to integrated deterrence within DOD, the U.S. Government, and with our allies and partners. I support investments in advanced capabilities, a focus on development and readiness of combat credible forces, and deepening the already strong relationships with our European allies and partners.

If confirmed, I will work with Secretaries Austin and Del Toro to ensure the Department of the Navy has appropriate forces and infrastructure along with required advanced capabilities. Advanced capabilities fielded alongside the contributions of our allies and partners provide an operational depth that multiplies our ability to deter and influence.

Question. The U.S. European Command Commander and various other DOD officials have consistently called for two additional destroyers to be forward-stationed at Rota, Spain. Do you agree with them?

Answer. Strengthening our combat deterrence against Russia and enabling NATO forces to operate more effectively are two of the Global Posture Review outcomes. I believe the addition of two additional forward-stationed destroyers in Rota is consistent with these outcomes; however, the basing decision is under Secretary Austin's authority and requires the endorsement of our NATO ally, the Government of Spain.

Question. In your view, are there investments the Navy and Marine Corps should prioritize for the competition with Russia below the level of direct military conflict in order to counter Russian malign influence and hybrid warfare operations?

Answer. I am very aware of the efforts our competitors are making to leverage space and cyber to gain advantages at a level below the threshold of war. As we have seen in the assault on Ukraine, Russia has also attempted to capitalize on social media and disinformation. Many of these "gray-zone" tactics will require a whole-of-government approaches to counter both state sponsored and non-state sponsored actors. In order to compete in this new era of hybrid warfare, I believe the Department must invest in robust cyber resiliency programs, the cyber workforce, and the general education of the Department's entire workforce. If confirmed, I look forward to better understanding areas the Department must improve to meet current and future threats.

Question. The Marine Corps is transforming into a more littoral centric force, shedding heavier formations and focusing on INDOPACOM.

What role do you see for the Marine Corps in the Indo-Pacific and European theaters?

Answer. The inherent strengths of Force Design 2030 with its purpose to deploy marines at the time and place of our choosing with expanded long-range fires, lighter and more mobile infantry, unmanned systems, maritime mobility and resilience, and mobile air defense and counter-precision guided missile systems, are a key Joint Force enabler applicable to both the Indo-Pacific and European theaters. If confirmed, I will support the necessary investments and force structure modifications in order to move at speed to create the naval expeditionary force of the future.

TRAINING/READINESS

Question. How would you assess the current readiness of the Navy and Marine Corps—across the domains of materiel and equipment, personnel, and training—to execute the 2018 NDS and Combatant Commanders' operational plans?

Answer. I believe the Navy and Marine Corps team is ready to execute its missions, deter conflict, and if necessary, fight and win against any challenger regardless of domain. Readiness is challenged by yearly continuing resolutions that create shortfalls in Operations and Maintenance and Military Personnel funding, and create inefficiencies in acquisition accounts. With congressional support, I believe that the Navy and Marine Corps can continue to make steady progress in further im-

proving readiness, while modernizing and transforming the force to execute the defense strategy.

Question. In your view, what are the priority missions for which current and future Navy and Marine Corps forces should be trained and ready in the context of day-to-day activities, as well as for contingencies?

Answer. The Navy and Marine Corps play an active role within the Joint Force in responding to a wide range of rapidly changing threats to global security. The priority warfighting mission remains maintaining the nation's advantage at sea, which requires generating integrated all-domain naval power, strengthening alliances and partnerships, controlling the seas to deny the objectives of our adversaries, and modernizing the future force. In addition, the Navy and Marine Corps need to be trained and ready to support global crisis response missions, to include humanitarian and pandemic response, enhancing leadership and diversity within our force, and protecting economic trade across free and open seas.

Question. What is your assessment of the risk the Navy and Marine Corps have accepted regarding their readiness to execute operational plans in furtherance of the 2018 NDS?

Answer. I am not yet able to assess of the level of risk the Navy and Marine Corps have accepted regarding their readiness to execute operational plans in furtherance of the 2018 NDS. If confirmed, I will work to reduce the level of risk through effective investment prioritization and seek congressional support for the procurement and fielding of modern capabilities that will contribute effectively to operational plan execution and the implementation of carefully crafted plans to retire older, less effective platforms that heavily consume readiness investments.

Question. If confirmed, how would you oversee compliance by the Navy and Marine Corps with readiness goals and timelines?

Answer. I support the use of data analytics to improve performance, costs, and accountability and implement an outcome-driven culture. Compliance with readiness goals and timelines will require data-driven decision-making processes and systems. If confirmed, I will support Secretary Del Toro's commitment to get the most out of every dollar to include reducing maintenance costs and improving on-time maintenance completion.

Question. If confirmed, how would you prioritize maintaining readiness in the near term, with modernizing the Navy and Marine Corps to ensure future readiness?

Answer. I believe investments need to be balanced across both near-term and future force requirements. We must keep pace with our adversaries and invest in key capabilities for the future, while maintaining a force that can respond to current threats. If confirmed, I will seek risk analysis and assessments to make strategy-driven, data-informed decisions on where risk can be managed and accepted and where we need to invest in cutting-edge technologies.

MANDATORY VACCINATION FOR COVID-19

Question. What is your view of the Secretary of Defense's requirement that all servicemembers be vaccinated for COVID-19 unless they meet established exemption criteria?

Answer. I fully support the Secretary of Defense's policy requiring all servicemembers to be fully vaccinated unless they meet established exemption criteria. If confirmed, I will work with Navy and Marine Corps leadership to ensure all non-exempt sailors and marines are vaccinated to protect the Force against COVID-19.

Question. In your view, should sailors and marines who decline to be vaccinated be separated, even if they have skills and experience that the Navy and Marine Corps need?

Answer. I fully support the Secretary of Defense's policy requiring all servicemembers to be fully vaccinated unless they meet established exemption criteria. If confirmed, I will work with Department of the Navy leadership to understand if Navy and Marine Corps separation policies have affected manning in critical skills while continuing work to achieve a fully vaccinated force.

Question. To date, there have been no religious exemptions approved for sailors and only six such exemptions approved for marines. In your view, why have so few religious accommodation requests been granted?

Answer. It is my understanding that the Religious Freedom Restoration Act requires all requests for exemption to be reviewed on an individual basis. Information concerning how requests for accommodation are processed or individually determined has not been shared with me. Given the expeditionary mission of the Services and the fact that sailors and marines must serve in confined areas (e.g., ships and

submarines) for extended periods of time, I understand why the Services would be concerned about sailors and marines serving in close quarters with unvaccinated teammates. If confirmed, I'll work to ensure that current law and policy within this area are consistently applied to all requests by sailors and marines.

Question. As of March 2022, the Navy estimates that approximately 4,500 active component and 3,200 Ready Reserve servicemembers remain unvaccinated. What impact would the discharge of sailors and marines who remain unvaccinated have on Navy and Marine Corps readiness?

Answer. I do not have enough information to assess the impact discharge of unvaccinated sailors and marines has on readiness. If confirmed, I will consult with Department leadership to understand what impact the discharge of sailors and marines who remain unvaccinated may have on readiness.

OPERATIONAL ENERGY

Question. If confirmed, how would you lead the Navy and Marine Corps in harnessing innovations in operational energy and linking them with emerging joint operational concepts in order to reduce contested logistics vulnerabilities for warfighters?

Answer. As I understand it, the Navy and Marine Corps operational energy investments are focused on increasing lethality, range, and persistence of naval platforms by advancing energy solutions to enable distributed maritime operations. These solutions include technologies to increase weapons capabilities, methods to reduce logistics demand of our forward deployed naval forces, and platforms that distribute energy to the warfighter.

Question. In what specific areas, if any, do you believe the Navy and Marine Corps need to improve the incorporation of energy considerations and alternative energy resources into the strategic planning processes?

Answer. I believe the Navy and Marine Corps need to fully integrate energy planning and energy risk assessments associated with their Title 10 war games. They must also ensure their components and warfighting commands fully define the energy requirements to the extent needed to integrate explicit energy and logistics risk assessments into their planning. Such assessments are critical to understanding their ability to succeed at their missions.

Question. How can Department of the Navy acquisition systems better address requirements related to the use of energy in military platforms to decrease risks to warfighters?

Answer. It is my understanding the Navy and Marine Corps are currently working to improve energy performance, storage, distribution, and controls to both reduce costs and better support fielding and sustainment of advanced weapon systems and sensors. If confirmed, I will prioritize a continued focus on hybridizing platforms and energy management in Department of the Navy acquisition programs.

Question. In your view, should energy supportability that reduces contested logistics vulnerabilities be a key performance parameter in the requirements process?

Answer. I believe the energy key performance parameter (eKPP) already requires an operational energy supportability analysis. If confirmed, I will support the use of eKPP and ensure Navy and Marine Corps leadership conduct supportability analyses that incorporate contested logistics scenarios.

Question. If confirmed, to what extent would you prioritize energy resilience, including acquiring and deploying sustainable and renewable energy assets, to support mission critical functions, and address known vulnerabilities?

Answer. Energy resilience and mission assurance are two sides of the same coin. The Department cannot achieve one without the other. From what I understand, the Navy and Marine Corps select the appropriate energy source to meet the needs of the mission. In many cases, that includes renewable energy sources. The Department's Installation Energy Plans (IEPs) inform the governance process for mitigating the installations' most critical energy security vulnerabilities. If confirmed, I will focus on addressing the most critical energy security gaps laid out in the IEPs through efforts that enhance the Department's sustainability and deploy renewable energy solutions that work towards accomplishing the President's goals.

ENVIRONMENT

Question. If confirmed, how would you ensure that the Department of the Navy complies with environmental protection laws, regulations, and guidance from the Environmental Protection Agency?

Answer. If confirmed, I will verify that Department of the Navy environmental policy is aligned with current environmental protection laws, regulations, and guidance from the Environmental Protection Agency. I will ensure the Department's en-

vironmental practitioners and military personnel have the necessary resources and training to ensure compliance with the latest standards.

Question. What are your ideas, if any, for improving collaboration with the Department of Interior and the U.S. Fish & Wildlife Service to find cooperative ways to ensure military readiness while protecting the environment on and around Department of the Navy installations?

Answer. I am aware the Department of the Navy works closely with the U.S. Fish & Wildlife Service to identify collaboration opportunities in support of both agencies' missions. I believe both agencies work to preserve undeveloped lands adjacent to military installations and ranges and have a long history of partnering to conserve and protect military readiness and important environmental resources. If confirmed, I will ensure we continue to push innovative solutions such as initiatives under the Readiness and Environmental Protection Integration (REPI) and Recovery and Sustainment Partnership Initiative (RASP) and Sentinel Landscapes program, and to seek new authorities, where appropriate, to help streamline collaboration opportunities.

Question. If confirmed, how would you further efforts to address PFAS contamination at Department of the Navy installations?

Answer. If confirmed, I would meet with the Department of the Navy's environmental program leadership to assess strategies, successes, and challenges to date and take action to remove barriers to support investigation and remediation efforts across the portfolio.

Question. If confirmed, what would be your approach to addressing the health concerns of servicemembers and their families regarding alleged exposures to potentially harmful contaminants on U.S. military installations and in the context of performing military duties?

Answer. The health, safety, and well-being of our sailors, marines, and their families are our most important mission. If confirmed, I will make sure that any identified health concerns are acted upon and mitigated with a sense of urgency.

READINESS AND RESOURCE IMPACTS FROM EXTREME WEATHER

Question. How would you assess the readiness and resource impacts on the Department of the Navy from recent extreme weather events?

Answer. Many Department of the Navy facilities lie in flood or hurricane prone areas. Others are subject to drought or extreme heat. All indications are that these conditions will persist. I am aware that more recently constructed facilities perform better under extreme weather and environmental conditions than those that were built many years ago. If confirmed, I will work with the Department's senior leaders to ensure mission assurance programs identify and address risks to Department of the Navy installations from extreme weather, storm surge, and sea-level rise.

Question. Based on these readiness and resource impacts, do you believe it necessary to use more resilient designs in Department of the Navy infrastructure?

Answer. As I understand it, the Department of the Navy does incorporate resilience in its planning, design and construction in its master planning process, and annual assessments. If confirmed, I will work to ensure that the Department of the Navy continues to include resilience in the planning process, and in all infrastructure decisions.

Question. How can the Department of the Navy better use existing authorities on extreme weather mitigation granted by Congress in the last few National Defense Authorization Acts?

Answer. It is my understanding that the Department of the Navy has been working with Congress to leverage Title 10 authorities to increase installation energy security and energy-efficient operations. The President has deemed that climate change is a national security matter, and I agree. If confirmed, I will continue to foster the collaborative effort between the Department of the Navy and Congress to achieve this Administration's goals for both energy and climate change.

AUDIT

Question. In your view, what is the benefit to Department of the Navy missions in achieving a clean audit opinion?

Answer. While there are a multitude of benefits to the Department of the Navy in achieving a clean audit opinion—accountability, transparency, stronger controls, process efficiencies, and quality of financial information, to name a few—the true benefit of audit is ingraining audit rigor into the Department's business DNA, understanding and improving Navy and Marine Corps business processes, and implementing internal controls to safeguard resources and increase transparency of how resources are used across the enterprise. I believe audit supports financial excel-

lence, which maximizes spending power and contributes to the lethality and readiness of the Navy and Marine Corps and, strengthens Congressional and public confidence in Department of the Navy resource requests.

Question. If confirmed, what specific actions will you take or direct to help the Department of the Navy achieve a clean audit opinion in the most efficient manner?

Answer. If confirmed, I want to understand the critical path to a clean audit opinion that supports operational mission requirements. I would also direct audit remediation to focus on large dollar value, mission critical assets, and an ability to track and validate the resources provided to the Department. In addition, I would examine how sustainable and affordable change supports the mission and helps the Department leverage every dollar toward the readiness of our sailors and marines. I understand the Marine Corps is making a push for an audit opinion in two years, and if confirmed, I will ensure the Marine Corps will have every resource available to achieve its goal, applying the lessons learned to the Navy.

Question. Do you support the Department of the Navy investing significant resources including personnel, investments in IT modernization, and funding for audit activities and audit remediation activities in order to support the Department of the Navy achieving a clean audit opinion in a timely fashion?

Answer. Yes, I strongly support investing significant resources into audit remediation where it makes sense and is needed to achieve and sustain a clean audit opinion. As I understand it, there are long-standing personnel, system, control, process, and policy issues that hinder a clean audit, but they are all problems that stand on their own. It makes sense to galvanize these issues under the overarching goals of audit as a management tool. If confirmed, I would ensure audit remediation investments make sense, add value, and help sustain a clean audit opinion.

Question. If confirmed, how will you hold Department of the Navy leaders accountable and responsible to prioritize, support, and manage Department of the Navy audit activities?

Answer. If confirmed, I would hold leaders accountable and responsible for audit activities by ensuring every senior civilian and military leader is evaluated against clear audit objectives. I would assess progress throughout the year through various audit governance forums. I would measure progress against the audit roadmap and scorecard metrics, of which I understand the Department of the Navy has a robust inventory. Additionally, setting a strong tone-at-the-top at the beginning of my tenure is critical to driving accountability and challenging senior leaders to continue prioritizing audit and to tackle audit remediation head on.

NAVY AND MARINE CORPS-RELATED DEFENSE INDUSTRIAL BASE

Question. How would you describe the state of the industrial base that supports Navy and Marine Corps programs?

Answer. Health and competition in the shipbuilding industrial base and supply chain is a critical national security requirement and vital to meeting our National Defense Strategy. While today's domestic shipbuilding supply chains are highly capable, global competitive pressure continues to erode many of the industries the Navy relies on, and results in fragile market spaces and an increased number of single and sole source suppliers. I am aware that throughout the COVID-19 pandemic, the Navy has diligently worked with industry to balance worker safety, economic wellness, and National Defense imperatives to ensure the industrial base is sustained and able to emerge stronger.

Question. If confirmed, what actions would you take related to the industrial base?

Answer. If confirmed, I will promote best practices from industry and government in our acquisition processes, work with the Secretary of the Navy to protect our intellectual property and data, and maximize the use of the American workforce to build and sustain our forces in support of President Biden's Executive Order on Ensuring the Future is Made in All of America by All of America's Workers, and the Build Back Better initiatives.

Question. In your view, how should Navy and Marine Corps acquisition leaders consider impacts on the industrial base when addressing requirements for recapitalization or modernization of major defense weapons systems and munitions?

Answer. A healthy and productive industrial base is a key national strategic asset for the Department of the Navy and is critical to building strength and capacity. The Department must manage the risk associated with maintaining a healthy industrial base while expanding industrial partnerships and providing predictable workload to suppliers.

Question. If confirmed, how should the Navy and Marine Corps use procurement investments to support the maintenance and growth of the domestic industrial base in sectors critical for Department of the Navy readiness and modernization plans?

Answer. It is my understanding that Congress has provided additional funding to support the domestic industrial base targeted to the surface combatant supplier base and the submarine industrial base. This funding has enabled the Department to integrate efforts across the industrial base and make targeted investments to increase efficiency, capability, and capacity. If confirmed, I will work with the Secretary of the Navy and Congress to maximize the use of existing authorities and to identify additional opportunities to support our industrial base partners.

Question. In your opinion, how should the Department of the Navy use its research and manufacturing investment activities to support the maintenance and growth of the domestic industrial base in sectors critical for Department of the Navy readiness and modernization activities?

Answer. Research and development of new materials, manufacturing processes, and capabilities is an important component of supporting the domestic industrial base. If confirmed, I intend to review the Department of the Navy's investments in these areas, and evaluate the impact of other investments, such as from the Defense Production Act Title III program, for strengthening the industrial base in sectors which are key to Navy and Marine Corps programs.

NAVY SHIPBUILDING

Question. The most recent pronouncement on the Navy force structure goals for the Navy fleet was announced by former Secretary Esper in December 2020. His vision was to have 382 to 446 battle force ships, augmented by 119 to 242 unmanned vessels (surface and undersea vessels). The previous Force Structure Assessment had set a goal of having 355 battle force ships, but made no estimate about requirements for unmanned vessels. The Navy's current battle force contains roughly 300 ships, and would not have achieved a force level goal of 355 ships until 2031 at the earliest, even under the shipbuilding projections of the previous Administration.

The current Administration has not specified a force goal for the Navy, although we expect the Chief of Naval Operations to set a new goal in June 2022 pursuant to section 1017 of the National Defense Authorization Act for Fiscal Year 2022.

If confirmed, will you support the Chief of Naval Operations in meeting the June 2022 statutory requirement for providing Congress with an updated battle force ship assessment and requirement?

Answer. It is my understanding that the Navy is currently conducting a force structure assessment based on the new National Defense Strategy. If confirmed, I will support the Chief of Naval Operations' (CNO) efforts to complete an updated Naval Force Structure Assessment as expeditiously as possible.

Question. If confirmed, what shipbuilding options or alternatives would you recommend evaluating to meet the Chief of Naval Operations and Commandant of the Marine Corps' requirements as soon as practicable?

Answer. I assure you of my commitment to building a modernized naval force with sufficient size and capability to campaign effectively, deter aggression, and, if required, win decisively in combat. At the same time, I believe that we should build only those ships that we can afford to sustain in the future in terms of manning, training, operations, and future modernization. If confirmed, I will consult with the Secretary of the Navy, the CNO, and the Commandant of the Marine Corps to find the right balance of investments in readiness, capability, and capacity.

Question. Section 1025 of the National Defense Authorization Act for Fiscal Year 2018 established "the policy of the United States to have available, as soon as practicable, not fewer than 355 battle force ships, comprised of the optimal mix of platforms, with funding subject to the availability of appropriations or other funds."

Do you support this policy?

Answer. I am committed to building a modernized naval force with sufficient size and capability to campaign effectively, deter aggression, and, if required, win decisively in combat. The 355-ship goal was based on the Navy's 2016 Force Structure Assessment. The Navy continuously reviews the numbers of ships—and the capabilities they require—to meet the evolving demands of the National Defense Strategy. If confirmed, I look forward to seeing the results of the ongoing force structure assessment to meet the demands of the 2022 National Defense Strategy.

Question. The Navy has begun acquiring replacements for *Ohio*-class ballistic missile submarines (SSBNs). The new *Columbia*-class boats are projected to have an acquisition cost of \$10 billion per ship. The Navy has stated publicly that it could not afford to buy both the new SSBNs and maintain other required procurements under expected Defense Department budget top lines.

In your view, what steps will be necessary to enable the Navy to modernize and expand the rest of the fleet, while also procuring the *Columbia*-class SSBNs?

Answer. I support the *Columbia*-class SSBN as the Navy's number one acquisition priority and most survivable leg of the nuclear triad. Continuing to fully fund the program will be essential to ensure on time delivery, so that the nation's sea based strategic deterrent requirements continue to be met as the Ohio-class is retired. To minimize the impact to the rest of the fleet, I believe in continuing to prioritize efforts to reduce cost and schedule risk, increase the capacity of the submarine industrial base, and improve affordability.

Question. In the 1970s and 1980s, the United States procured the current *Ohio*-class SSBN submarines within the Navy's shipbuilding (SCN) account. In 2015, Congress created a special fund, the National Sea-Based Deterrence Fund (NSBDF), for procurement of *Columbia*-class SSBNs.

What is your view on how the program costs of the *Columbia*-class SSBNs should be funded—solely from Navy resources, from a combination of Navy and other-than-Navy (e.g., OMB and other Defense) sources, or with a different approach? Please explain.

Answer. I understand that the Navy has budgeted for the *Columbia*-class program in the Shipbuilding and Conversion account, and executed funds from the National Sea-Based Deterrence Fund. I support this approach to funding and execution of this important program, as it maximizes transparency and provides valuable authorities to control costs. If confirmed, I will work with the Secretary of the Navy and Congress to determine the best approach for funding the *Columbia*-class program and ensure the proper acquisition authorities are used to make this critical program more affordable.

AIRCRAFT CARRIERS

Question. When the construction contract was signed in 2008, the planned delivery date of the USS *Gerald R. Ford* (CVN-78) was September 2015 at a cost of \$10.5 billion. Delivery of the ship was accepted by the Navy, despite major construction work still on-going, in May 2017 at a cost of \$12.9 billion. The ship finished major construction in December 2021 with the completion of the final advanced weapons elevator at an overall cost of \$13.3 billion.

What is your understanding of the reasons behind the CVN-78 delivery delay and cost overrun?

Answer. CVN-78 (*Ford*) incorporated many advances in technology such as a new reactor plant, propulsion system, electric plant, Electromagnetic Aircraft Launch System, Advanced Arresting Gear, new elevators, machinery control, and integrated warfare systems. It is my understanding that these advances will provide unparalleled lethality to the Fleet and support significant life cycle cost reductions. The incorporation of these advanced technologies on one ship has created challenges, which resulted in the concurrent development of some of these technologies during ship construction.

Question. What lessons should the Navy learn from the CVN-78 experience?

Answer. If confirmed, I will evaluate acquisition programs to ensure steps are being taken to strike the right balance between introducing new technology and leveraging proven capabilities. Using a system engineering approach and harnessing prototypes at land-based sites where it makes sense are approaches to reducing the risk of introducing new technologies.

FRIGATES

Question. What is your understanding of the frigate (FFG-62) program and how it will differ from Littoral Combat Ship (LCS)?

Answer. The FFG 62 program is the evolution of Small Surface Combatants with increased lethality, survivability, and improved capability to support the National Defense Strategy across the full range of military operations. Unlike the Littoral Combat Ship's modular capabilities, that was designed to operate primarily in the littoral regions of the world, it is my understanding that FFG 62 is designed for operation in littoral and blue water environments and is planned to operate independently or integrated with a Task Force to conduct offensive and defensive surface, anti-submarine, and air warfare.

Question. What is your understanding of the current FFG-62 acquisition strategy?

Answer. I understand that the FFG 62 program is based on a parent design to include U.S. sourced components, and that the Navy has undertaken a number of risk reduction efforts to increase the confidence that all ships in the class will achieve the required capability upon delivery, on budget, and on schedule.

Question. In your view, what steps should the Navy be taking in the FFG-62 program to avoid the problems that have been and are being experienced in the LCS program?

Answer. I understand Navy is reducing risk in the FFG 62 program by using a proven hull form, utilizing program of record systems, and engineering plant land-based testing. If confirmed, I will review these risk reduction efforts to ensure the FFG 62 avoids issues experienced in the LCS program and delivers on time and on budget.

NAVY AVIATION

Question. What is your assessment of the most important challenges facing Navy aviation?

Answer. Naval Aviation faces challenges similar to those confronting the Department as a whole—how to balance readiness while modernizing an aging fleet and evolving the Air Wing of the Future in order to meet next-generation security challenges.

Question. If confirmed, what steps would you take to meet those challenges?

Answer. If confirmed, I will work with the Naval Aviation Enterprise (NAE) to continue readiness improvement efforts to meet aircraft mission capable targets and expand the use of industry best practices. I will also work with the NAE to modernize the fleet using the right balance of service life modifications, capability upgrades, and new procurement.

Question. Does the Navy have a sufficient number of strike-fighter aircraft?

Answer. My understanding is that the Fiscal Year 2022 President's Budget included sufficient resources and levers to drive execution-year strike fighter shortfall to zero for all deploying squadrons. To maintain a sufficient amount of strike-fighter aircraft, this requires ongoing F-35C production and F/A-18E/Fs service life extensions, capability improvements, and readiness enhancements.

Question. If not, if confirmed, what steps would you take to ensure they do?

Answer. As stated above, reaching the sufficient number of strike fighter aircraft requires stable resourcing and the use of multiple levers to ensure targets continue to be met.

Question. What is your understanding of the physiological episodes that the naval aviation community has been confronting and the plans to address such episodes?

Answer. It is my understanding that the Department has undertaken a comprehensive effort to evaluate the causes of and mitigate the occurrences of Physiological Episodes (PEs). While these efforts have reduced the incidence of PEs by more than 80 percent since the peak in 2017, these efforts must remain Naval Aviation's number one safety priority. Ongoing modifications to the aircraft, improved maintenance practices, and improved aircrew interface will enhance aircraft performance and continue to reduce the rate of PEs.

MARINE CORPS AVIATION

Question. What is your assessment of the most important challenges facing Marine Corps aviation?

Answer. The most important challenges facing Marine Corps aviation are the same as those facing Naval Aviation, as well as those facing the entire Department. First and foremost, the Department must continue to modernize our aircraft and systems while adapting aviation employment to ensure that we maintain our competitive edge against all adversaries. Second, the Department must maintain the steadily growing readiness rates achieved to this point across our current fleet.

Question. If confirmed, what steps would you take to meet those challenges?

Answer. I will work diligently to protect our research and development funding as well as our readiness account funding, while collaborating with the Navy/Marine Corps team to ensure our force employment is sustainable and effective.

Question. Is Marine Corps aviation readiness at an acceptable level?

Answer. It is my understanding that forward-deployed forces are frequently deploying with the highest readiness rates across the fleet. This is indicative of readiness actions that are being taken by the Department, as well as the resources provided by Congress. However, I also understand that there are areas that need to be improved when it comes to units at home in a training environment. The ongoing work that the Department of the Navy has undertaken has achieved significant results, but much must still be done. If confirmed, I am committed to working with the Commandant of the Marine Corps and the Chief of Naval Operations to further enhance aviation readiness to ensure the pilots and aircrews have enough ready aircraft for operational and training employment.

Question. If not, if confirmed, what steps would you take to improve aviation readiness?

Answer. If confirmed, I will support the Secretary and work with Congress to protect readiness accounts and to support investments in assets and personnel that will restore readiness of the current fleet and the future readiness of aircraft to be purchased through the Marine Corps' aviation modernization programs.

F-35 JOINT STRIKE FIGHTER

Question. What is your assessment of the F-35 Joint Strike Fighter program?

Answer. The F-35 Joint Strike Fighter is a dominant, multirole, fifth-generation aircraft capable of projecting U.S. power and deterring potential adversaries. I am also aware that the F-35 is costly and presents unique challenges in areas such as development, testing, fielding, and sustainment. It is my understanding that the program continues to mature, and that the Department of Defense is reviewing the management structure for F-35 sustainment and acquisition functions.

Question. If confirmed, what changes would you seek to implement in the program?

Answer. If confirmed, I will support the Secretary of the Navy's review of the F-35 program and efforts to deliver this transformational capability to front-line forces as soon as possible.

CARRIER AIR WING

Question. Do you believe the Navy's carrier air wing is designed to provide the capability we expect it to provide in order to contribute to the carrier strike group?

Answer. It is my understanding that the Navy maximizes carrier air wing lethality through a mix of 4th and 5th generation fighters. If confirmed, I look forward to working with the aviation enterprise to usher in the Air Wing of the Future with the Next Generation Air Dominance Family of Systems, including the use of breakthrough technologies such as manned-unmanned teaming, machine learning, and AI-enabled autonomy.

Question. Specifically, will the projected air wing have sufficient available strike range, available payload, electronic warfare capability, and command and control capability? Why or why not?

Answer. My understanding is that the Next Generation Air Dominance Family of Systems is being specifically designed to meet the challenges of increasing adversary capabilities. If confirmed, I intend to further examine the capabilities of current and next-generation platforms to better assess how the Air Wing of the Future will meet these warfighting requirements.

Question. If not, if confirmed, what steps would you take to address any gaps?

Answer. If confirmed, I will ensure the naval aviation enterprise is focused on the optimization of legacy platforms and tactics to allow investment in the capabilities required for the Air Wing of the Future to deliver game-changing lethality and survivability.

UNCREWED SYSTEMS

Question. What is your assessment of the appropriate role uncrewed systems should play in Naval and Marine Corps operations?

Answer. I am committed to fully assessing the potential for uncrewed systems for the Navy and Marine Corps. I believe that distributed maritime operations and expeditionary advance base operations concepts could greatly benefit from manned/uncrewed teaming.

Question. If confirmed, what steps would you take to achieve that vision?

Answer. Lessons learned from past uncrewed programs demonstrate the importance of collaboration between all stakeholders to ensure warfighting requirements, technical requirements, industry, and acquisition processes are aligned appropriately. If confirmed, I will support an enterprise approach that focuses on resolving technical, testing, and integration issues while prioritizing reliability and maintainability in earlier program stages.

Question. What is your assessment of the Navy and Marine Corps manned/unmanned teaming with respect to aviation?

Answer. While I do not have specific details regarding the Navy's plans for manned/unmanned aviation team, I believe these capabilities have significant potential. In the area of strike-fighter aviation, I believe unmanned assets will act as a force multiplier by increasing range, weapons capabilities, ISR enhancements, and distribution of the strike force in contested environments. If confirmed, I will work to grow such capabilities to address warfighting threats.

Question. If confirmed, what changes would you make to the programs to ensure affordability en masse?

Answer. The Department of the Navy's 2021 Unmanned Campaign Framework identified opportunities to improve development and affordability of Navy and Marine Corps unmanned programs. Moving to a capability-centered approach and implementing concepts such as "Test, Prove, and Scale" will reduce risk and identify performance requirements by standardizing autonomy, command and control, payload interfaces, and networks. If confirmed, I will continue to evaluate such constructs drive additional affordability for unmanned programs.

Question. What is your assessment of the Navy's plans to team manned and unmanned vessels that could result in operating significant numbers of unmanned vessels in future naval operations?

Answer. I believe manned and unmanned vessels will act as a force multiplier in contested environments. If confirmed, I will work to continue to assess and grow such capabilities to address warfighting threats. The Navy and Marine Corps must continue to advance unmanned systems to ensure the naval forces have the necessary capabilities to keep pace with the future threats. It is my understanding that the Department is taking deliberate steps to develop and mature key unmanned systems and enabling technologies. If confirmed, I am committed to ensuring that the Department carefully assesses, develops, fields, and sustains the required unmanned capabilities to ensure success in any future conflict.

MUNITIONS

Question. 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 operations short of major combat, such as in recent operations in Afghanistan, Iraq, and Syria.

If confirmed, what steps would you take to ensure that the Department of the Navy has sufficient inventories of munitions to meet our combatant commanders' needs?

Answer. If confirmed, I will engage with the necessary stakeholders, including the Secretary of Defense's staff, the Chief of Naval Operations, the Commandant of the Marine Corps, and Combatant Commanders to ensure all warfighting requirements and capability gaps regarding weapons and munitions are understood and properly resourced.

Question. What changes in budgeting and acquisition processes would you recommend to facilitate faster Navy and Marine Corps munitions replenishment rates?

Answer. I do not have enough information to make recommendations at this time. If confirmed, I will review the budgeting and acquisition processes to ensure Navy munitions replenishment rates are sufficient to meet the needs of the warfighter.

CRUISE, BALLISTIC AND HYPERSONIC MISSILES

Question. In your view, how serious is the cruise, ballistic and hypersonic missile threat to the Navy and Marine Corps?

Answer. As our adversaries accelerate their military modernization programs and develop advanced capabilities, the cruise, ballistic, and hypersonic missile threat to the Navy and Marine Corps becomes ever more serious, putting our naval forces at risk at ranges that could limit our maritime operations in defense of our national interests.

Question. What is your understanding of the Navy and Marine Corps' cruise, ballistic and hypersonic missile defense strategy?

Answer. While I have not been briefed on the results, it is my understanding the Navy has conducted detailed analyses to develop a missile defense strategy, and is investing in near, mid, and long term capabilities to counter the emerging threat.

Question. If confirmed, what actions would you take to ensure that the Navy and Marine Corps are adequately addressing this threat?

Answer. If confirmed, I will support the Secretary of the Navy in a thorough review of the current strategy and investments to ensure the Navy and Marine Corps is adequately addressing the threat.

SCIENCE, TECHNOLOGY AND INNOVATION

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

Answer. Science and technology (S&T) is a critical building block for warfighting capabilities. As we face rapid change in the global security environment, Navy and

Marine Corps S&T programs play a vital role in developing capabilities to maintain and expand our technological advantage.

Question. If confirmed, how will you ensure that successful Navy and Marine Corps science and technology programs will transition to operational warfighting capabilities?

Answer. If confirmed, I will work to strengthen collaboration between the science and technology community and the program managers who transition the technologies to operational warfighting capabilities. In addition, I will work with leaders in the Department to foster partnerships between government, academia, and industry to increase the speed of technology transition to the Fleet.

Question. How would you improve efforts the Navy and Marine Corps are making to identify new technologies developed commercially by the private sector and apply them to military and national security purposes?

Answer. It is my understanding the Department is building networks of innovation organizations, consisting of private industry, academia, small business, and other government entities, to increase collaboration and innovation, and accelerate solutions to the warfighter. I believe initiatives and networks such as these are critical in identifying new technologies to the warfighter. If confirmed, I look forward to examining these efforts to identify additional opportunities for collaboration.

Question. How will you work to increase investments in research infrastructure through Department of the Navy MILCON investments to match growing investments in China in research infrastructure in areas such as quantum science, hypersonics, and advanced materials?

Answer. If confirmed, I will examine the MILCON investments needed to improve research infrastructure at our Naval Labs and Warfare and Systems Center. Additionally, I will work with stakeholders across the Department to develop a plan to ensure our research infrastructure supports accelerated development of cutting-edge technology in support of our warfighters.

TEST AND EVALUATION (T&E) EFFORTS

Question. What is your assessment of the Department of the Navy's test and evaluation capabilities, including the test and evaluation workforce and infrastructure?

Answer. The Department's test and evaluation capabilities are critical in delivering new technologies that have been proven ready for Fleet deployment. If confirmed, I will assess these capabilities, including the test and evaluation workforce and infrastructure, to ensure we are adequately resourced and fully capable of supporting the development and test and evaluation of new technologies.

Question. In which areas, if any, do you feel the Department of the Navy should be developing new test and evaluation capabilities?

Answer. If confirmed, I will support continued investments in the modernization of legacy test capabilities to ensure they are ready and adequate to support customer requirements. The Navy must continue to make investments in areas such as modeling and simulation, engineering, and test capabilities. Collecting performance data earlier in the acquisition process can produce a more efficient and effective approach to test and evaluation. In my view, I expect cybersecurity, directed energy, and autonomy will drive future Navy test capability investments.

Question. If confirmed, to what extent would you seek to accelerate the development of these new capabilities?

Answer. If confirmed, I will work with the Secretary to support continued investments in the modernization of legacy test capabilities to ensure they are ready and adequate to support evolving requirements.

Question. What are your views on the appropriate roles of OSD developmental and operational testing organizations with respect to the testing of Navy and Marine Corps systems?

Answer. From my experience, test and evaluation (T&E) plays a critical role in delivering proven technologies ready for Fleet deployment. While Service-led developmental and operational testing performs much of this work, oversight from the Office of the Secretary of Defense test organizations helps ensure warfighter needs are assessed properly and programs are held accountable. This is more important than ever to support the rapid acquisition and fielding of new technologies and systems for our warfighters, and to integrate operational realism into developmental testing phases.

INFORMATION TECHNOLOGY PROGRAMS

Question. What major improvements would you like to see made in the Navy and Marine Corps' development and deployment of major information technology (IT) systems?

Answer. It is my understanding that the Department of the Navy has implemented a road map in its Information Superiority Vision and is already taking steps to modify acquisition practices to fully leverage leading edge technologies. If confirmed, I intend to review ongoing efforts to consolidate cloud brokers, develop acquisition teams, and leverage agile development methodologies and partners. If confirmed, I look forward to working closely with the Department's Chief Information Officer to assess and implement the Department's Information Superiority Vision.

Question. If confirmed, how will you encourage process and cultural change in organizations so that they maximize the benefits that new enterprise IT systems can offer in terms of cost savings and efficiency?

Answer. Culture change begins with leadership. As Secretary Del Toro highlighted in his Strategic Guidance, leaders in every functional unit and discipline must take action to enforce business systems modernization on an accelerated and integrated path that is sufficiently resourced and supported. If confirmed, I will do my part to ensure leaders are held accountable for contributing to a culture that breaks down barriers and aggressively pursues the best IT systems for our sailors, marines, and civilian workforce.

Question. What is the appropriate relationship between the Department of the Navy's efforts to implement enterprise IT programs and supporting computing services and infrastructure to support Department of the Navy missions and efforts being undertaken by the Defense Information Systems Agency?

Answer. It is my understanding that the Department of the Navy and Defense Information Systems Agency (DISA) have a very close working relationship today, and if confirmed I will seek to maintain and strengthen that relationship tomorrow. I believe that the Department must adopt and share best practices across the entire information enterprise. There should not be any pride of authorship on enterprise services that satisfy common needs, but neither should the drive for enterprise services limit or compromise mission execution.

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

Answer. I intend to work to improve the effectiveness of our business process re-engineering efforts. The Department of the Navy must coordinate organizational change management efforts, policy updates, and reviews of lessons learned. It also must become an integral part of the continuous engineering and update of business capabilities and systems, not a one-time or one-off activity. If confirmed, I would support ongoing efforts.

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

Answer. The Department of the Navy's research enterprise already conducts cutting edge research that benefits Navy and Marine Corps IT business systems. It is my understanding that the Office of Naval Research has sponsored research that reduces the complexity and increases the security of commercial software underpinning new business systems. If confirmed, I will continue to leverage the Navy's R&D community by sharing requirements, evaluating their solutions, piloting capabilities, providing feedback, and transitioning the best solutions to operations.

INVESTMENT IN INFRASTRUCTURE

Question. Witnesses appearing before this Committee in the past have testified that the military services under-invest in both the maintenance and recapitalization of facilities and infrastructure compared to private industry standards. Decades of under-investment in Defense Department installations have led to substantial backlogs of facility maintenance activities, created substandard living and working conditions, and made it harder to take advantage of new technologies that could increase productivity. These challenges have been exacerbated by current budget pressures.

What is your view of Navy and Marine Corps infrastructure investment?

Answer. I understand that the Department of Navy has routinely funded facilities sustainment below the Department of Defense's model. If confirmed, I look to better understand the challenges that the Navy and Marine Corps have balancing investments for current and future infrastructure to meet the department's urgent readiness needs, future force requirements, and business reforms.

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

Answer. If confirmed, I would assess the Department's aging infrastructure and where it makes sense, look for opportunities to consolidate and reduce our footprint.

The last two years of pandemic-driven remote work has provided an opportunity to reimagine infrastructure requirements and potentially reduce off-installation leasing requirements. I believe that a fresh examination of the Department's infrastructure needs could potentially reduce total ownership costs. If confirmed, I would work closely with the Chief of Naval Operations and the Commandant of the Marine Corps to develop and fund modern, resilient, and sustainable facilities that meet our warfighter needs.

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Question. Officials of the Department of Defense, including previous Secretaries of the Navy, have advocated for accession to the Law of the Sea Convention.

Do you support U.S. accession to the United Nations Convention on the Law of the Sea?

Answer. It is my understanding that the United States Navy could benefit from accession to the United Nations Convention on the Law of the Sea should the Administration and Senate decide to ratify the treaty, since it enshrines freedoms of navigation and overflight that are vital to our national security interests. If confirmed, I will strive to protect these vital national security interests.

Question. How would you respond to critics of the Convention who assert that accession is not in the national security interests of the United States?

Answer. As the Convention's navigation and overflight provisions are already reflective of customary international law, it is my understanding that acceding to the Convention would serve to strengthen the ability of our Naval assets to avail themselves of the rights and freedoms provided by other States under the Convention and challenge activities by our adversaries that are inconsistent with the Convention's legal framework.

Question. In your view, what impact, if any, would U.S. 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. If the United States were to accede to the United Nations Convention on the Law of the Sea, I believe objections to unlawful maritime claims, such as those made by our adversaries in the Arctic and the South China Sea, would be more effective.

EXTREMISM

Question. What is your view of the prevalence of extremism within the armed forces?

Answer. I believe the vast majority of sailors and marines serve with honor and integrity respecting the oath that they took to support and defend the Constitution of the United States. A small number of individuals engaging in extremist activities can pose significant challenges to safety, unit cohesion, and trust in the military. If confirmed, I will support efforts already underway across the Department of the Navy to counter extremist activity and promote a culture of respect, trust, and professionalism.

Question. If confirmed, what would you recommend the Secretary of the Navy do to eliminate extremism within the ranks?

Answer. If confirmed, I will support the Department of the Navy's efforts already underway to counter extremist activity. Even a small number of individuals engaging in extremist activities may have a disproportionate impact on public safety and trust in the military. Focusing on activities instead of beliefs counters extremism and avoids infringing on constitutionally protected liberties. Leadership plays a significant role in preventing extremism, particularly in the creation and sustainment of command climates grounded in professionalism and respect. Department leadership must discourage extremist activity and hold those engaged in such activity accountable.

DIVERSITY AND INCLUSION

Question. In general, what is your assessment of the diversity of the Department of the Navy military and civilian workforces?

Answer. While the Department has made progress in advancing a culture that fully supports diversity, equity, and inclusion, I understand that under-representation remains among senior military and civilian leadership ranks across the enterprise. I also understand that the Department is building the capability to identify under-representation in its military and civilian occupational series. If confirmed, I look forward to continuing efforts with Navy and Marine Corps leadership to develop lawful data-informed solutions to ensure we have the most capable and diverse Department possible.

If confirmed, to what extent would you seek to increase diversity and inclusion within the Department of the Navy writ large?

Answer. If confirmed, I would seek to advance efforts to increase diversity and inclusion within the Department of the Navy. I will work closely with services and leaders across the Department of the Navy to continuously assess the efficacy and rate of diversity, equity, and inclusion (DE&I) capabilities and progress and to leverage authoritative data and other indicators to identify opportunities to advance and lawfully implement DE&I efforts.

Question. If confirmed, to what extent would you take actions to ensure that the Navy and Marine Corps, at all levels, especially within the senior officer ranks, reflect the broad diversity of those eligible to serve?

Answer. If confirmed, I will continue to emphasize and strengthen the Department of the Navy's commitment to improving diversity, equity, and inclusion and the responsibility of leadership to instill these ideals. I would work closely with leaders of the Navy and Marine Corps to continue to assess under-representation. If confirmed, I will work to ensure these efforts are lawfully advanced and that equal opportunity is provided to all members of the Department of the Navy.

Question. If confirmed, to what extent would you seek to increase diversity and inclusion in the Department of the Navy's civilian workforce, especially at the senior General Schedule and Senior Executive Service levels?

Answer. If confirmed, I will work with leaders across Department of the Navy to continue development of strategies to optimize talent management systems to improve diversity in the senior civilian ranks. Notwithstanding the ability to hire from external sources, I believe a focus on internal development programs would also provide an effective pool of leadership talent from which to fill these important positions.

Question. If confirmed, to what extent would you seek to increase geographical diversity in the Navy and Marine Corps—promoting the accession or enlistment of persons from areas of the country and local communities that are currently under-represented in the armed forces?

Answer. I recognize the importance of generating interest in the military as an employer of choice for today's youth and how valuable geographical diversity is to the Department of the Navy. I am also aware of Service initiatives applying various tools and approaches to increase diversity within their ranks. If confirmed, I will work to foster partnerships with community leaders and other influencers and assess marketing and outreach mechanisms to ensure we recruit diverse talent from all postal codes.

GENDER INTEGRATED TRAINING IN THE MARINE CORPS

Question. The Fiscal Year 2020 NDAA requires the Marine Corps to gender integrate basic training at Parris Island within five years, and at San Diego within eight years.

In your view, can the Marine Corps fully execute the gender integrated basic training mandate, on the timeline prescribed by the NDAA, while maintaining the readiness and lethality of the Corps?

Answer. It is my understanding that the Marine Corps is committed to getting every aspect of gender integrated entry level training right to create a more lethal and diverse force, and is on track to meet the timelines associated with the recruit training gender integration requirements of the Fiscal Year 2020 NDAA. If confirmed, I will work closely with the Commandant to ensure the integration plan remains on track and complies with the Fiscal Year 2020 NDAA requirements.

Question. What lessons have been learned from the integration progress and effort to date?

Answer. I am aware both Marine Corps Recruit Depots (MCRDs Parris Island and San Diego) have integrated their Regimental, Battalion, Company, and Support Instructor Staffs and the previously gender-segregated 4th Recruit Training Battalion at MCRD Parris Island now has male recruits and drill instructors. If confirmed, I look forward to understanding the Marine Corps' lessons learned from both recruit depots' experiences and seeking opportunities to apply best practices.

SEXUAL ASSAULT PREVENTION AND RESPONSE

Question. In your view, to what extent are Department of the Navy policies, programs, and training regarding the prevention of and response to sexual assault in the Navy and Marine Corps adequate and effective?

Answer. Sexual assault and other harmful behaviors must never be tolerated. Offenders must be held accountable and marines, sailors, and civilians who experience sexual harassment and/or sexual assault should have access to the support they

need. I understand that both Services within the Department are unyielding in their pursuit to reduce the prevalence of these behaviors and ensuring comprehensive care to those who seek help. It is my understanding that the Department of the Navy is implementing the approved policy changes recommended by the Independent Review Commission on Sexual Assault in the Military, as well as implementing changes mandated by the Fiscal Year 2022 NDAA. It is also my understanding that the Department's commitment to sexual harassment and sexual assault prevention is comprehensive and includes a heavy focus on strengthening healthy relationships skills across the career cycle to increase respect, trust, communication, esprit de corps, and accountability. There is more to be done and, if confirmed, I will prioritize these programs, ensuring they have the support and resources they need to succeed and ensuring we hold leaders accountable for fostering healthy climates and recognizing and addressing issues early and before they escalate. I will focus on promoting healthy and positive environments, in which servicemembers and civilians have the opportunity to thrive and ensure there is appropriate accountability for those who cause harm.

Question. If confirmed, to what extent would you take actions to increase focus on the prevention of sexual assaults in the Navy and Marine Corps?

Answer. If confirmed, I will continue the Department's efforts to address risk factors related to sexual assault to include everyday disrespects, sexual harassment, gender discrimination, and other negative behaviors that set the conditions for sexual assault to occur. I will leverage data to identify areas where there is high risk and will ensure we have the appropriate resources aligned to support changes and hold leaders accountable. I will focus on innovative and evidenced-informed prevention programs that hold the most promise for working in the unique context of the military. The Independent Review Commission on Sexual Assault in the Military recommended dedicated prevention personnel, and I support that recommendation. I will increase emphasis on addressing emerging problematic behaviors before they escalate. I will continue to prioritize leadership and professional development, promoting the skill-building and proficiencies to foster positive behaviors at all ranks. I will also continue to create policies that support those who come forward and/or need help and ensure accountability for perpetrators of sexual assault.

Question. What is your assessment of the Department of the Navy's implementation of protections against retaliation—most notably social ostracism and reputation damage—against sailors and marines who report sexual assault?

Answer. Retaliation and reprisal are detrimental actions that negatively impact the well-being of our people. In addition to the significant harm the individual victim experiences, there is also a loss of trust within the unit and a substantial degradation to its overall mission readiness. The Department of the Navy has a responsibility to prevent retaliation and reprisal and hold leaders accountable when victims' lives and careers are harmed because they reported sexual assault or harassment. I understand that the Department of the Navy has recently placed greater emphasis on identifying instances of retaliation and reprisal. If confirmed, I intend to continue these efforts and identify other ways to train and educate our total force on how to identify and report instances of retaliation and reprisal so that we can better protect victims' rights and hold leaders accountable when they fail to do so.

Question. The recently enacted National Defense Authorization Act for Fiscal Year 2022 makes significant changes to how the military will investigate and prosecute certain offenses, including sexual assault. What is your understanding of these changes and your role, if confirmed, in implementing these reforms?

Answer. The National Defense Authorization Act for Fiscal Year 2022 directs the Secretaries of the Military Departments to create Offices of Special Trial Counsel within each Military Service. These offices will be led by a Flag/General Officer Judge Advocate who will report directly to the Secretary without intervening authority. The specialized and expert Judge Advocates who staff this independent office will be responsible for the investigation and prosecution of certain covered offenses under the Uniform Code of Military Justice, to include sexual assault, domestic violence, murder, and other serious crimes. Among other responsibilities, these special trial counsel will have the exclusive authority to refer charges alleging these covered offenses to trial by special or general courts-martial. If confirmed, I will work to ensure that the Department of the Navy's Offices of Special Trial Counsel within the United States Navy and United States Marine Corps are staffed and equipped to begin their work upon the statute's effective date in December 2023.

Question. The Government Accountability Office (GAO) recently found that the timing, amount, and mix of legal training provided to commanders may not be meeting the commanders' needs.

In your view, do military and civilian leaders within the Navy and the Marine Corps have the training, authorities, and resources needed to hold subordinate com-

manders and supervisors accountable for the prevention of and response to sexual assault and retaliation?

Answer. Sexual assault, sexual harassment, and other destructive behaviors undermine unit cohesion and individual readiness. We cannot tolerate these actions within the Department of the Navy. I wholeheartedly support efforts to finally eliminate this destructive scourge.

While I am aware of the GAO report and its findings, as a nominee I have not had the opportunity to thoroughly review the training, authorities, and resources provided to Department of the Navy commanders and civilian leaders to hold subordinate commanders and supervisors accountable for the prevention of and response to sexual assault and retaliation. If confirmed, however, you have my commitment that I will be personally involved on this critical issue.

Question. If not, what additional training, authorities, or resources do you believe are needed, and why?

Answer. As a nominee, I have not had the opportunity to thoroughly review the training, authorities, and resources provided to Department of the Navy commanders and civilian leaders. If confirmed, however, I will ensure that each of these are examined with an eye toward improvement. If that examination identifies that our leaders need additional training, authorities, or resources to hold subordinates accountable for the prevention of and response to sexual assault and retaliation, I commit to exploring every feasible avenue to do so.

Question. If confirmed, to what extent would you take action to improve legal training for commanders?

Answer. The commander is responsible for all that occurs within his or her unit and is critical to its ability to execute its assigned mission. Among other things, commanders are charged with enforcing standards to shape a culture of excellence. To ensure their success—and mission accomplishment—the Department of the Navy must provide all commanders with the tools they need. If confirmed, I will study the training provided commanders by the Department of the Navy, including training of legal topics, to identify areas in which it might be improved. If that study identifies training gaps, I will work to improve training for the sake of our commanders and the larger Department of the Navy community.

CHILD ABUSE AND DOMESTIC VIOLENCE IN MILITARY FAMILIES

Question. Recent press reports indicate that the number of incidents of child abuse and domestic violence in military families has increased.

What is your understanding of the extent of the problem with child abuse in the Navy and Marine Corps, and if confirmed, what actions will you take to address it?

Answer. Understanding the unique pressures of the military lifestyle, to include the impact of deployment and extended family separations, is vital to addressing these issues. Child abuse has no place in the Navy and Marine Corps. If confirmed, I will work with Navy and Marine Corps leadership to ensure sailors, marines, and their families have access to resources and skill development in order to cope and adjust to military life stressors.

Question. What is your understanding of the extent of the problem with domestic violence in the Navy and Marine Corps, and if confirmed, what actions will you take to address it?

Answer. Domestic violence has no place in the Navy and Marine Corps. The unique pressures of the military lifestyle, coupled with the youthful demographics of the Services, call for early and frequent engagement by command leadership. If confirmed, I will work with Navy and Marine Corps leadership to ensure sailors, marines, and their families have access to resources and skill development that help them to recognize and cope positively with military life stressors.

SUICIDE PREVENTION:

Question. The number of suicides in each of the Services continues to concern the Committee. Over the past few years, five sailors assigned to the USS *George H.W. Bush* committed suicide.

What actions has the Navy taken to address suicides in the wake of the *Bush* suicides, and what lessons have been learned?

Answer. It is my understanding that the Navy conducted a comprehensive review of the *Bush* suicides. I have not reviewed the report and cannot comment on the individual findings or initiatives. It is my understanding that the Navy and Marine Corps have launched year-long campaigns designed to decrease access to lethal means, eliminate stigma related to help-seeking behaviors, and increase the availability of resources for those seeking support.

If confirmed, I am committed to ensuring the wellness of all sailors, marines, and civilians and continue to support the Department's current efforts to reduce unnecessary stressors, encourage individuals to ask for support when they need it, eliminate stigma associated with help-seeking, and reduce barriers to accessing care.

Question. If confirmed, what actions would you take to prevent suicides within the Navy and Marine Corps, including within the Navy and Marine Corps reserve components, and within the families of sailors and marines across all Components?

Answer. The loss of any sailor, marine, or civilian to suicide is one too many. If confirmed, I am committed to ensuring the wellness of all sailors, marines, and civilians and continue to support the Department's current efforts to encourage individuals to ask for support when they need it, eliminate stigma associated with help-seeking, and reduce barriers to accessing care. I will ensure the Department's efforts align with the President's National Strategy on Reducing Military and Veteran Suicide to address upstream risk and protective factors long before suicide is a consideration. In addition to prioritizing suicide prevention strategies that are evidence-based and grounded in data, if confirmed, I will address the health of our unit climates and hold leaders accountable for setting unit conditions that promote trust, connectedness, esprit de corps, healthy communication, and the safety and well-being of our sailors and marines. I will also listen to the valuable insights of our sailors, marines, their leaders, and the family members who are often the first to notice suicidal ideations or behaviors in our servicemembers. I will listen to our providers who care for our servicemembers and their families and will ensure that resources are available to servicemember when and where they are needed.

Question. If confirmed, what would you do to enhance the reporting and tracking of suicide among family members and dependents of sailors and marines across all Components?

Answer. If confirmed, I will review the reporting and tracking tools used by the Navy and Marine Corps and work with the Services to enhance our use of military and civilian data and ensure we have the appropriate talent to leverage existing data and advance our suicide prevention efforts. Further, if confirmed, I will collaborate with key stakeholders across the Department of Defense and other federal agencies such as the Department of Veterans Affairs, as well as thought leaders in academia, glean best practices, identifying trends, and sharing resources. Collaboration across organizations, industries, and disciplines is critical for approaching these challenges with the novel and diverse perspectives needed to continue to advance suicide prevention approaches.

FAMILY READINESS AND SUPPORT

Question. What do you consider to be the most important family readiness issues for servicemembers and their families?

Answer. Family readiness is a key component to ensure servicemembers can deploy far from home and know that support programs and resources are in place for their families during these absences. Military families serve alongside their sailors and marines, and I believe that family readiness is inherently tied to unit readiness and our ability to achieve the National Defense Strategy mission. If confirmed, I will be devoted to programs that support military spouses and families, such as employment initiatives, child care, personal financial readiness, and other life skills development.

Question. If confirmed, what specific actions would you take to ensure that military families are provided with accessible, high-quality childcare, at an appropriate cost?

Answer. The shortage of accessible, high-quality childcare is a national issue that I believe could impact the readiness and retention of sailors and marines. It is my understanding the Navy and Marine Corps are exploring a variety of efforts and initiatives to address the high demand for childcare, to include expanding fee assistance, renovating older facilities, and nurturing community partnerships that may expand capacity. I understand some installations are collaborating with local municipalities as well as local and national agencies to expand daycare. If confirmed, I will examine these efforts and explore other innovative ways to address this critical issue.

Question. If confirmed, how would you ensure that sailors and marines with family members with special needs are assigned to duty stations where services are available to address those needs?

Answer. I understand the importance of providing families with the necessary resources to thrive. The Exceptional Family Member Program is one such program that supports sailors and marines who have military dependents with special needs. It is extremely important that sailors and marines are assigned to locations where

the required medical services and educational support are available for dependents with special needs. If confirmed, I will work with Navy and Marine Corps leaders to ensure this program is poised to best support sailors, marines, and their families.

Question. If confirmed, how would you ensure outreach to those military families with special needs dependents, so they can obtain the support they need?

Answer. Commanding Officers and Senior Enlisted Advisors enable sailors and marines to access resources and support for special needs dependents. Understanding barriers and challenges that military families face in accessing support is essential when considering how we are best postured to overcome them. If confirmed, I will work with Navy and Marine Corps leaders to understand these challenges and potential solutions to ensure our military families with special needs dependents have the support they deserve.

SENIOR MILITARY AND CIVILIAN ACCOUNTABILITY

Question. While representative of a small number of individuals in the Department of Defense, reports of abuses of rank and authority by senior military and civilian leaders and failures to perform up to accepted standards are frequently received. Whistleblowers and victims of such abuses often report that they felt that no one would pay attention to or believe their complaints. Accusations of unduly lenient treatment of senior officers and senior officials against whom accusations have been substantiated are also frequently heard.

What are your views regarding the appropriate standard of accountability for senior civilian and military leaders of the Department of the Navy?

Answer. If confirmed, I will support the Department of the Navy's emphasis on meeting high standards of personal and professional conduct and character development. The Department of the Navy's most important assets are its personnel. If leaders conduct themselves in a way that demeans, abuses, and strips people of their dignity, the ability of any organization to perform its mission will quickly erode. The success of the Department to meet its mission depends on senior leadership to model positive professional and personal behavior, consistent with its core values of honor, courage, and commitment. If confirmed, I will emphasize accountability across the board, including for senior military and civilian leaders.

Question. If confirmed, what steps would you take to ensure that senior leaders of the Navy and Marine Corps are held accountable for their actions and performance?

Answer. Accountability for results and personal conduct are the foundation of all successful organizations. If confirmed, I will clearly articulate my vision and expectations for senior leaders, in alignment with the Secretary's vision. I will not tolerate abuse of authority and rank. Such actions are counter to the Department of the Navy's core values of upon which the foundation of trust and leadership is built. If confirmed, I am committed to ensuring every allegation of misconduct involving senior leadership is thoroughly investigated. If confirmed, I will be firmly committed to holding senior leaders accountable for their actions and performance as warranted.

MANAGEMENT AND DEVELOPMENT OF THE SENIOR EXECUTIVE SERVICE

Question. The transformation of the armed forces has brought with it an increasing realization of the importance of efficient and forward-thinking management of senior executives.

What is your vision for the management and development of the Navy and Marine Corps senior executive workforce, especially in the critically important areas of acquisition, financial management, and the scientific and technical fields?

Answer. The management and continuous development of the senior executive cadre is critical to the Department of the Navy's mission. I believe that the Department of the Navy must invest in the development of its workforce. If confirmed, I will work with the leaders of the Navy and Marine Corps to modernize the talent management process and develop training opportunities and tools in support of continuous learning.

Question. Do you believe that the Department of the Navy has the number of senior executives it needs, with the proper skills, to manage the Department into the future?

Answer. If confirmed, I will work with the Secretary and ASN(M&RA) to examine the current Senior Executive Service end-strength and its alignment to the Departmental goals and objectives. I will look at recruitment, selection, and development programs, focusing on selecting leaders who possess expert leadership and technical skills as well as strong business acumen to lead with competence and compassion and deliver results. I will also examine the diversity of the Department's Senior Ex-

ecutive Service cadre to identify and mitigate barriers to underrepresented groups being appointed to these important, highest-level leadership positions.

RELATIONS WITH CONGRESS

Question. What are your views on the state of the relationship between the Department of the Navy and the Senate Armed Services Committee in particular, and with Congress in general?

Answer. In general, it is my view that the Department of the Navy has established a good relationship with Members of Congress and their staffs, to include oversight committees such as the Senate Armed Services Committee. However, in my former capacity as the majority clerk for the Senate Defense Appropriations Subcommittee, I recognized that there were certainly opportunities where that relationship could be enhanced. If confirmed, I am committed to further strengthening this relationship based on transparency, trust, and accountability.

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. I believe that transparency, trust, and accountability are foundational principals in ensuring the Department of the Navy and Congress have a productive and mutually beneficial relationship. As someone who was directly a part of this relationship in my previous capacity, I fully understood the importance of developing and sustaining a mutually supporting and beneficial relationships to ensure the security of our Nation. Accordingly, if confirmed, you have my personal commitment to building upon these principals and working closely with the Members of Congress and their staffs.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this Committee and other appropriate committees of Congress are able to receive testimony, briefings, reports, records (including documents and electronic communications) and other information from the Department.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

Question. Do you agree, without qualification, if confirmed, to ensure that you and other members of your organization protect from retaliation any military member, federal employee, or contractor employee who testifies before, or communicates with

this Committee, its subcommittees, and any other appropriate committee of Congress? Please answer with a simple yes or no.

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JEANNE SHAHEEN

SMALL BUSINESS INNOVATION RESEARCH AND SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAMS

1. Senator SHAHEEN. Mr. Raven, revitalizing our shipyards must be a foremost priority. The Fiscal Year 2022 Omnibus includes \$475 million in funds for the Shipyard Infrastructure Optimization Plan (SIOP) multi-mission dry dock project at Portsmouth Naval Shipyard in New Hampshire. That represents a \$225 million increase for the Portsmouth project over the Navy's budget request due to inaccurate cost estimates. How confident are you in the current cost estimates and what is your plan to keep SIOP within budget and on schedule?

Mr. RAVEN. The Navy's four public shipyards are key elements of our national defense. The Navy has stood up a Program Executive Office to holistically manage shipyard infrastructure projects, while maintaining support to the Fleet, and ensuring close coordination between the Navy and industry partners. It is my understanding that the Shipyard Infrastructure Optimization Program is using lessons learned from the Portsmouth multi-mission dry dock project to inform future planning, design, and construction efforts for other SIOP projects. If confirmed, I intend to work with Department leaders to ensure the program stays within budget and on schedule.

2. Senator SHAHEEN. Mr. Raven, how detrimental to the Navy's readiness would any delays to the SIOP multi-mission dry dock project at Portsmouth Naval Shipyard be?

Mr. RAVEN. I certainly share your views about the need to ensure SIOP projects, such as the multi-mission dry dock project at Portsmouth Naval Shipyard, be completed without delay. Modernized maintenance facilities at the public Naval Shipyards are essential to support platforms such as the *Virginia*-class submarine and the *Ford*-class carrier, and are a critical component of the Navy's readiness capabilities. It is my understanding that the Navy has committed the required funding in fiscal year 2023 and across the Future Years Defense Plan. If confirmed, I assure you of my commitment to keeping SIOP projects on time and on budget to avoid any detrimental impacts to Navy readiness.

F-35

3. Senator SHAHEEN. Mr. Raven, Russia's recent invasion into Ukraine and China's repeated incursions into Taiwan's air defense identification zone are poignant reminders that maintaining air dominance is critical in any near-peer conflict. However, it has been reported that the Department of the Navy will request 12 fewer F-35s than expected. Moreover, the F-35 program is critical economic driver for many States -with the program supporting over 1,800 suppliers that provide more than 254,000 direct and indirect jobs. How is the cut in F-35 production for fiscal year 2023 consistent with the priorities in the 2018 National Defense Strategy and how important is it for the Navy to consider downstream impacts of this decision on the defense industrial base?

Mr. RAVEN. I understand the F-35 provides advanced capabilities for the Navy and Marine Corps and the importance of providing predictability to our critical industrial base. Although I was recently made aware of the Department's F-35 procurement plan in the Fiscal Year 2023 President's Budget, I have not yet been briefed on the new National Defense Strategy. If confirmed, I look forward to gaining a better understanding of how the new defense strategy shaped the decisions in the Fiscal Year 2023 President's Budget.

AUDIT

4. Senator SHAHEEN. Mr. Raven, the Department of the Navy has yet to successfully pass an audit. Acting Secretary of the Navy Thomas Harker testified in 2020 that 2027 was the target timeline to fully provide a clean audit for the Department of the Navy. In your opinion, do you think the 2027 timeline is reasonable?

Mr. RAVEN. It is my understanding that the Marine Corps is currently in the first year of a two-year audit cycle targeting an opinion in fiscal year 2023 and that the

Navy recently revised its remediation strategy based on fiscal year 2021 audit results. If confirmed, I am committed to looking closely at the new strategy to determine if the target date can be met or exceeded.

QUESTIONS SUBMITTED BY SENATOR MAZIE K. HIRONO

QUESTION ON NOMINEES' FITNESS TO SERVE

5. Senator HIRONO. Mr. Raven, 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. RAVEN. No.

6. Senator HIRONO. Mr. Raven, have you ever faced discipline, or entered into a settlement related to this kind of conduct?

Mr. RAVEN. No.

SHIPYARD INFRASTRUCTURE OPTIMIZATION PROGRAM

7. Senator HIRONO. Mr. Raven, if confirmed, how will you prioritize the Navy's Shipyard Infrastructure Optimization Program (SIOP) to ensure our four public shipyards are appropriately funded, modernized, and maintained to meet operational demands?

Mr. RAVEN. I am aware that the President's Fiscal Year 2023 budget submission strongly supports SIOP funding. If confirmed, I will work with leaders in the Department to ensure the Navy's public shipyards are positioned to execute the complex maintenance availabilities required to meet the Navy's operational demands.

8. Senator HIRONO. Mr. Raven, if confirmed, how will you explore the options of integrating private shipyards into the fleet's maintenance practices to augment the aging public shipyards?

Mr. RAVEN. If confirmed, I will work with our Navy leaders to explore options to further integrate private yards into submarine maintenance planning efforts. I will support ongoing efforts to improve fast attack submarine (SSN) material availability that include a 15-Year SSN Maintenance Plan outlining approaches to optimize submarine repair. Continuing these efforts, the Navy will be in a better position to evaluate different scopes of work, periods of performance, and intervals between availabilities at each private shipyard capable of performing such work.

FLEET SIZE AND COMPOSITION

9. Senator HIRONO. Mr. Raven, Chief of Naval Operations Admiral Michael Gilday recently stated that based on a series of exercises over the last year it was his analysis that the United States needs a "bigger, more capable Navy," estimating the need to be "a naval force of over 500 ships". When describing the force structure assessment, he said that the study led by the Office of the Secretary of Defense was important because it represented the Navy and Marine Corps' perspective. The size and composition of the fleet is a requirement that seems to change vastly from year to year. If confirmed, how do you plan to establish and communicate the actual requirement for fleet size and composition?

Mr. RAVEN. It is important that the size and composition of the Navy fleet be updated regularly to address changes in the security environment, defense strategy, operational concepts, and expected future capabilities that impact force structure — while also taking into account the Naval Forces' contribution to the Joint Force. If confirmed, I will support and comply with the Navy Battle Force Ship Assessment and Requirement reporting requirement directed in the Fiscal Year 2022 NDAA.

10. Senator HIRONO. Mr. Raven, a series of studies on the amphibious ship requirement have identified a need for at least 30 amphibious ships to support Marine Corps operations yet in last year's budget, yet the Navy chose not to exercise congressionally authorized block buy authority, which was projected to save \$722 million across the four ships. If confirmed, how do you intend to budget for and fund the amphibious ship requirement identified by the Commandant of the Marine Corps and exercise the block buy authority authorized by Congress?

Mr. RAVEN. It is my understanding that the Navy and Marine Corps are undertaking an Amphibious Fleet Requirement Study to provide recommendations on the optimal size and composition of the future amphibious warship fleet. When complete, the results of this study will inform future shipbuilding plans and decisions to exercise the block buy authority authorized by Congress. If confirmed, I will care-

fully review the findings on amphibious fleet requirements and advocate for validated requirements to support our warfighters. You have my commitment to review this matter within the context of the threat environment and the requirement for a modernized amphibious fleet to support the Joint Force, as required to support the National Defense Strategy.

11. Senator HIRONO. Mr. Raven, unmanned systems are central to the Navy's view of the future fleet and are projected to comprise roughly 20 percent of it. If confirmed, how will you plan to integrate unmanned systems into the Navy's 30-year shipbuilding plan, ensure autonomous systems are maintained, and develop an adequate concept of operation for employment?

Mr. RAVEN. I understand the Department is on a path to field a full spectrum of unmanned capabilities with the proper mix of integrated manned and unmanned platforms to provide greater geographical distribution, increase fires, and take advantage of emerging technologies. Unmanned assets are envisioned to act as a force multiplier by increasing range; weapons capabilities; intelligence, surveillance, and reconnaissance enhancements; and distribution of the strike force in contested environments. It is also my understanding that the Navy is committed to fully testing concepts of operations and employment of these platforms to ensure they are sustainable, supportable, and meet the required warfighting capabilities. If confirmed, I will continue to support the Department's deliberate approach through the use of land-based testing and at sea prototyping to ensure these new capabilities are ready to join the fleet.

ACCOUNTABILITY

12. Senator HIRONO. Mr. Raven, over the last few years, there have been several very concerning incidents in the Navy, including the burning of the USS *Bonhomme Richard*, the grounding of the USS *Connecticut* in the South China Sea, and the contamination of the Navy's water system from a fuel leak at Red Hill Bulk Fuel Facility in Hawaii. All three of these preventable incidents led to billions of dollars in lost taxpayer money and serious concerns about safety in the Navy. If confirmed, how to you intend to prevent these types of serious incidents and how to you intend to hold accountable those responsible for these types of failures?

Mr. RAVEN. If confirmed, I will work with Navy leadership to ensure the Department has the capability to self-assess, self-correct, and effectively apply lessons learned in a manner that results in systemic change. Accountability is a key component to ensuring the high standards set to ensure mission readiness are achieved. If confirmed, I am committed to ensuring the Department remains devoted to holding ourselves accountable for how we lead our people and how we do our jobs on behalf of the American people.

QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

SUPPORTING NAVY FLEET GROWTH

13. Senator INHOFE. Mr. Raven, what specific actions, including investments, do you believe are necessary to grow and support our Navy fleet in terms of capability, capacity, maintenance, personnel, and shore infrastructure?

Mr. RAVEN. I support Secretary Del Toro's Strategic Guidance and the enduring priorities to maintain maritime dominance by expanding forward presence, enhancing warfighting readiness, innovating and modernizing the force to address current and future operational requirements. I believe we must also strengthen strategic partnerships by building trust and collaboration, enhance performance and affordability, and strengthening alliances and partnerships. If confirmed, ensuring our sailors, marines, and civilians have the necessary resources, training, education, and support necessary to carry out their assigned missions or tasks will be one of my top priorities.

Supporting and growing the Navy fleet requires a balanced approach that starts with establishing stable requirements, to ensure the Navy pursues the capabilities in greatest need for deterrent and warfighting effects. I believe the next step should be to mature new technologies, including ship designs, so that industry can efficiently produce the needed weapons and platforms. Finally, the Navy must program and budget for the personnel and facilities that support readiness throughout the life-cycle of the Navy's weapons platforms. Inadequately balancing these steps to growing fleet capabilities jeopardizes warfighting capabilities and taxpayer funds, and if confirmed, I intend to carefully manage each of these issues.

QUESTIONS SUBMITTED BY SENATOR DAN SULLIVAN

SIZE OF U.S. NAVY

14. Senator SULLIVAN. Mr. Raven, speaking at the WEST 2022 conference on February 18, 2022, Chief of Naval Operations Admiral Michael Gilday laid out his vision for a 500-ship Navy. In the past 3 years, the Navy and DOD have struggled to produce a common vision for how many ships of what type the Navy needs. What is your assessment of the current requirements for the size of our Navy?

Mr. RAVEN. Although I am aware of the ongoing force structure assessment that the Navy is conducting, I have not yet been provided access to the studies. I believe the Navy must be sized appropriately to support the Joint Force and to deter and, if required, defeat strategic competitors. If confirmed, I am committed to working closely with the Administration and Congress to ensure that the Navy and Marine Corps team is sized appropriately to carry out assigned missions in support of the National Defense Strategy.

15. Senator SULLIVAN. Mr. Raven, do you believe the Navy and Marine Corps have done an adequate job defining their ship requirements against operational requirements?

Mr. RAVEN. The Department of the Navy must maintain the ability to win as part of the Joint Force and to adapt to an evolving security environment. It is my understanding the Department of the Navy is taking a comprehensive approach to this challenge, relying not solely on any one new technology or solution and pursuing a more capable fleet integrated with unmanned technologies. It is also maturing operational concepts such as Distributed Maritime Operations and Advanced Expeditionary Base operations, and realigning force posture and priorities to better align to the new security environment. If confirmed, I am committed to exploring all elements of our comprehensive approach to defining requirements to meet new security challenges.

16. Senator SULLIVAN. Mr. Raven, would you agree with the idea that the principal domain of competition with the People's Republic of China (PRC) is maritime and that the Department of the Navy should correspondingly receive a larger share of the U.S. defense budget than it did during the campaigns in Iraq and Afghanistan?

Mr. RAVEN. I agree with Secretary Austin's commitment to match resources to strategy, strategy to policies, and policies to the will of the American people. The Department of the Navy must invest in modernization of systems and deployment of capabilities focused on the needs of the Indo-Pacific region, while building cooperative alliances and partnerships to leverage capabilities and influence. The Department of the Navy must be funded to provide a balance of capacity and capability to confront near term as well as mid-to-long term threats. If confirmed, I will fully support the efforts of Secretaries Austin and Del Toro to modernize Naval Capabilities and work with our allies and partners to meet the challenges posed by China with a combat-credible Navy and Marine Corps team.

EXTREMISM

17. Senator SULLIVAN. Mr. Raven, from April until December of 2021, the Department of Defense's Countering Extremist Activity Working Group found 100 instances of extremist behavior in a force of over 1.2 million, or an incident rate of .005 percent. Do you believe that such an incident rate merits additional DOD focus beyond that which commanders would normally be expected to exercise to maintain good order and discipline?

Mr. RAVEN. Even a small number of individuals engaging in extremist activities can pose a considerable challenge to safety, unit cohesion, and trust in the military. Although the vast majority of servicemembers serve their country honorably, I believe threats posed by extremist behavior should remain a focus for the DOD. If confirmed, I would continue to encourage leaders at all levels to set the tone for a healthy climate and culture where destructive behaviors, including engaging in extremist activities, are never tolerated.

QUESTIONS SUBMITTED BY SENATOR MARSHA BLACKBURN

NAVAL STRATEGIC GUIDANCE

18. Senator BLACKBURN. Mr. Raven, what challenges currently exist within the Navy's "One Navy-Marine Corps Team" strategy?

Mr. RAVEN. The Secretary's Enduring Priorities in his strategic guidance are well aligned and prioritized. I agree the Department must maintain maritime dominance in defense of our Nation by expanding forward presence, enhancing warfighting readiness, innovating and modernizing, and fighting climate change. We also must empower our people, eliminate harmful behaviors, leverage education as a warfighting enabler, cultivate talent and teamwork, and take care of our people. The Department of Navy must strengthen our strategic partnerships – both within the U.S. Government and externally with our Allies and partners. We must also modernize business systems to enhance performance and affordability. If confirmed, I will support actions to address these enduring priorities.

19. Senator BLACKBURN. Mr. Raven, how does the Navy's strategic guidance address China's gray-zone tactics and malign activities in the Indo-Pacific?

Mr. RAVEN. The 2020 Tri-Service Maritime Strategy, Advantage at Sea, acknowledges that the maritime domain is particularly vulnerable to malign behavior and that unaddressed attempts at incremental gains from malign activities can accumulate into long-term advantages for our adversaries. Our rivals are exploiting new avenues to advance their interests, including weaponizing social media and the law, infiltrating global supply chains, and using space and cyber as warfighting domains. This strategy contends that we must compete in these spaces to succeed in competition, deter escalation to crisis and set conditions for victory in the event of conflict. If confirmed, I expect to review efforts under the Tri-Service Maritime Strategy that refute the false narratives of our rivals and demonstrate the United States' commitment to protecting the rules-based order.

CHINESE THREAT TO TAIWAN

20. Senator BLACKBURN. Mr. Raven, former commander of U.S. Indo-Pacific Command, Admiral Philip Davidson, testified that China may try to invade Taiwan in the late 2020s. The current commander of U.S. Indo-Pacific Command has also testified that China may seek to invade Taiwan much sooner than is often anticipated. Other officials have testified further that they agree with these warnings, including Deputy Under Secretary of Defense for Policy Sasha Baker. Do you agree that the threat of a Chinese invasion of Taiwan is something we need to be worried about in this decade, not just in the 2030s or afterward?

Mr. RAVEN. I am familiar with Admiral Davidson's testimony and believe it aligns with Secretary Del Toro's strategic guidance establishing the Department of the Navy's top priority to develop concepts of operations and capabilities that bolster deterrence and expand U.S. warfighting advantages vis-a-vis the People's Republic of China. The belligerent and unlawful aggression by Russia against the democratic nation of Ukraine that aggression can occur elsewhere in the world, when not expected. If confirmed, my obligation will be to ensure our Fleet and Fleet Marine Forces are organized, trained, equipped, and employed in support of this priority, and we are able to campaign and win now and in the future.

CRITICAL MUNITIONS

21. Senator BLACKBURN. Mr. Raven, the RAND Corporation and others have argued that the United States is short on – and needs to quickly grow its stockpiles of – many of the critical munitions we would need to defeat a Chinese invasion against Taiwan, including Long-Range Anti-Ship Missiles. Do you commit, if you are confirmed, to prioritizing rapid acquisition of these kinds of critical munitions – particularly Long-Range Anti-Ship Missiles – given how important they are for deterring China?

Mr. RAVEN. I believe it is essential that we keep pace or exceed the capabilities with our most capable competitors. Although I do not have specific knowledge of the details related to the stockpiles of critical munitions, I understand that this is a priority for the Department. If confirmed, I am committed to reviewing in detail the Department's capabilities in this area and would support prioritizing these types of weapon systems in order to maintain a competitive edge.

[The nomination reference of Mr. Erik K. Raven follows:]

NOMINATION REFERENCE AND REPORT

PN1777

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
February 14, 2022.

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

Erik Kristopher Raven, of the District of Columbia, to be Under Secretary of the Navy, vice Thomas B. Modly.

_____, 2022.
(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. Erik K. Raven, which was transmitted to the Committee at the time the nomination was referred, follows:]

Biography
Erik K. Raven

Education:

- College of Marin
 - September 1991 to June 1993
 - Associate of Arts, May 1994
- Connecticut College
 - September 1993 to December 1995
 - Bachelor of Arts with Honors and Distinction, June 1996
- London School of Economics and Political Science
 - September 1999 to June 2000
 - Master of Science with Merit, November 2000

Employment Record:

- Senate Committee on Appropriations, Subcommittee on Defense
 - Democratic Clerk
 - Washington, DC
 - March 2014 – Present
- Senate Committee on Appropriations, Subcommittee on Defense
 - Professional Staff Member
 - Washington, DC
 - January 2007 – March 2014
- Office of Senator Robert C. Byrd
 - Legislative Director
 - Washington, DC
 - October 2005 – December 2007
- Office of Senator Robert C. Byrd
 - Legislative Assistant
 - Washington, DC
 - December 2000 – September 2005
- Office of Senator Dianne Feinstein
 - Temporary Caseworker
 - Washington, DC
 - June 1999 – August 1999
- Beijing Polytechnic University
 - Foreign Teacher

- Beijing, China
- September 1998 – June 1999

- Office of Senator Dianne Feinstein
- Legislative Correspondent
- Washington, DC
- November 1996 – September 1998

- Office of Senator Dianne Feinstein
- Staff Assistant
- Washington, DC
- February 1996 – November 1996

Honors and Awards:

- Recognition for 12 Years of Senate Service

- Recognition for 20 Years of Senate Service

- Completed honors thesis at Connecticut College on the origins of various governments' involvement in the international narcotics trade

[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. Erik K. Raven 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):**
Erik Kristopher Raven
2. **Position to which nominated:**
Under Secretary of the Navy
3. **Date of nomination:**
15 Feb 2022
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):**
 - College of Marin, community college
 - September 1991 to June 1993

- Associate of Arts, May 1994
 - Connecticut College, college
 - September 1993 to December 1995
 - Bachelor of Arts with Honors and Distinction, June 1996
 - London School of Economics and Political Science, university
 - September 1999 to June 2000
 - Master of Science with Merit, November 2000
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):**
- Senate Committee on Appropriations, Subcommittee on Defense
 - Democratic Clerk
 - Washington, DC
 - March 2014 – Present
 - Senate Committee on Appropriations, Subcommittee on Defense
 - Professional Staff Member
 - Washington, DC
 - January 2007 – March 2014
6. **Government experience (List any advisory, consultative, honorary, and other part-time service or positions with Federal, State, or local governments, other than those listed in response to question 5, above):**
- Office of Senator Robert C. Byrd
 - Legislative Director
 - Washington, DC
 - October 2005 – December 2007
 - Office of Senator Robert C. Byrd
 - Legislative Assistant
 - Washington, DC
 - December 2000 – September 2005
 - Office of Senator Dianne Feinstein
 - Temporary Caseworker
 - Washington, DC
 - June 1999 – August 1999

- Office of Senator Dianne Feinstein
 - Legislative Correspondent
 - Washington, DC
 - November 1996 – September 1998
 - Office of Senator Dianne Feinstein
 - Staff Assistant
 - Washington, DC
 - February 1996 – November 1996
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):**
- None
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):**
- None
- b. **List all memberships and offices held in, and services rendered to, all political parties or election committees during the last 5 years:**
- Participant, Biden Defense Working Group. May-December 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:

None

10. **Honors and awards (List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognition received for outstanding service or achievements):**
- Recognition for 12 Years of Senate Service
 - Recognition for 20 Years of Senate Service
 - Completed honors thesis at Connecticut College on the origins of various governments' involvement in the international narcotics trade.
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):**

None

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

6

[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 15 day of February, 2022

[The nomination of Mr. Erik K. Raven was reported to the Senate by Chairman Reed on April 5, 2022, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on April 7, 2022.]

[Prepared questions submitted to Ms. M. Tia Johnson by Chairman Reed prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES AND QUALIFICATIONS

Question. Subchapter XII of chapter 47 of title 10, United States Code, establishes the United States Court of Appeals for the Armed Forces (USCAAF) and provides for its organization and administration.

What is your understanding of the duties and functions of USCAAF and its judges?

Answer. As the Supreme Court has observed, “CAAF is a permanent ‘court of record’ created by Congress; it stands at the acme of a firmly entrenched judicial system that exercises broad jurisdiction with established rules and procedures; and its own decisions are final (except if we review and reverse them).” *Ortiz v. United States*, 1138 S. Ct. 2165, 2100 (2018). Because USCAAF is an Article I court, its duties and functions are governed by statute. The most relevant statutes are Articles, 48, 67, 73, and 141 of the Uniform Code of Military Justice (UCMJ) (10 U.S.C. §§ 848, 867, 873, and 941). The Court’s most significant duties are to review cases in which a Court of Criminal Appeals affirmed a death sentence, to review cases that a Judge Advocate General has certified to the Court, to review petitions for grant of review, and to review cases in which it chooses to exercise its discretionary jurisdiction. The Court provides civilian judicial review in those cases listed above.

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

Answer. My service in the Executive Branch (both in uniform and as a civilian), as well as in academia has prepared me to perform the duties of a CAAF judge.

Even before Active Duty, while in law school, I had the privilege of working for Judge A. Leon Higginbotham of the U.S. Court of Appeals for the Third Circuit on his research team gaining invaluable insight into the appellate decision-making process.

Most significantly, I spent thirty years on Active Duty as a judge advocate. In my early years, I amassed significant litigation experience. During my first and second tours, I served as a prosecutor, trying cases before courts-martial, as well as in U.S. Magistrate and District Court. I also have significant civil litigation experience, having tried dozens of labor-employment cases before multiple federal entities (the Merit Systems Protection Board, Equal Employment Opportunity Commission, Federal Labor Relations Authority, and the U.S. Army Civilian Appellate Review Agency). Once administrative remedies were exhausted, these cases were also tried in U.S. District Court.

I also have experience handling complex civil litigation. During my first tour, I represented the command in the “school litigation” case. This involved nationwide challenges to the U.S. Impact Aid Program and was being litigated in multiple U.S. District Courts. Our case was ultimately settled after the USG prevailed in a similar challenge in the 4th Circuit.

Both the criminal prosecutions and civil litigation covered the full-range of pre-through-post trial practice.

Outside of litigation, I also served as the senior lawyer in multiple commands. As a Staff Judge Advocate, I was responsible for the administration of military justice. This includes providing logistical and other support to all involved in courts-martial (judges, defense, and trial counsels), as well as performing the statutory requirements contained in the Uniform Code of Military Justice, specifically providing pre-and-post trial advice to the General Court-Martial Convening Authority, pursuant to Articles 34 and 60.

Lastly, I have seven years of J.D./LL.M teaching experience, having been on the faculty of the U.S. Army Judge Advocate General’s School (now TJAGCLS), where I also taught at UVA Law School. I just completed five years on faculty at Georgetown Univ. Law Center. I have taught courses in National Security Law, the Law of Armed Conflict, and Congressional Oversight. My time in academia has honed my research and writing skills, and because I had prepared to teach Legislation this semester, it has also deepened my understanding of judicial philosophies and statutory interpretation.

Question. Cases on the USCAAF docket address a broad range of legal issues, including constitutional law, criminal law, evidence, criminal procedure, ethics, administrative law, and national security law.

What background and experience do you have in each of these domains?

Answer. Throughout my combined legal experiences, I have addressed complex issues falling within each of these areas. By education and experience, I am an international/national security law specialist. I earned a LL.M from the U.S. Army Judge Advocate Generals’ School in Military Law with a specialty in International/Operational Law. I was subsequently awarded the Skill Identifier of “3N.” I then earned an LL.M in International/National Security Law from the University of VA School of Law. I have advised on national security issues at the tactical, operational, and strategic level.

At Georgetown, I previously served as the Director, National Security Law LL.M Program. My duties included a curriculum review and reviewing proposed course additions. My own courses fall within the Constitutional Law and Governance (J.D.) and National Security Law (LL.M) areas. My scholarship has also been in these areas, particularly focusing on statutory analysis.

Administrative Law. As a career judge advocate, I started my career doing administrative law. I focused on labor/employment law, but I also handled regulatory matters. Administrative Law is a functional area that one continues to practice, particularly as a senior judge advocate in leadership positions (see below).

Criminal Procedure/Evidence. I served as a prosecutor twice, trying criminal cases in both the military and civilian context. In the military context, this required familiarity with the Rules for Courts-Martial and the Military Rules of Evidence. In the civilian context, the Federal Rules of Criminal Procedure and the Federal Rules of Evidence.

Ethics. Judge Advocates are expected to be the standard-bearers for ethics and their integrity should be impeccable. From a practice perspective, in the military, ethics falls within the functional area of Administrative Law. Notably, as a Senior Supervisory Judge Advocate (position as either a Staff Judge Advocate or Senior Legal Advisor to a command), I was responsible for the professional conduct and fitness of all military and civilian lawyers, as well as support personnel who were subject to the professional responsibility disciplinary authority of The Judge Advocate General pursuant to RCM 109, MCM (this is similar to, but more expansive to the Supervisory Attorney responsibilities under Rule 5.1, ABA Rules of Professional Conduct). Also, in these capacities, I was responsible for administering portions of the Ethics in Government Act of 1978.

Question. What background and experience do you have in the application and judicial construction of the Uniform Code of Military Justice?

Answer. Every aspect of my career has required me to interpret and apply statutes. Having served as a Trial Counsel twice and a Staff Judge Advocate multiple times, I have specific experience applying both the black letter law of the UCMJ, as well as decisions from the appellate courts. As a National Security Law specialist, I’ve focused on the interplay among the coordinate branches of government, which includes a focus on statutory interpretation.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of a USCAAF judge?

Answer. As explained above, my combined experiences as a career judge advocate, and seven years in academia have prepared me well to serve as a CAAF judge. After I was nominated, I took steps to concretely prepare myself, which included attending multiple programs on military justice, and ordering one of the seminal casebooks on the subject, Eugene Fidell's "Military Justice: Cases and Materials," along with the Teacher's Manual. Further, I attended former Chief Judge Efron's Georgetown Law course on "Judicial Review of Military Justice Proceedings: Current Issues and Constitutional Perspectives." Combined, these have updated me on USCAAF jurisprudence and would prepare me to sit on the court, if confirmed.

If confirmed, I will continue to seek out formal training opportunities, and work to quickly understand the current rules of the court. I will continue to take every opportunity to learn from current and former judges of CAAF.

RELATIONSHIPS

Question. What is the role of each of the following officials or organizations with respect to the military justice system and, if confirmed, what would your relationship be with each?

The Secretary of Defense

Answer. The Secretary of Defense exercises numerous roles with respect to the military justice system. For example, section 532 of the National Defense Authorization Act for Fiscal Year 2022, Pub. L. No. 117-81 (2021), requires the Secretary of Defense to establish policies governing the special trial counsel who will prosecute certain prescribed offenses. Section 539E of that same act requires the Secretary of Defense to designate the Chair and Vice Chair of the Military Sentencing Parameters and Criteria Board and gives the Secretary the discretionary authority to appoint a non-voting member of that board. Section 547 of the same act requires the Secretary of Defense, in consultation with the Secretary of Homeland Security, to develop a plan to establish a single document management system for use by each Armed Force to collect and present information on matters within the military justice system, including information collected and maintained for purposes of article 140a of the UCMJ, 10 U.S.C. § 940a. Those and other responsibilities prescribed by the National Defense Authorization Act for Fiscal Year 2022 are in addition to the Secretary's already extensive roles in the military justice system. Those include the Secretary's status as a court-martial convening authority, the Secretary's responsibility in consultation with the Secretary of Homeland Security to issue non-binding disposition guidance, and the Secretary's role in appointing seven of the thirteen members of the Military Justice Review Panel as well as designating that panel's chair. The Secretary also has a formally prescribed role in forwarding a court-martial case with a finally approved death sentence to the President. See Rule for Courts-Martial 1204(c)(2)(B), Manual for Courts-Martial, United States (2019 ed.) (MCM).

USCAAF is located in the Department of Defense for administrative purposes only. 10 U.S.C. § 941. While the Secretary of Defense and the Secretary's subordinates provide administrative support to USCAAF, the Court is substantively independent of the Secretary and the rest of the Department of Defense.

Question. The General Counsel of the Department of Defense

Answer. The General Counsel of the Department of Defense is, by statute and regulation, the chief legal officer of the Department of Defense. 10 U.S.C. § 140; DOD Directive 5145.01, section 3, General Counsel of the Department of Defense (GC DOD) (Dec. 2, 2013). The General Counsel plays an extensive role in the development of substantive military law through oversight of the Joint Service Committee on Military Justice, which operates under the cognizance of the General Counsel. That Committee conducts an annual review of the military justice system and proposes any appropriate changes to the UCMJ and MCM. Any such proposals are transmitted to and considered by the General Counsel. See generally DOD Instruction 5500.17, Role and Responsibilities of the Joint Service Committee on Military Justice (JSC) (February 21, 2018). Additionally, the General Counsel plays an important role in determining when a request should be made to the Office of the Solicitor General to seek Supreme Court review of a decision by USCAAF. See generally DOD Instruction 5030.7, Coordination of Significant Litigation and Other Matters Involving the Department of Justice (Aug. 22, 1988).

The General Counsel has no direct relationship with USCAAF other than carrying out the Department of Defense's statutory obligation to provide administrative support to the Court. USCAAF is substantively independent of the General Counsel and the rest of the Department of Defense.

Question. The Judge Advocates General of the Military Departments and the Staff Judge Advocate to the Commandant of the Marine Corps

Answer. The Judge Advocates General of the Military Departments, as well as the Judge Advocate General of the Coast Guard, play a role in shaping USCAAF's docket. By statute, following review by a Court of Criminal Appeals, the applicable Judge Advocate General—after appropriate notification to the other Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps—may order a case sent to USCAAF. Where that occurs, USCAAF must review the record in the case. See generally 10 U.S.C. § 867(a)(2). The Judge Advocates General also provide the military appellate counsel who represent the government and the defense before USCAAF. See generally 10 U.S.C. § 870(a). In some instances, the Judge Advocates General are responsible for forwarding petitions for new trial to USCAAF. See generally 10 U.S.C. § 873.

Those authorities represent only a small portion the roles of the Judge Advocates General and Staff Judge Advocate to the Commandant of the Marine Corps in the military justice system. For example, each Judge Advocate General issues rules of professional conduct governing trial judges, appellate judges, and counsel in proceedings under the UCMJ and MCM. Each Judge Advocate General also operates a professional disciplinary system. The Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps are statutorily required to make inspections in the field in supervision of the administration of military justice. 10 U.S.C. § 806(a). The Judge Advocates General are responsible for designating military trial and appellate judges. The Judge Advocates General also themselves serve as appellate authorities for some court-martial cases under Article 69, UCMJ. The Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps each make one appointment to the Military Justice Review Panel. 10 U.S.C. § 946(b)(2)(C).

Question. The Chief Judge of the USCAAF

Answer. By statute, the Chief Judge of USCAAF “shall have precedence and preside at any session that he attends.” 10 U.S.C. § 143(b). The Chief Judge also fulfills a number of additional responsibilities, one of the most important of which is taking steps to fill the USCAAF bench when there is a vacancy or a judge in regular service has recused himself or herself. 10 U.S.C. § 942. The Chief Judge also makes a recommendation to the Secretary of Defense concerning appointment of members of the Military Justice Review Panel. 10 U.S.C. § 946(b)(3)(C). If confirmed, I anticipate having a collegial relationship with the current Chief Judge and his successors. In deliberating and voting on cases, like all USCAAF judges, if confirmed I would exercise independent judgment.

Question. Other judges on the USCAAF

Answer. I am confident that, if confirmed, I would establish collegial relationship with all of the USCAAF judges. I am familiar with their jurisprudence and have great respect for their views. Nevertheless, if confirmed I would exercise independent judgment in reaching my own conclusions and would not hesitate to respectfully disagree with my colleagues as necessary.

Question. The military courts of criminal appeals

Answer. USCAAF exercises mandatory appellate jurisdiction over some cases decided by the Courts of Criminal Appeals and exercises discretionary appellate jurisdiction over the remainder. Under the doctrine of vertical stare decisis, USCAAF's precedent is binding on the Courts of Criminal Appeals.

Question. The Military Justice Review Panel

Answer. USCAAF's Chief Judge makes a non-binding recommendation to the Secretary of Defense regarding appointments to the Military Justice Review Panel. If confirmed, I will carefully review any reports issued by the Military Justice Review Panel.

LEGAL ISSUES

Question. What do you anticipate would be among the most significant legal issues you could be called upon to address, if confirmed to be a USCAAF judge?

Answer. USCAAF's docket is comprised of criminal cases, often involving punitive discharges, terms of confinement and, sometimes, death sentences. Under Canon 3(A)(6) of the Code of Conduct for Federal Judges, it would be inappropriate for me to identify and comment on specific issues because they might come before me if I am fortunate enough to be confirmed. The Code of Conduct's guidance applies to both “judges and nominees for judicial office.” Canon 1, Commentary.

Question. In your view, what have been the effects on the military justice system writ large of the multiple successive changes to the punitive articles of the Uniform

Code of Military Justice and military rules of evidence and procedure enacted over the past 10 years?

Answer. I am familiar with the substantial UCMJ amendments that have been enacted over the past decade, including most significantly those included in the National Defense Authorization Act for Fiscal Year 2022 and the Military Justice Act of 2016, as well as the extensive changes incorporated in the 2019 edition of the MCM. Issues will certainly come before USCAAF concerning those changes to the UCMJ and the MCM, as well as further MCM changes to implement the military justice reforms enacted by the National Defense Authorization Act for Fiscal Year 2022. Canon 3(A)(6) of the Code of Conduct for Federal Judges precludes me from commenting on those changes because issues involving them might come before me if I am fortunate enough to be confirmed.

Question. What challenges, if any, do you anticipate the military services and the Department of Defense will encounter in implementing the changes to the Uniform Code of Military Justice enacted in the Fiscal Year 2022 NDAA?

Answer. I understand that the most significant military justice reforms enacted by the National Defense Authorization Act for Fiscal Year 2022 will apply to offenses that occur after December 27, 2023, and that Act's sentencing reform will apply in cases in which all findings of guilty are for offenses that occur after that same date. Questions concerning implementation of those provisions are certain to arise before USCAAF. Canon 3(A)(6) of the Code of Conduct for Federal Judges precludes me from commenting on such implementation challenges because issues involving them might come before me if I am fortunate enough to be confirmed.

Question. What are the legal risks that could arise if the military services and the Department of Defense are not given adequate time to implement the changes to the Uniform Code of Military Justice enacted in the Fiscal Year 2022 NDAA?

Answer. For the same reason as those noted in my response to question 15, Canon 3(A)(6) of the Code of Conduct for Federal Judges precludes me from commenting on the effect of the time period over which the recently enacted military justice reforms will be implemented because issues involving them might come before me if I am fortunate enough to be confirmed.

Question. Certain USCAAF decisions are subject to direct review by the Supreme Court of the United States. Other cases under the Uniform Code of Military Justice may obtain collateral review by the Supreme Court.

In your view, should servicemember access to Supreme Court review be expanded?

Answer. The scope of the Supreme Court's statutory certiorari jurisdiction is a policy matter committed to Congress and the President in their respective constitutionally prescribed roles in the lawmaking process. I am aware that, currently, USCAAF plays a large role in determining which military justice cases will become eligible for Supreme Court review through its exercise of discretionary jurisdiction; cases over which USCAAF declines to exercise discretionary jurisdiction are not eligible for Supreme Court review. See Article 67, UCMJ, 10 U.S.C. § 867a; 28 U.S.C. § 1259. Because the scope of servicemembers' access to the Supreme Court is, in part, a function of USCAAF's exercise of its judicial discretion, it would be inappropriate for me to comment on that matter.

Question. The scope of review by military service courts of criminal appeals differs significantly from the review accorded by civilian federal appellate courts. Article 66 of the Uniform Code of Military Justice provides that the military service courts of criminal appeals may "affirm only such findings of guilty, and the sentence or such part or amount of the sentence, as the court finds correct in law and fact and determines, on the basis of the entire record, should be approved. In considering the record, the court may weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact, recognizing that the trial court saw and heard the witnesses."

In your view, what is the value, if any, in retaining in the service courts of criminal appeals the requirement to conduct such a "factual sufficiency" review?

Answer. Congress amended the factual sufficiency standard quoted above in section 542(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Pub. L. No. 116-283 (2021). That amendment applies with respect to cases in which every finding of guilty entered in the entry of judgment is for an offense occurring on or after January 1, 2021. Because issues involving that amended scope will likely come before USCAAF, it would be inappropriate for me to comment on it.

JURISDICTION OF THE USCAAF

19Question. . In your view, has the USCAAF fulfilled the expectations that led Congress to establish the Court in 1951?

Answer. Congress intended what it originally named the Court of Military Appeals to enhance the legitimacy of the military justice system in the wake of World War II, when the operation of the military justice system was widely viewed as problematic. See, e.g., H.R. Rep. No. 81–491, at 6 (1949). Congress considered it particularly significant that it was creating a court consisting of civilian judges atop the court-martial and board of review structure. The Supreme Court’s 2018 decision in *Ortiz v. United States*, 138 U.S. 2165 (2018), suggests that Congress’s goal for the Court of Military Appeals (now USCAAF) has been fulfilled. In *Ortiz*, the Supreme Court emphasized that the essential character of the court-martial system is judicial and that the system operates much like state judicial systems. That is a markedly different conception of the military justice system than existed upon the enactment in 1950 of the legislation creating the Court of Military Appeals.

Question. In your view, should the role, responsibilities, or jurisdiction of the USCAAF be changed or clarified in any way?

Answer. Because USCAAF is an Article I court, its role, responsibilities, and jurisdiction are governed by statute. Revision of the existing statutory framework is a matter left to Congress and the President in the exercise of their respective constitutionally prescribed roles in the statutory enactment process.

DECISIONS OF THE USCAAF

Question. Please describe three decisions rendered by the USCAAF in the past 10 years that, in your view, have been among most significant.

Answer. One of the most significant USCAAF decision from the last decade was *LRM v. Kastenberg*, 72 M.J. 364 (C.A.A.F. 2013). That decision helped to establish the legal parameters of Special Victims’ Counsels’ representation of their clients during court-martial proceedings. It thereby influenced the subsequent development of the military services’ Special Victims’ Counsel/Victims’ Legal Counsel programs.

Another significant USCAAF decision was last term’s ruling in *United States v. Begani*, 81 M.J. 273 (C.A.A.F.), cert. denied, 142 S. Ct. 711 (2021). *Begani* was a major constitutional ruling upholding the susceptibility of members of the Fleet Reserve (essentially a retired status for enlisted members of the U.S. Navy with 20 or more but less than 30 years of Active Duty service) to court-martial jurisdiction. A similar issue is currently pending before the United States Court of Appeals for the District of Columbia in the case of *Larrabee v. Del Toro*, 19–00654.

United States v. Briggs, 78 M.J. 289 (C.A.A.F. 2019), rev’d, 141 S. Ct. 467 (2020), is a third significant case. *Briggs* concerned the statute of limitations governing rape cases during a certain period. *Briggs* followed USCAAF’s earlier ruling in *United States v. Mangahas*, 77 M.J. 220 (C.A.A.F. 2018), in narrowly construing the statute of limitations, thereby reversing Lieutenant Colonel *Briggs*’ rape conviction. Upon petition by the Solicitor General, the Supreme Court granted review and reversed USCAAF’s ruling. The legal question in that case is not only important in its own right—a point that the Supreme Court itself emphasized, (141 S. Ct. at 469), but also serves as an important reminder that USCAAF decisions are subject to further review at the highest level of the United States’ judicial system.

Question. What is your view of the principle of stare decisis in terms of prior decisions of the USCAAF?

Answer. The USCAAF applies the principle of horizontal stare decisis similarly to other federal appellate courts. Horizontal stare decisis is defined by Black’s Law Dictionary as: “The doctrine that a court, esp. an appellate court, must adhere to its own prior decisions, unless it finds compelling reasons to overrule itself.” (There is an additional component of the horizontal stare decisis doctrine in the Article III federal courts of appeals distinguishing between en banc decisions and panel decisions; that portion of the doctrine is inapplicable to USCAAF, which always sits en banc.) Under USCAAF’s case law, adherence to precedent is preferred to promote the evenhanded, predictable, and consistent development of the law. See, e.g., *United States v. Andrews*, 77 M.J. 393, 399 (C.A.A.F. 2018). A party asking the USCAAF to overturn precedent must present a “special justification” for precedent to be overturned. *United States v. Blanks*, 77 M.J. 239, 242 (C.A.A.F. 2018). But applying stare decisis “is not an inexorable command.” *Id.* The USCAAF has identified the following factors to be considered when deciding whether to overturn its own case law: (1) whether the prior decision is unworkable or poorly reasoned; (2) any intervening events; (3) the reasonable expectations of servicemembers; and (4) the risk of undermining public confidence in the law. *Id.*

Question. What is your view of the hierarchy of sources of law that must be applied by the USCAAF in addressing rules of evidence and procedure in the administration of the military justice system, given the prescription of article 36 of the Uniform Code of Military Justice?

Answer. The same hierarchy of authority that generally applies throughout the federal civilian legal system also applies in the military justice system. The Constitution is atop the system and is the primary source of authority. Below the Constitution are statutes and treaties. Whether statutes and treaties are on the same rung of the hierarchy or whether statutes are above treaties is the subject of disagreement. See, e.g., Vasan Kesavan, *The Three Tiers of Federal Law*, 100 NW. U.L. REV. 1479 (2006); *Igartúa v. Trump*, 868 F.3d 24, 25 (1st Cir. 2017) (Torruella, J., dissenting from denial of rehearing en banc). Below statutes and treaties are presidentially prescribed regulations, such as the Rules for Courts-Martial and the Military Rules of Evidence. Below such presidentially prescribed regulations are regulations issued by relevant Cabinet-level officials, such as the Secretary of Defense and the Secretary of Homeland Security. Below those are regulations prescribed by subordinates of those officials, including the Secretaries of the Military Departments. Regulations prescribed by lower-level subordinates assume the same role in the legal hierarchy that their proponents assume in the chain-of-command.

Question. In your view, what is the appropriate standard for determining when the USCAAF should apply a Rule for Courts-Martial or Military Rule of Evidence that is different from the rule generally applied in the trial of criminal cases in Federal district courts?

Answer. Without regard to any case that may come before the USCAAF if I am fortunate enough to be confirmed, a Rule for Courts-Martial or Military Rule of Evidence prescribed by the President is applicable unless inconsistent with a superior source of authority—the Constitution, a statute, or a treaty. In *Hamdan v. Rumsfeld*, the Supreme Court assumed that “complete deference is owed” to the President’s determination of whether it is practicable to adhere to a particular procedural or evidentiary rule that applies in federal civilian trials. 548 U.S. 557, 623 (2006).

MILITARY JUSTICE SYSTEM

Question. In your view, what are the major strengths and weaknesses of the military justice system?

Answer. One of the major strengths of the military justice system is its provision of counsel to those involved in the system. For example, the military justice system makes counsel available free of charge and regardless of indigence to every accused at a special or general court-martial, as well as before the military justice system’s appellate courts. Counsel are also provided to many victims of alleged offenses under the military services’ Special Victims’ Counsel/Victims’ Legal Counsel programs. From my experience in the system, I know that the uniformed personnel in the military justice system are overwhelmingly highly motivated attorneys who are committed to executing their roles in the system to the best of their abilities. Historically, one of the weaknesses in the system has been the relatively brief period of time most of those highly motivated attorneys have served in particular military justice billets. I am aware that Congress took steps in the National Defense Authorization Act for Fiscal Year 2022 to address that concern. Another historic weakness of the military justice system has been the perception by some that the system is vulnerable to being “stacked” to promote a desired outcome. Again, reforms to the system enacted by the National Defense Authorization Act for Fiscal Year 2022 may help to address that perceived weakness.

Question. In your opinion, does the military justice system afford a fair and just system for military personnel accused of violations of the Uniform Code of Military Justice?

Answer. Both individual and systemic challenges to the fairness and justness of the court-martial system to military personnel accused of UCMJ offenses are currently under litigation at both the trial and appellate levels. It would, therefore, be inappropriate for me to express an opinion concerning those matters.

Question. In your view, does the military justice system appropriately address the rights of victims of offenses prosecuted in courts-martial?

Answer. I am aware that the military justice system has made great strides in protecting victims’ rights over the past decade, particularly with the enactment of Article 6b, UCMJ, 10 U.S.C. § 806b—the military’s victims’ rights statute—and the development of the military services’ Special Victims’ Counsel/Victims’ Legal Counsel programs. I am also aware that section 541 of the National Defense Authorization Act for Fiscal Year 2022 further expanded victims’ rights in the system. Whether additional protections should be provided is a matter committed to Congress and

the President in their respective roles in the establishment of the military justice system's framework.

Question. What is your view of the relationship between the rights of servicemembers and the disciplinary role of commanders?

Answer. Commanders are responsible for maintaining good order and discipline in their units. They have many tools at their disposal. But once a case enters the special or general court-martial realm, the essence of the case is, as the Supreme Court has emphasized, "judicial." *United States v. Ortiz*, 138 S. Ct. 2165, 2174 (2018). Courts-martial operate "as instruments of military justice." *Id.* at 2175. As the "Powell Report" noted in 1960:

Once a case is before a court-martial, it should be realized by all concerned that the sole concern is to accomplish justice under the law. This does not mean as determined by the commander referring a case or by anyone not duly constituted to fulfill a judicial role. It is not proper to say that a military court-martial has a dual function as an instrument of discipline and as an instrument of justice. It is an instrument of justice and in fulfilling this function it will promote discipline.

Committee on the Uniform Code of Military Justice, Good Order and Discipline in the Army, Report to Honorable Wilber M. Brucker 12 (18 January 1960).

Question. What is your view of the role of the Combatant Commander in the administration of military justice, particularly with regard to offenses that occur in the context of a military deployment or contingency operation?

Answer. I understand that Combatant Commanders typically have court-martial convening authority comparable to that of other commanders of comparable grades. I also understand that Combatant Commanders often allow their subordinate service component commanders to exercise military justice authority over members of their respective military services. Such matters are committed to the discretion of Combatant Commanders.

Question. Recent reports by the Government Accountability Office and by private organizations have raised significant questions about racial disparity in the military justice system.

What are your views on racial disparity in State and Federal criminal justice systems, other than the military justice system?

Answer. I am deeply concerned by reports of racial disparity in the State, Federal, and military justice systems. Though the law is almost always facially neutral, disparities can appear in the application of the law, disadvantaging some groups and denying them constitutional rights. Racial disparities in any criminal justice system should be studied carefully to identify their causes and address them.

Question. What are your views on racial disparity in the military justice system?

I am deeply concerned by reports of racial disparity in the State, Federal, and military justice systems. Though the law is almost always facially neutral, disparities can appear in the application of the law, disadvantaging some groups and denying them constitutional rights. As in any other criminal justice system, racial disparities in the military justice system should be carefully studied to identify their causes and address them.

What role do you believe the USCAAF will have in addressing racial disparity in the military justice system?

Answer. USCAAF does not have a role in addressing racial disparity per se. On the other hand, USCAAF does have a role in addressing racial discrimination. As the Court has stated, "Racial discrimination is anathema to the military justice system. It ought not – and it will not – be tolerated in any form." *United States v. Witham*, 47 M.J. 297, 303 (C.A.A.F. 2007) (quoting *United States v. Greene*, 36 M.J. 274, 282 (C.M.A. 1993) (Wiss, J., concurring)).

Question. In your view, are there other changes to the military justice system called for in light of changes in U.S. criminal jurisprudence?

Answer. I understand that litigants in cases before the USCAAF often make arguments that a jurisprudential development in the Article III courts should be applied to the military justice system and that numerous such arguments are currently pending before military trial-level and appellate courts. Therefore, under Canon 3(A)(6) of the Code of Conduct for Federal Judges, it would be inappropriate for me to discuss particular issues in U.S. criminal jurisprudence, as such issues might come before me if I am fortunate enough to be confirmed.

CAPITAL CASES IN THE ARMED FORCES

Question. The ability of the military justice system to provide the qualified personnel and resources necessary to capably defend and prosecute death penalty cases

and meet the constitutional requirements associated with such cases has come under scrutiny.

What is your understanding of the constitutional requirements for the defense of a capital case?

Answer. The Supreme Court has held that the Sixth Amendment guarantees defendants in criminal cases a right to “effective assistance of counsel.” *Strickland v. Washington*, 466 U.S. 668, 686 (1984). Counsel is constitutionally ineffective if “counsel’s conduct so undermine[s] the proper functioning of the adversarial process that [a] trial cannot be relied on as having produced a just result.” *Id.* The Supreme Court has said that the “same principle applies to a capital sentencing proceeding.” *Id.* USCAAF has applied that standard in its own capital jurisprudence. E.g., *United States v. Murphy*, 50 M.J. 4, 8 (C.A.A.F. 1998).

Question. Based on your review of military jurisprudence regarding death penalty cases since the U.S. Supreme Court ruling in *Furman v. Georgia*, what are the issues or errors that have most frequently resulted in the reversal or commutation of military death sentences on appeal?

Answer. I understand that after *Furman v. Georgia* was decided, seven military death sentences were set aside on appeal based on a determination that the military death penalty system under which those sentences were imposed was not compliant with *Furman*. See generally *United States v. Matthews*, 16 M.J. 354 (C.M.A. 1983). I also understand that since the current military death system was promulgated in 1984, ten military death sentences have been reversed on appeal (Walker, Kreutzer, Murphy, Thomas, Dock, Curtis, Simoy, Quintanilla, Parker, and Witt) and one has been presidentially commuted (Loving). In four of the ten cases that were reversed on appeal, the reversal was based in whole or in part on ineffective assistance of counsel (Kreutzer, Murphy, Curtis, and Witt). Two were reversed due to the military judge’s erroneous instruction on how the court-martial members were to vote during their sentencing deliberations (Thomas and Simoy).

Question. What do you consider to be the essential elements in preparing court-martial practitioners to perform the prosecution and defense functions in capital cases?

Answer. Experience and specialized training are necessary to prepare military justice practitioners for any form of complex litigation. That is especially true in a capital context.

COMMAND INFLUENCE

Question. The problem of command influence, including instances involving judge advocates as well as commanders, is a constant threat to the military justice system.

What is your view as to the role, if any, of the USCAAF in addressing this problem?

Answer. Article 37 of the Uniform Code of Military Justice prohibits unlawful command influence. 10 U.S.C. § 837. Rule for Courts-Martial 103 provides additional guidance concerning unlawful command influence. The Fifth Amendment’s Due Process Clause is another source of legal authority that must be applied in an unlawful command influence context. It is the role of a USCAAF judge to faithfully and objectively apply those sources of law.

OBJECTIVITY

Question. Is there any reason that you might not be able to remain objective in your role as a USCAAF judge, if confirmed?

Answer. A judge must always be vigilant to guard against allowing anything to impinge on the judge’s objectivity or appearance of objectivity. Where that is not possible, it is appropriate for the judge to recuse himself or herself from a particular case. I am aware of no current challenge to my objectivity. Judges on USCAAF do periodically recuse themselves from specific cases for reasons specific to those cases. If I were confirmed, I would carefully assess on a case-by-case basis whether there is any reason why it would not be appropriate for me to sit on an individual case. For example, in a case raising categorical issues about military retirees, it may be appropriate for me, as an active component retiree, to recuse myself if I were fortunate enough to be confirmed.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JEANNE SHAHEEN

MILITARY JUSTICE REFORM

1. Senator SHAHEEN. Ms. Johnson, military justice has traditionally been executed through a commanding officer's authority and discretion to discipline subordinates. In your opinion, is it necessary to reform the system to establish a fixed set of rules to pursue judicial standards and even-handed justice across the Navy?

Ms. JOHNSON. Differences in various Military Services' implementation of the Uniform Code of Military Justice potentially implicate legal issues that could come before the United States Court of Appeals for the Armed Forces. If my nomination were to be confirmed, I could be called to resolve cases involving such legal issues. Therefore, under Canon 3(A)(6) of the Code of Conduct for Federal Judges, it would be inappropriate for me to address the issue. The Code of Conduct's guidance applies to both "judges and nominees for judicial office." Canon 1, Commentary.

EXTREMISM IN THE MILITARY

2. Senator SHAHEEN. Ms. Johnson, under the new DOD policy, "liking" extremist content could result in military punishment. The Uniform Code of Military Justice (UCMJ) has been criticized as being too vague in its prohibition of extremist activities. Do you believe there should be changes to the UCMJ to clarify the definition of extremist activities?

Ms. JOHNSON. Application of the Uniform Code of Military Justice to alleged extremist activities implicates legal issues that could come before the United States Court of Appeals for the Armed Forces. If my nomination were to be confirmed, I could be called to resolve cases involving such legal issues. Therefore, under Canon 3(A)(6) of the Code of Conduct for Federal Judges, it would be inappropriate for me to address the issue.

QUESTIONS SUBMITTED BY SENATOR MAZIE K. HIRONO

QUESTION ON NOMINEES' FITNESS TO SERVE

3. Senator HIRONO. Ms. Johnson, 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?

Ms. JOHNSON. No

4. Senator HIRONO. Ms. Johnson, have you ever faced discipline, or entered into a settlement related to this kind of conduct?

Ms. JOHNSON. No

QUESTIONS SUBMITTED BY SENATOR MARSHA BLACKBURN

COURT CASE BACKLOG

5. Senator BLACKBURN. Ms. Johnson, what is the current U.S. Armed Forces Court of Appeals court case backlog?

Ms. JOHNSON. I am aware that the Court issues an annual statistical summary at the end of each of its Court Terms. The most recent was issued at the end of the October 2020 Term, which concluded on September 30, 2021. On that date, 24 cases were pending on the Court's master docket (cases which the Court is in the process of reviewing substantively). Seven of those cases remained in the briefing stage, 12 were awaiting oral argument, and five were pending decision. Another 49 cases were pending on the Court's petition docket (cases in which the Court is deciding whether to exercise its discretionary jurisdiction). Of those, 12 were in the briefing stage, 30 were undergoing staff review, and seven were pending final action. Finally, one case was pending on the Court's miscellaneous docket (which consists primarily of cases in which the Court is asked to grant extraordinary relief).

6. Senator BLACKBURN. Ms. Johnson, what is your proposal to ensure that the current case backlog is adequately decreased?

Ms. JOHNSON. The timely disposition of cases is an essential attribute of any criminal justice system. If confirmed, I would work with my colleagues to ensure that cases that come before the Court are resolved in a timely manner.

7. Senator BLACKBURN. Ms. Johnson, if confirmed, how do you plan to ensure that the current case backlog does not rise to an unmanageable number?

Ms. JOHNSON. If confirmed, I would work with my colleagues to ensure that cases that come before the Court are resolved in a timely manner.

TRUMP-RUSSIA INVESTIGATION

8. Senator BLACKBURN. Ms. Johnson, has your assessment of the former Administration's involvement with Russia changed since you participated in the Georgetown Center on National Security and the Law panel entitled "Unpacking the Trump-Russia Investigations"?

Ms. JOHNSON. My understanding of the former Administration's involvement with Russia has been impacted by investigative reports issued and indictments filed since the October 17, 2017 Georgetown Center on National Security and the Law panel, which I moderated.

9. Senator BLACKBURN. Ms. Johnson, why did you choose to parallel the Trump-Russia Investigations to another Saturday Night Massacre?

Ms. JOHNSON. Per the transcript,¹ the reference to the "Saturday Night Massacre" was first made by a panelist. As Moderator, seeking to understand the panelist's descriptions of the origin of the Special Counsel statutes and their relationship to Trump-era investigations, I followed up.²

10. Senator BLACKBURN. Ms. Johnson, can you speak more to the comments you made surrounding House Oversight Committee members doing an incredible job during the investigation into the former Administration?

Ms. JOHNSON. Per the transcript, I complimented then-Ranking Member of the House Oversight and Government Reform Committee Elijah Cummings on doing an "incredible job" based on his use of all available oversight tools to obtain information from the Administration on issues like security clearances and financial disclosure forms.

¹ Transcript, Unpacking the Trump-Russia Investigation, October 17, 2017

² 28 USC §595

[The nomination reference of Ms. M. Tia Johnson follows:]

NOMINATION REFERENCE AND REPORT

PN1657

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
January 7, 2022.

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

Musetta Tia Johnson, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces for a term of fifteen years to expire on the date prescribed by law, vice Scott Wallace Stucky, term expired.

_____, 2022.
(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. M. Tia Johnson, which was transmitted to the Committee at the time the nomination was referred, follows:]

Bio
Musetta Tia Johnson

Education:

- Name: Hampton Institute (now Hampton University)
 - Type of School: University
 - Dates Attended: 08/1976 – 05/1980
 - Degree Received: Bachelor of Arts
 - Date Degree Granted: 05/1980

- Name: Temple University School of Law
 - Type of School: University
 - Dates Attended: 08/1980 – 05/1983
 - Degree Received: Juris Doctor
 - Date Degree Granted: 05/1983

- Name: The Judge Advocate General's School - Army
 - Type of School: Military
 - Dates Attended: 08/1990-05/1991
 - Degree Received: Master of Law (LL.M)
 - Date Degree Granted: 05/1991

- Name: University of Virginia School of Law
 - Type of School: University
 - Dates Attended: 08/2000 – 05/2002
 - Degree Received: Master of Law (LL.M)
 - Date Degree Granted: 05/2002

- Name: U.S. Army War College
 - Type of School: Military
 - Dates Attended: 06/2004 – 07/2006
 - Degree Received: Master of Science
 - Date Degree Granted: 07/2006

- Name: Virginia Theological Seminary
 - Type of School: Episcopal Seminary
 - Dates Attended: 02/2012 – 03/2015
 - Degree Received: Diploma in Theological Studies
 - Date Degree Granted: 01/2016

Employment Record:

List all jobs held since college including title or description of job, name of employer, location of work, and dates of employment.

- Georgetown University Law Center
 - Visiting Professor of Law, Former Director, National Security Law LL.M Program, Visiting Fellow, Center on National Security and the Law
 - 04/2017 – Present
- U.S. Department of Homeland Security
 - Assistant Secretary for Legislative Affairs
 - 08/2015 – 01/2017
- U.S. Department of Homeland Security/Immigration and Customs Enforcement
 - Senior Advisor to the Director
 - 12/2014 – 07/2015
- Dept of Defense Office of General Counsel
 - Senior Military Assistant to the DoD General Counsel
 - 01/2012 – 09/2013
- Dept of Defense Office of Legislative Affairs
 - Special Assistant for Legal and International Security Affairs
 - 07/2010 – 12/2011
- UNC/CFC/USFK/EUSA, Seoul, Korea
 - Judge Advocate
 - 06/2008 – 07/2010
- Dept of Defense Office of General Counsel
 - Associate Deputy General Counsel/International Affairs
 - 08/2007 – 06/2008
- Allied Joint Forces Command-Naples, Naples, Italy
 - Legal Advisor, dual-hatted as Legal Advisor, NATO Training Mission-Iraq
 - 09/2005 – 08/2007
- Dept of Defense International Criminal Court Task Force
 - Legal Advisor
 - 01/2004 – 09/2005
- Bosnia-Herzegovina Defense Reform Commission, Sarajevo, BiH
 - Legal Advisor
 - 08/2003 – 12/2003
- NATO Peace Stabilization Force (SFOR), Sarajevo, BiH
 - Legal Advisor
 - 06/2002 – 08/2003

- The Judge Advocate General's School, U.S. Army
 - Chair & Professor, International & Operational Law Dept
 - 06/2000 – 05/2002
- Office of the Staff Judge Advocate, U.S. Army South, Panama / Puerto Rico
 - Deputy Staff Judge Advocate
 - 06/1999 – 06/2000
- HQDA, Office of the Judge Advocate General, Washington, DC
 - Chief Plans, Personnel, Plans and Training Office
 - 06/1997 – 06/1999
- HQDA, Office of the Judge Advocate General, Washington, DC
 - Operational Law Attorney, International & Operational Law Div.
 - 05/1994 – 05/1996
- HQs, III Corps and Fort Hood, Office of the Staff Judge Advocate
 - Chief, Claims Division
 - 08/1992 – 07/1994
- Office of the Staff Judge Advocate, Joint Task Force-GITMO, Guantanamo Bay, Cuba
 - Deputy Staff Judge Advocate
 - 05/1992 – 08/1992
- HQs, III Corps and Fort Hood, Office of the Staff Judge Advocate
 - Chief, Operational Law
 - 05/1991 – 05/1992
- Legal Services Activity-Korea, Combined Field Army, Yongsan (Seoul) Korea
 - Senior Trial Counsel
 - 03/1989 – 02/1990
- UN Command/Combined Forces Command/U.S. Forces Korea/Eighth U.S. Army
 - Administrative Law Attorney/Command Labor Counselor
 - 02/1988 – 02/1989
- Office of the Staff Judge Advocate, U.S. Army Training Center & Ft Dix, NJ
 - Chief, Legal Assistance
 - 06/1987 – 02/1988
- Office of the Staff Judge Advocate, U.S. Army Training Center & Ft Dix, NJ
 - Trial Counsel
 - 04/1987 – 07/1987

- Office of the Staff Judge Advocate, U.S. Army Training Center & Ft Dix, NJ
 - U.S. Magistrate Court Prosecutor (Special Asst U.S. Attorney)
 - 07/1985 – 06/1987
- Office of the Staff Judge Advocate, U.S. Army Training Center & Ft Dix, NJ
 - Administrative Law Attorney /Command Labor Counselor
 - 03/1984 – 07/1985
- Lawyers for Goode (Mayoral Campaign of Wilson Goode, Phila, PA)
 - Assistant to Deputy Campaign Manager
 - 08/1983 – 11/1983
- U.S. Attorney's Office, Third Circuit, Philadelphia, PA
 - Legal Intern
 - 09/1982 – 12/1982
- Atkinson, Myers, Wallace & Archie, Philadelphia, PA
 - Law Clerk to Senior Partners
 - 05/1982 – 05/1983
- Temple University School of Law, Philadelphia, PA
 - Legal Administrative Assistant
 - 08/1981 – 05/1982
- U.S. Court of Appeals for the Third Circuit – Hon. A. Leon Higginbotham
 - Research Assistant / Law Clerk
 - 06/1981 – 08/1981
- Temple University School of Law, Philadelphia, PA
 - Research Assistant
 - 11/1980 – 05/1981
- Delaware River Port Authority, Camden, NJ
 - Legal Department Intern
 - 05/1979 – 08/1979

Honors and Awards:

- Military Awards
 - Defense Superior Service Medal(2),
 - Defense Meritorious Service Medal(4),
 - Meritorious Service Medal (7),
 - Joint Service Commendation Medal (3),

- Army Commendation Medal,
 - Army Achievement Medal,
 - National Defense Service Medal (2),
 - Armed Forces Expeditionary Medal,
 - Global War on Terrorism Medal,
 - Korea Defense Service Medal,
 - Humanitarian Service Medal,
 - Armed Forces Reserve Medal,
 - Army Service Ribbon,
 - Overseas Service Ribbon (6),
 - NATO Peacekeeping Medal(3),
 - Army Staff Identification Badge,
 - OSD Staff Identification Badge
- Federal Civilian Awards
 - Academic Awards
 - Other Awards
 - Visiting Fellow, Center on National Security and the Law, Georgetown Univ. Law Center (appointed in 2018)
 - Senior Fellow, Center for National Security Law, University of Virginia School of Law (appointed in 2014)
 - American Bar Association's Outstanding Military Service Career Judge Advocate (2005)
 - National Bar Association's Military Law Section Hall of Fame (2002 Inductee)
 - American Bar Association's Hodson Award for Outstanding Public Service (1995 co-recipient)

[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. M. Tia Johnson in connection with her nomination follows:]

117th CONGRESS, 2021 – 2022
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
FOR JUDICIAL APPOINTMENT

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.

NOTE: Ensure that your responses to this Questionnaire do not include information protected by the attorney-client privilege.

JUDICIAL APPOINTMENT 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):** Musetta Tia Johnson
2. **Position to which nominated:**
Judge, U.S. Court of Appeals for the Armed Forces
3. **Date of nomination:**
4. **Education (List the names of any secondary and higher education institution attended, type of school [vocational, technical, trade school, college, university, post-graduate school, military college, correspondence, distance, extension, on-line, other], dates attended, degree received, and date degree granted):**

Name: Hampton Institute (now Hampton University)
Type of School: University
Dates Attended: 08/1976 – 05/1980
Degree Received: Bachelor of Arts
Date Degree Granted: 05/1980

Name: Temple University School of Law
Type of School: University
Dates Attended: 08/1980 – 05/1983
Degree Received: Juris Doctor
Date Degree Granted: 05/1983

Name: The Judge Advocate General's School - Army
Type of School: Military
Dates Attended: 08/1990-05/1991
Degree Received: Master of Law (LL.M)
Date Degree Granted: 05/1991

Name: University of Virginia School of Law
Type of School: University
Dates Attended: 08/2000 – 05/2002
Degree Received: Master of Law (LL.M)
Date Degree Granted: 05/2002

Name: U.S. Army War College
Type of School: Military
Dates Attended: 06/2004 – 07/2006
Degree Received: Master of Science
Date Degree Granted: 07/2006

Name: Virginia Theological Seminary
Type of School: Post-graduate school
Dates Attended: 02/2012 – 03/2015
Degree Received: Diploma in Theological Studies
Date Degree Granted: 01/2016

5. **Employment record (List chronologically, by year, each job held since college, including the title or description of the position you held, 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. For each such military duty station, list the dates of service at that station, branch of service, highest rank or grade attained, and type of discharge received, if any):**

See attached Employment Record.

6. **Government experience (List any advisory, consultative, honorary, and other part-time service or positions with Federal, State, or local governments, and the dates of such positions):**

NONE

NOTE: If your response to this question is already encompassed in your response to Question 5, please so indicate.

7. **Business relationships (Please list chronologically, by year, each corporation, company, firm, partnership, educational or academic institution, or other organization, enterprise, or entity—non-profit or other—with which you have been or are connected as an officer, director, partner, proprietor, agent, representative, or employee, since your graduation from law school. Include the name and location of the entity with which you were connected, a brief description of the nature of your position and duties, and the dates of your affiliation with each):**

NOTE: If your response to this question is already encompassed in your response to Question 5, please so indicate.

Included in Question 5

8. **Memberships (List all memberships and offices that you currently hold, as well as any memberships, offices, and the dates of same you have previously held in fraternal, scholarly, civic, business, charitable and other organizations. Include each bar association, legal- or judicial-related committee or conference, and other professional association of which you are or have been a member since your graduation from law school, and provide the titles and dates of any office that you held in any such association or group):**

2005- Present – Alfred St Baptist Church, Alexandria, VA
2015 – Ordained a Deacon

1984 – Present – American Bar Association
2021 Appointed: Standing Committee on Law and National Security
Previous Apptmts: Cmte – 2020, 2014
Advisory Cmte – 2019, 2018, 2017, 2011

1984 – Present – National Bar Association (Life Member)

1978 – Present – Alpha Kappa Alpha Sorority, Inc.
Zeta Chi Omega Chapter, Arlington/Alexandria, VA. No current office held.
2008-2010 – Rho Nu Omega Chapter, Seoul, Korea. Historian/Archivist
1991-1994 - Mu Theta Omega, Killeen, TX. Parliamentarian
1990-1991 – Eta Phi Omega Chapter, Charlottesville, VA. Graduate Advisor
1988-1990- Rho Nu Omega. Charter Member. President, Vice President
1979-1980–Gamma Theta Chapter, Hampton, VA. Parliamentarian

Circa 1995 – 2010 – The ROCKS, Inc.
 1997 – Present – Women in Military Service for America Memorial Foundation, currently "Circle of 500 Advisory Board"
 2019 – Present – Leadership Council for Women in National Security, currently, Steering Committee

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):

NO

- b. List all memberships and offices held in, and services rendered to, any political party or election committee during the last 5 years:
 June – Nov 2020. Biden for President Campaign
 Campaign volunteer and participated in the "Get out the Vote" activities.
 Staffed Voter Assistance Hotlines
- 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:

NAME	DATE	AMOUNT
DNC	2020-12-31	190.80
Biden Fight Fund	2020-11-05	190.80
Joe Biden	2020-11-01	190.80
Lauren Underwood	2020-10-24	242.00
Jaime Harrison	2020-09-30	100.00
Jaime Harrison	2020-09-23	100.00
Evelyn Farkas	2020-05-09	100.00
Lauren Underwood	2019-12-20	100.00

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

Visiting Fellow, Center on National Security and the Law, Georgetown Univ. Law Center (appointed in 2018)

Senior Fellow, Center for National Security Law, University of Virginia School of Law (appointed in 2014)

American Bar Association's Outstanding Military Service Career Judge Advocate (2005)

National Bar Association's Military Law Section Hall of Fame (2002 Inductee)

American Bar Association's Hodson Award for Outstanding Public Service (1995 co-recipient)

Military Awards and Decorations.

Defense Superior Service Medal(2) , Defense Meritorious Service Medal(4), Meritorious Service Medal (7), Joint Service Commendation Medal (3), Army Commendation Medal, Army Achievement Medal, National Defense Service Medal (2), Armed Forces Expeditionary Medal, Global War on Terrorism Medal, Korea Defense Service Medal, Humanitarian Service Medal, Armed Forces Reserve Medal, Army Service Ribbon, Overseas Service Ribbon (6), NATO Peacekeeping Medal(3), Army Staff Identification Badge, OSD Staff Identification Badge.

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. Include the title of and citation to any law review article, court opinion, or other published material you have authored or contributed to. Provide the Committee with two copies of any such published material not regularly available through an on-line research service):**

Books

U.S. Intelligence Community Law Sourcebook, 8th ed. (Adam Pearlman, M. Tia Johnson, Kay Wakatake, Andrew Borene, & Harvey Rishikoff, eds.)(ABA Publishing, Chicago, 2021)(Forthcoming)

U.S. Intelligence Community Law Sourcebook, 7th ed. (Andrew Borene, Adam Pearlman & Harvey Rishikoff eds.)(ABA Publishing, Chicago, 2019)(Research Contributor)

The Sourcebook of Public-Private Partnerships for Security and Resilience: A Compendium of Laws and Policy Documents (Susan Ginsburg, Editor-in-Chief)(ABA Publishing 2018)(Working Group Member and Research Contributor)

Operational Law Handbook (The Judge Advocate General's School 2003)(Contributing Author)

Domestic Operational Law Handbook for Judge Advocates (The Judge Advocate General's School 2001)(Contributing Author)

Law of War Deskbook (The Judge Advocate General's School 2001)(Contributing Author)

Articles in a Periodical

Answering the Clarion Call to Action: Congress's Role in Protecting Election Security, 66 WAYNE L. REV 63 (2020)

The American Service-Members Protection Act: Protecting Whom?, 43 VJIL 405 (2003)

12. **Speeches (List and provide the Committee with two copies of any formal speech you have delivered during the last 5 years, for which you used a prepared text. Include copies of any formal speech in which you addressed a matter involving law or legal policy. If there were press reports about any formal speech you made, and they are readily available to you, please also provide two copies of each such press report):**

Keynote Speaker, Women's History Month Celebration, National Security Agency/US Cyber Command, March 25, 2021

Panelist, Women's Equality Day Celebration, Commemorating the 100th Anniversary of the 19th Amendment and Women's Right to Vote, National Geospatial Agency, August 26, 2020

Keynote Speaker, Black History Month Celebration, The Judge Advocate Generals Legal Center and School, February 13, 2020

Distinguished Speaker, Family Weekend, Georgetown University Law Center, September 2018

[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 understand Parts A and B of the foregoing Senate Armed Services Committee Questionnaire, *Information Requested of Civilian Nominees for Judicial Appointment*, 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 13th day of JANUARY, 2022

[The nomination of Ms. M. Tia Johnson was reported to the Senate by Chairman Reed on April 5, 2022, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on December 15, 2022.]

[Prepared questions submitted to Dr. Marvin L. Adams by Chairman Reed prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES AND QUALIFICATIONS

Question. What background and experience do you possess that qualify you to perform the duties of the Deputy Administrator for Defense Programs of the National Nuclear Security Administration (NNSA)?

Answer. I have been engaged in the U.S. nuclear weapons program since starting my career at the Lawrence Livermore National Laboratory (LLNL) in 1986. Since I became a nuclear-engineering professor at Texas A&M University in 1992, I have encountered diverse opportunities to serve U.S. national security, and I have learned from each activity. As a member of the JASON Advisory Group for the last 15 years, I participated in more than 20 in-depth studies of nuclear-weapons activities, issues, and concerns, including studies sponsored by the Department of Defense (DOD) as well as NNSA, serving as study leader for most of them. As an individual “outside” expert, I have performed in-depth reviews for NNSA of several major stockpile-stewardship efforts executed by NNSA’s three national-security laboratories. I have served on numerous review and advisory bodies related to weapons work at those laboratories, and on several National Academies of Sciences, Engineering, and Medicine studies related to nuclear weapons.

During the past 4 decades, most of my technical effort has focused on improving the fidelity of computational results and combining computational, experimental, and theoretical results to predict the behavior of complex systems, with quantified uncertainties. This is a cornerstone capability of stockpile stewardship. As a member of the Predictive Science Panel since 2004, including three years as Chair, I have helped scientists and engineers at the Lawrence Livermore and Los Alamos National Laboratories address difficult stewardship challenges. I have played a similar role for Sandia National Laboratories through participation in their Predictive Engineering Sciences Panel and the External Review Panel for their hostile-environment simulation project. Many students whose research I directed have become employees of the NNSA laboratories, and most of them work in support of the nuclear weapons stockpile.

In recent years, I have chaired the Mission Committee at the Los Alamos National Laboratory, whose purview includes plutonium pit production in addition to other weapons activities. This role has deepened my knowledge of NNSA’s weapons design and assessment efforts, warhead delivery schedules and mandates, and the production enterprise. I have learned a great deal about topics ranging from the management of large capital projects to supply-chain issues to the detailed science

and engineering challenges of producing specialized components (such as plutonium pits) while meeting stringent requirements for quality, safety, and security.

I have viewed NNSA from the DOD perspective, for example as a member of the STRATCOM Strategic Advisory Group's Stockpile Assessment Team.

These and other activities have led me to appreciate the importance of delivering on all elements of Defense Programs—science, weapons, and infrastructure. I understand the broad portfolio of activities and technologies needed to maintain and enhance the safety, reliability, and effectiveness of the U.S. nuclear weapons stockpile. I understand what it takes to steward the unique capabilities that Defense Programs must employ to design, assess, transport, surveil, dismantle, and produce nuclear warheads, meeting military requirements now and into the future.

Question. Do you believe that there are any steps that you need to take to enhance your expertise to perform the duties of the Deputy Administrator for Defense Programs?

Answer. While I believe I have the expertise to perform the duties of the Deputy Administrator for Defense Programs, I also believe I have a responsibility to continuously improve. I have sought and received counsel from current and former leaders in the nuclear weapons enterprise regarding all aspects of Defense Programs, and I will continue this, if confirmed.

MAJOR CHALLENGES AND PRIORITIES

Question. What are the major challenges confronting the next Deputy Administrator for Defense Programs of NNSA?

Answer. An immediate challenge is to execute current programs within planned costs and schedules. This includes producing the B61-12 and W88 Alt 370 warheads; making timely progress on the W80-4, W87-1, and W93/Mk7 programs; and executing numerous infrastructure projects, including those that will enable pit production at the two chosen sites. A long-standing challenge is to improve responsiveness, an example of which would be to reduce the time required to execute major warhead programs.

Question. If confirmed, how would you address these challenges?

Answer. Regarding execution of a challenging workload, if confirmed: I will partner with the NNSA Associate Principal Deputy Administrator in his efforts to improve productivity across the enterprise (for example, by simplifying processes that consume workforce time). I will learn what the NNSA labs, plants, and sites are doing to address their workforce issues, monitor their progress, and partner with them to devise and implement innovative workforce initiatives to address any gaps between progress and needs.

Regarding pit production, if confirmed, I will gain a detailed understanding of the critical path producing at least 80 pits per year, work with experts to develop options for reducing timelines, and pursue options that show promise. Recognizing that schedule uncertainties are inevitable, I will partner with the DOD to devise plans that can accommodate schedule variations within likely bounds. (The related topic of pit lifetime is addressed below.)

Regarding responsiveness (a goal that has been stated for many years but has remained elusive), if confirmed, I will begin by understanding what has been and is being done to reduce costs and timelines (including in the Stockpile Responsiveness Program). I will seek root causes of previous cost and schedule overruns with the goal of helping current and future programs avoid such overruns.

Question. If confirmed, what would be your main priorities for the Office of Defense Programs?

Answer. If confirmed, my top priorities will be to maintain the safety, security, and effectiveness of the warheads deployed in today's stockpile and to deliver on commitments for stockpile modernization. The latter requires development and deployment of a more agile infrastructure, including plutonium pit manufacturing capabilities, and construction of essential infrastructure for secondaries, non-nuclear components, and more. While focusing on these priorities, I will also work to develop and nurture the capabilities that will be needed for the challenges our nuclear weapons enterprise will face in the future.

RELATIONS WITH CONGRESS

Question. What are your views on the state of the relationship between the Deputy Administrator for Defense Programs and the Senate Armed Services Committee, in particular, and with Congress, in general?

Answer. I understand that the Office of Defense Programs has a strong relationship with the Committee and Congress, in general. If confirmed, I will continue to build upon this relationship.

If confirmed, what actions would you take to sustain a productive and mutually beneficial relationship between Congress and the Deputy Administrator for Defense Programs?

I believe that maintaining open lines of communication with Congress is integral to maintaining a productive and mutually beneficial relationship. If confirmed, I will be proactive in sharing timely updates, responsive to requests for information, and will seek feedback from Congress on Defense Programs' efforts.

NUCLEAR POSTURE REVIEW IMPLEMENTATION

Question. The Department of Defense is expected to release its fiscal year 2023 budget request concurrently with an updated National Defense Strategy. A key element of this strategy will be a Nuclear Posture Review (NPR), for which the NNSA will be responsible for fulfilling the stockpile requirements set forth by the Department of Defense.

If confirmed, will you work with the Department of Defense to implement all of the recommendations of the NPR to the best of the ability of NNSA and inform Congress in a timely fashion of any shortfalls that you anticipate in meeting these requirements?

Answer. If confirmed, I will ensure that NNSA works with DOD to implement NPR recommendations to the best of NNSA's ability, and I will keep Congress informed in a timely manner of any issues.

RELATIONSHIP WITH THE DEPARTMENT OF DEFENSE

Question. If confirmed, you will support the Administrator of NNSA as a member of the Nuclear Weapons Council (NWC) and serve as co-chair of the NWC Standing and Safety Committee. The Council establishes NNSA goals and ensures NNSA activities are aligned with DOD military requirements for nuclear forces, which form the basis of the core mission of NNSA. Given the breadth of the nuclear modernization effort currently being undertaken, the Department of Defense is, in a sense, NNSA's primary customer.

How would you assess the relationship between NNSA and the Department of Defense at senior levels?

Answer. It is my understanding that NNSA and DOD have a strong relationship and remain in close coordination for all modernization efforts. If confirmed, I will work to ensure that we retain this strong relationship.

Specifically, how would you assess the relationship between the office you have been nominated to lead and the office of the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Programs, the closest equivalent in the Department of Defense?

It is my understanding that the Office of Defense Programs has a strong working relationship with the Office of the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs. If confirmed, I will make every effort to keep this relationship strong and keep the two offices closely coordinated.

Question. Do you believe that NNSA is adequately responsive to the requirements set by the Department of Defense?

Answer. Yes, to the best of my knowledge, I believe NNSA is adequately responsive. If confirmed, I will work to support continued responsiveness to DOD requirements.

As a result of concern about the relationship between the NNSA and the Department of Defense in meeting stockpile requirements, section 1632(b) of the Fiscal Year 2021 National Defense Authorization Act set a detailed schedule of interactions between the NNSA and the NWC to ensure the NNSA weapons budget meets DOD requirements.

Question. If confirmed, will you execute to the best of your ability the requirements of section 1632(b)?

Answer. If confirmed, I will execute these requirements to the best of my ability.

DEFENSE PROGRAMS

Question. The Stockpile Stewardship Program has supported the annual nuclear weapons certification effort for approximately the last 20 years.

In your view, do you believe that we currently have the capabilities to ensure that the stockpile is safe, secure, and effective without nuclear weapons testing?

Answer. Yes, I am confident we can continue to maintain a safe, secure, and effective U.S. nuclear stockpile without additional explosive nuclear weapons testing. For over 20 years, the science-based Stockpile Stewardship Program has given the Directors of the National Security Laboratories and the Commander of U.S. Strategic Command the confidence to state this in writing every year. Continued investments

in stockpile stewardship capabilities will be critical to maintaining this confidence into the future.

Question. The NWC has laid out a schedule for approximately the next 20 years that includes the completion of four life extension programs (LEPs), a new Navy warhead, as well as multiple refurbishment programs, and the maintenance of the existing stockpile. The 2018 NPR directed NNSA to develop a “roadmap that sizes production capacity to modernization and hedging requirements,” to at least partially help manage this list of programs.

In your view, do you have any concerns with this schedule?

Answer. If confirmed, I will review the schedule and work to mitigate any concerns to meet DOD requirements.

Question. If confirmed, do you commit to an ongoing and open dialogue with Congress on the progress and content of the roadmap directed by the 2018 NPR, as well as any changes that may result from the 2022 NPR?

Answer. Yes.

Question. The 2018 NPR also noted the need for increased flexibility, including measures to “reduce the time required to design, develop, and initially produce a warhead, from a decision to enter full-scale development.”

If confirmed, what measures would you recommend in order to reduce this timeline, both for currently planned life extension programs and for future programs?

Successful execution and delivery of such programs will rely on a strong foundation that includes workforce, infrastructure, and scientific capabilities. If confirmed, I will work closely with the subject matter experts at NNSA and the labs, plants, and sites to develop clear and attainable recommendations to reduce this timeline where possible. Support from Congress, and timely, stable, and predictable funding are critical to the success of these efforts.

Question. Congress authorized the Stockpile Responsiveness Program (SRP) in section 3112 of the Fiscal Year 2016 NDAA. The purpose of the program is to exercise design and engineering skills in support of the nuclear weapons mission. On August 31, 2021, the Defense Program Advisory Committee (DPAC), released a report entitled “Independent Report on Stockpile Responsiveness Program”.

Have you reviewed section 3112 of the 2016 NDAA, and if so, do you agree with the five objectives of the SRP outlined in section 3112?

Answer. Yes, I have reviewed Section 3112 of the 2016 NDAA and agree with the objectives established in law for the Stockpile Responsiveness Program.

Question. Have you reviewed DPAC report, and if so, do you agree with the report’s findings?

Answer. I have reviewed the DPAC report and, if confirmed, I will review the Stockpile Responsiveness Program and form opinions about the findings of the DPAC report once my review is complete.

Question. Do you agree with the report’s cover letter, and in particular the statement that “more emphasis is needed on back-end activities of warhead production, engineering and manufacture”?

Answer. I have read the cover letter and, if confirmed, I will review the Stockpile Responsiveness Program and form opinions about the cover letter once my review is complete.

Question. If confirmed, would you support the Stockpile Responsiveness Program and make full use of the authorities it provides NNSA?

Answer. Yes.

STOCKPILE MODERNIZATION

Question. The National Nuclear Security Administration and the Department of Defense are currently undertaking the most expansive recapitalization of U.S. nuclear forces and supporting infrastructure in forty years in order to ensure the continued viability of the Nation’s nuclear deterrent.

Do you support full funding and timely execution of all aspects of the ongoing nuclear modernization plan and, if confirmed, will you advocate for such efforts to continue?

Answer. Yes, and, if confirmed, yes.

Question. Please explain your views and the programmatic risks with the following stockpile programs in meeting DOD requirements and timelines.

B61-12

B83

W87-1

W80-4

W88

W93

Answer. As with any program of this size, there are always technical and funding risks. If confirmed, I will work with the subject matter experts involved to identify and mitigate these risks to the extent possible. Support from Congress, and timely, stable, and predictable funding are critical to the success of these programs.

ADVANCED COMPUTING

Question. Since the Manhattan project, the Department of Energy (DOE) and the NNSA have been world leaders in advanced computing. Section 3172 of the Fiscal Year 2021 NDAA required the NNSA to enter into an agreement with the National Academies of Science on the future of computing beyond exascale. Section 3138 of the Fiscal Year 2022 NDAA requires the NNSA to submit a ten year roadmap on advanced computing.

Have you reviewed sections 3172 and 3138?

Answer. Yes.

Question. What is your assessment of advanced computing beyond exascale relevant to NNSA stockpile needs?

Answer. Advanced computing is a key element of stockpile stewardship. It enables innovative solutions to complex problems across the field of nuclear security. I am supportive of the agreement with the National Academies of Science. If confirmed, I look forward to reviewing their findings to help inform the best path forward for NNSA in utilizing advanced computing for stockpile needs.

MATERIALS UNDER EXTREME CONDITIONS

Question. The understanding of materials at extreme conditions is essential to the understanding of weapon performance. Specifically, there are several efforts related to plutonium that are underway to understand its behavior under extreme pressures and temperatures as well as understanding the aging mechanisms of plutonium and its behavior under static and dynamic conditions.

What are your views of the Enhanced Capabilities for Subcritical Experiments and the U1a complex enhancement project, 17-D-640? If confirmed, what results do you expect it to provide for stockpile performance?

Answer. I believe the Enhanced Capabilities for Subcritical Experiments is a priority for stockpile stewardship. This new set of capabilities, enabled by the U1a complex enhancement project, will enable scientists and engineers to address important stockpile questions that cannot be addressed today.

Question. The NNSA has developed a long-term multi-laboratory roadmap on plutonium aging.

If confirmed, will you review this roadmap?

Answer. Yes.

Question. If confirmed, will you ensure it delivers a meaningful understanding of plutonium aging both under static and dynamic conditions for stockpile assessments and modernization?

Answer. Yes. If confirmed, I will personally engage on this roadmap and press our subject matter experts to ensure that it delivers the most useful understanding of plutonium (and pit) aging, under static and dynamic conditions, to inform stockpile assessments and modernization.

Question. If confirmed, will you commit to periodically inform Congress on its progress?

Answer. Yes.

INERTIAL CONFINEMENT FUSION

Question. Section 3137 of the Fiscal Year 2020 NDAA requires the NNSA to enter into an arrangement to assess the future of High Energy Density Physics program and assess the current and future directions of this program.

Have you reviewed this section?

Answer. Yes.

Question. If confirmed, will you and the National Academies brief the congressional defense committees on its findings?

Answer. Yes.

STRATEGIC GRADE RADIATION HARDENED ELECTRONICS

Question. The NNSA is a leader in the production of high-performance strategic grade radiation hardened electronics.

Please describe the current status of facilities to produce hardened electronics and plans for future upgrades to these facilities.

Answer. In my current role, I am not privy to the status of these facilities. If confirmed, I will review and assess the state of these facilities.

DEFENSE PROGRAMS BUDGET

Question. The 2018 NPR noted the presence of “significant infrastructure funding shortfalls [at NNSA] over the next five years” that will need to be addressed in order to meet the needs of the nuclear enterprise. The fiscal year 2021 enacted budget was 18 percent higher than the fiscal year 2020 budget to help address this shortfall, principally in facilities and production modernization. The fiscal year 2022 request was essentially flat and decreased funding for infrastructure and stockpile research, technology and engineering in order to maintain production modernization and stockpile management.

If confirmed, will you commit to advocating for sufficient funding to address the infrastructure sustainment and modernization needs of the Nuclear Security Enterprise?

Answer. If confirmed, I will advocate for meeting the most pressing needs of the nuclear deterrent, including infrastructure sustainment and modernization.

Question. Section 179(f)(1) of title 10, United States Code (USC), requires an annual certification to the Senate Armed Services Committee by the NWC for the budget submission for the NNSA. The certification letter for the fiscal year 2022 budget is dated July 23, 2021. Pursuant to section 179(f)(5), a separate letter was sent to the Armed Services Committee on August 9, 2021 by the Vice Chairman of the Joint Staff describing the Commander of the U.S. Strategic Command’s separate views on the adequacy of the budget request, which were attached.

Have you reviewed the fiscal year 2022 NWC certification letter and the letter submitted by the Vice Chairman of the Joint Staff containing the Commander of the U.S. Strategic Command’s views?

Answer. Yes.

Question. Do you agree with the warnings included in the NWC’s certification letter?

Answer. I agree that recapitalization of our nuclear infrastructure is of the utmost importance, and that it requires stable and predictable funding to ensure there is no increased programmatic risk. If confirmed, I will closely coordinate with DOD to ensure that military requirements are met.

In particular, do you agree with the NWC’s statement that “All NWC members believe that—for fiscal year 2022 only—the DOE/NNSA budget request for Weapons Activities meets nuclear stockpile and stockpile stewardship requirements and contains minimally sufficient immediate investment to ensure a safe, secure, and effective nuclear deterrent. However, NWC members also believe that this budget injects risk into the longer-term schedule required to ensure modernization of the U.S. nuclear deterrent.”

In my current position, I am unable to determine the sufficiency of the Weapons Activities budget nor am I privy to the decisions in formulating it. If confirmed, I commit to thoroughly reviewing the budget to ensure Defense Programs is sufficiently resourced to meet mission requirements.

Question. If confirmed, what do you believe are the specific areas in NNSA’s Office of Defense Programs that will need to be supported at higher levels in the out-years?

Answer. If confirmed, I will assess the Weapons Activities portfolio and budget to determine whether higher levels of support are needed in the out-years.

PERSONNEL

Question. As of July 2019, the NNSA projected approximately 260 personnel will be defense programs employees under your direct responsibility. However, this does not include approximately 40–50,000 employees of the operating plants and laboratories responsible for executing the funding for defense programs, which for fiscal year 2021 totaled \$19.7 billion.

What management experience do you have for the federal employees you will directly oversee?

Answer. While I have not managed federal employees in my previous positions, I have managed multi-level teams engaged in complex technical tasks; I have helped develop management and operations structures and strategies for NNSA laboratories; and I have actively participated in oversight of management and operations at the Los Alamos National Laboratory, in addition to many other leadership roles.

Question. What management experience do you have to oversee and execute a multi-billion dollar budget spread across three design laboratories, four production

plants, multiple simultaneous large capital projects, and the Nevada National Security Site where stockpile experiments are conducted?

Answer. While I have not been responsible for executing multi-billion-dollar budgets in my previous positions, I served as Chair of the Los Alamos National Laboratory Mission Committee, responsible for overseeing more than two billion dollars per year in mission execution, including design programs, pit and detonator production programs, multiple simultaneous large capital projects, and experimental and construction efforts at the Nevada National Security Site.

Question. If confirmed, do you believe that the Office of Defense Programs has the appropriate number of civilian employees to perform its mission?

Answer. Having ample, stable staffing is critical to the success of all NNSA's mission functions. If confirmed, I will assess the strength and readiness of the workforce within the Office of Defense Programs and work with the Administrator to achieve the staffing levels required to accomplish the mission.

Question. If not, what would be the appropriate size of the civilian staff and what would the additional personnel be able to accomplish that NNSA is not able to accomplish today? Which components would you recommend growing?

Answer. If confirmed, I will work with the Administrator to ensure the Office of Defense Programs is resourced appropriately to accomplish its vital national security mission.

Question. What do you believe are the biggest challenges to recruiting, training, and retaining civilian and contractor personnel in this area?

Answer. Defense Programs has a vital national security mission and sustaining workforce capabilities and expertise required to execute this mission is critical to success. While I am not able to speak to NNSA's current personnel challenges, I am certainly aware of challenges both in recruiting and retention of personnel in the current job market, especially in highly technical vocations. If confirmed, I will work to bring in new talent and retain experienced personnel to continue to deliver on Defense Programs' mission.

Question. If confirmed, what specific steps would you take to retain critical nuclear weapons expertise among both the NNSA federal civilian and the contractor workforce?

Answer. If confirmed, I will look to continue leveraging NNSA's strong partnership with its management and operating contractors, their parent companies, NNSA's strong academic alliances, and other key partners to support workforce recruitment and retention initiatives.

FACILITIES AND INFRASTRUCTURE

Question. More than half of NNSA's infrastructure is over 40 years old, and some facilities date back to the Manhattan Project. As former Administrator Frank Klotz said in 2017, "If not appropriately addressed, the age and condition of NNSA's infrastructure will put NNSA's missions, safety of its workers, the public, and the environment at risk." Section 3111 of the Fiscal Year 2018 NDAA directed NNSA to establish the Infrastructure Modernization Initiative to reduce the backlog of deferred maintenance and repair needs by at least 30% by 2025. This goal was amended by Section 3116 of the Fiscal Year 2022 NDAA to achieve 45% by 2030.

Have you reviewed sections 3111 and 3116?

Answer. Yes.

Question. If confirmed, how would you work with the Associate Administrator for Safety, Infrastructure, and Operations in order to prioritize infrastructure requiring maintenance within the Office of Defense Programs' portfolio?

Answer. If confirmed, I will rely on the Associate Administrator to provide advice and recommendations on the prioritization of infrastructure maintenance within the Weapons Activities portfolio. I will also coordinate with them to ensure that Defense Programs needs are understood.

Question. While you will not be responsible for constructing facilities to meet Defense Program needs, if confirmed, you will be responsible for setting facility requirements to meet Department of Defense stockpile needs through the NWC. A thorough understanding of how these requirements translate into facility cost and schedule is essential. If requirements are unrealistic or unstable this will translate into cost and schedule overruns and ultimately the credibility of the stockpile program. Projects such as the Modern Pit Facility, Chemistry and Metallurgy Research Replacement – Nuclear Facility, Uranium Processing Facility, and Mixed Oxide Fuel Fabrication Facility are all examples of past NNSA efforts plagued by cost overruns, schedule delays, and on certain occasion, cancellation.

In your opinion, to what extent did unrealistic requirements contribute to failures in these projects?

Answer. If confirmed, I intend to thoroughly review the instances outlined to determine the factors that contributed to issues with these projects. I will ensure that NNSA and DOD remain in close coordination so that all requirements are supported by necessary parties.

Question. To what extent do you believe a lack of funding prioritization may have contributed to inefficiencies in these projects?

Answer. I believe stable and predictable funding is critical to the success of any project, and I believe NNSA prioritized funding for these projects in their requests. If confirmed, I will thoroughly review what factors contributed to issues with these projects and apply the lessons learned to avoid such issues in the future.

Question. If confirmed, will you commit to ensuring the Committee is promptly informed of significant concerns with the feasibility of achieving major facility requirements, including overviews of likely required resources or statutory/regulatory changes that would be needed to achieve such requirements?

Answer. Yes.

Question. DOE Order 413 “Program and Project Management of Capital Assets” governs the acquisition of capital assets exceeding a Total Project Cost of \$50 million. Most, if not all, Defense Program facilities are covered under DOE Order 413. Have you reviewed DOE Order 413?

Answer. Yes.

Question. Please describe the critical decision points under DOE Order 413 and what you believe the predominant risks are associated with each decision point as they pertain to correctly determining a cost and schedule for high hazard defense program facilities.

Answer. The Order provides DOE and NNSA with program and project management direction for the acquisition of capital assets, with the following Critical Decision (CD) points:

- CD-0, *Approve Mission Need*: Documents that a mission need has been identified, requiring material investment.
- CD-1, *Approve Alternative Selection and Cost Range*: Determines the selected alternative and approach optimized to meet the mission need. The cost range at CD-1 allows for uncertainty.
- CD-2/3, *Approve Performance Baseline and Start of Construction*: NNSA approves a combined CD-2 and CD-3. CD-2 approves preliminary design and sets the project’s baseline cost and schedule. CD-3 authorizes the release of funds to start construction.
- CD-4, *Approve Start of Operations and Project Completion*: Allows for formal closeout of the project.

If confirmed, I will assess each of the major decision points under DOE Order 413.3B and work to ensure appropriate cost and schedule decisions are made.

Question. In 2014 the Government Accountability Office published “Analysis of Alternatives Could Be Improved by Incorporating Best Practices”, GAO 15-137.

Have you reviewed this report?

Answer. Yes.

Question. In your view, what are the major findings and recommendations?

Answer. This report found that NNSA does not follow all of GAO’s best practices for Analysis of Alternatives (AOA) and that the Office of Acquisition and Project Management should update its project management order requirements to incorporate best practices for conducting an AOA.

Question. In your view, what is the significance of section 3112 of the Fiscal Year 2022 National Defense Authorization Act and how it pertains to GAO 15-37?

Answer. Section 3112 calls for the Administrator to ensure that any cost estimate used in an AOA for a project carried out using funds authorized by a DOE national security authorization is designed to fully satisfy the requirements outlined in the mission needs statement approved at CD-0 in the acquisition process, as set forth in DOE Order 413.3B. This relates to the GAO recommendation to use project management best practices for NNSA AOAs. If confirmed, I will look into this requirement more carefully to see how congressional requirements will align with NNSA’s current practices and GAO recommendations.

Question. The following Defense Programs capital asset projects are currently covered by DOE Order 413. What is your assessment of each project based on DOE Order 413 and where you see major programmatic risks?

Answer. If confirmed, I look forward to working with subject matter experts to learn the details of the status and risks for each project. Stable and predictable funding is key to future milestones for all NNSA major construction projects.

Question. Uranium Processing Facility, Project 06-D-141

Answer. Construction of the UPF project continues. My understanding is that four of the seven subprojects have been completed, and that the remaining buildings are

under construction and are expected to be complete in fiscal year 2026. As with most large projects there are always technical and funding risks. If confirmed, I will work with the subject matter experts involved to identify and mitigate these risks to the maximum extent possible.

Question. Lithium facility, Project 18-D-690

Answer. The Lithium Processing Facility (LPF) project achieved CD-1, which approves alternative selection and cost range, in fiscal year 2020. My understanding is that construction is scheduled to begin in fiscal year 2026.

Question. High Explosives Synthesis Formulation and Pit Production, Project 21-D-510

Answer. The High Explosives Synthesis Formulation and Pit Production project achieved CD-1, which approves alternative selection and cost range, in fiscal year 2021 and is under design. My understanding is that construction is scheduled to begin in fiscal year 2024.

Question. Tritium Finishing Facility, Project 18-D-650

Answer. The Tritium Finishing Facility (TFF) project achieved CD-1 in fiscal year 2020.

Question. The following efforts are underway to re-establish or expand production capabilities to meet Defense Program needs. Some efforts have been restarted after being dormant for 30 or more years, while others are overextended in capacity. Please describe what you understand are the major programmatic risks and what specifically can be done to overcome these risks.

Plutonium pit production

Lithium processing

Depleted Uranium processing

High explosives fabrication for upcoming weapons modernization efforts

Expansion of the Kansas City production plant

Re-establishment of a weapons effect and survivability infrastructure

Answer. As with most large projects there are always technical and funding risks. If confirmed, I will work with the subject matter experts involved to identify and mitigate these risks to the maximal extent possible.

OFFICE OF COST AND PROGRAM EVALUATION

Question. After a series of program failures, section 3221 of the Fiscal Year 2014 NDAA created the Office of Cost and Program Evaluation (50 U.S.C. 2411). The director of the office "shall be the principal advisor to the Administrator, the Deputy Secretary of Energy, and the Secretary of Energy with respect to cost estimation and program evaluation for the Administration".

Have you reviewed 50 U.S.C. 2411?

Answer. Yes.

Question. If confirmed, will you ensure your staff cooperates fully with the office in carrying out its duties consistent with section 1652 of the Fiscal Year 2018 NDAA?

Answer. Yes.

NNSA SITE OFFICES

Question. While you will have programmatic responsibility for carrying out the NNSA's responsibility to meet DOD requirements, the NNSA Site Offices are responsible for day-to-day operations of the NNSA sites and ensuring that their operations are carried out in a safe and secure manner while assessing the performance of their Management and Operating contractors.

If confirmed, please describe how you will work with the site offices to meet your DOD programmatic requirements.

Answer. If confirmed, I will ensure that I have several touchpoints with the sites and work closely with Field Office Managers to remain aligned on priorities and daily operations to meet DOD programmatic requirements.

Question. If confirmed, will you promptly report any issues with respect to the Site Offices that you believe will encumber your ability to meet your DOD requirements?

Answer. Yes.

PLUTONIUM STRATEGY

Question. Four consecutive Administrations have validated the need to reestablish plutonium pit production to ensure the long-term viability of the U.S. nuclear weapons stockpile. Currently, 50 USC 2538a requires the Secretary of Energy to ensure the Nuclear Security Enterprise is capable of producing not less than 80 war reserve quality plutonium pits by 2030.

Do you support the reestablishment of U.S. plutonium pit production capabilities, consistent with U.S. law and Department of Defense requirements?

Answer. Yes.

Question. NNSA has selected two sites for plutonium pit production: Los Alamos will produce approximately 30 pits per year and the Savannah River Plutonium Processing Facility (SRPPF) at the Savannah River Site will produce up to 50 pits per year, for a projected two-site total of not less than 80 pits per year.

Do you support the two site solution for reestablishing U.S. plutonium pit production capabilities?

Answer. Yes.

Question. What are your views on the Los Alamos site and its capabilities to achieve its pits per year production target to support the demands of the ongoing stockpile program?

Answer. The Los Alamos National Laboratory is NNSA's plutonium center of excellence and has produced plutonium pits in the past. If confirmed, I commit to reviewing the plan to achieve pit production in detail.

Question. In your view, what challenges must NNSA overcome to ensure SRPPF achieves its pits-per-year production target to support the requirements of the ongoing stockpile modernization program?

Answer. Restoring the Nation's ability to produce pits is a complex, unique challenge. A combination of sustained, reliable funding and outstanding project management is required to ensure the entire portfolio of pit production activities can meet this challenge. If confirmed, I commit to reviewing these efforts, seeking ways to reduce cost and schedule, and assessing the degree to which NNSA has the resources it needs to execute.

Question. Section 3120(e) of the Fiscal Year 2019 NDAA contains detailed certification procedures for the NWC to ensure that the reestablishment of U.S. pit production capabilities are meeting programmatic milestones established by 50 U.S.C. 2538a. In accordance with these statutory procedures, on March 31, 2021, the NWC certified to the Senate Armed Services Committee that the NNSA was on track to meet the 2030 timeline for producing no less than 80 war reserve pits per year.

Subsequently, on August 31, 2021, pursuant to section 3114(b) of the Fiscal Year 2021 NDAA, the Secretary of Energy informed the Senate Armed Services Committee that based on the Critical Decision 1 (CD-1) funding profile of \$3.9 billion, Los Alamos was on track to meet a requirement of 30 pits per year by the 2026-2027 timeframe.

However, on November 30, 2021, the Secretary of Energy notified the Senate Armed Services Committee that "manufacturing 30 War Reserve (WR) pits per year (ppy) during 2026 at the Los Alamos National Laboratory (LANL) in Los Alamos, NM, is achievable, but manufacturing 50 WR ppy during 2030 at the Savannah River Site (SRS) in Aiken, SC, is not achievable. As a result, manufacturing the 80 WR ppy during 2030 as required by 50 U.S. Code 2538a will not be achievable." This analysis was based on the CD-1 cost and schedule range for converting the former Mixed Oxide Fuel (MOX) plant after the NWC letter of March 31, 2021.

On December 23, 2021 the Secretary of Energy informed the Committee that the CD-1 cost range was \$6.9 billion to \$11.0 billion with an 85 percent estimate of \$10.2 billion to achieve CD-4 in the fiscal year 2032-2035 timeframe. However, this does not include additional time to produce WR qualified pits. The CD-1 cost and schedule for converting the MOX plant exceeded the Analysis of Alternatives to produce 50 ppy, which was based on a preliminary Engineering Assessment from April 20, 2018, which showed a mean probability cost of \$4.6 billion to achieve CD-4 in the 2026-2030 timeframe. The Senate Armed Services Committee was briefed on this Engineering Assessment in May of 2018 ("Plutonium Pit Production Engineering Assessment Results," May 2018) to help justify converting the MOX plant for pit production.

Have you reviewed the following documents and statutes? If not, do you plan to review these documents if you are confirmed?

Answer. Yes, I have reviewed the below documents and statutes.

50 U.S.C. 2538a (2014, as amended)

Section 3120 of the Fiscal Year 2019 NDAA

Section 3114 of the Fiscal Year 2021 NDAA

The redacted FOIA version of the April 20, 2018 Engineering Assessment

The May 2018 briefing to the Senate Armed Services Committee

The March 31, 2021 NWC letter to the Senate Armed Services Committee

The November 30, 2021 Secretary of Energy letter to the Senate Armed Services Committee

The December 23, 2021 Secretary of Energy letter to the Senate Armed Services Committee on the CD-1 Independent Cost Estimate for converting the SRS MOX plant to pit production

Question. What are the principal risks to achieving CD-4 for the SRPPF based on the November 30, 2021 and December 23, 2021 Secretary of Energy letters?

Answer. The risks associated with completing SRPPF on time are common to many of NNSA's large construction projects – these include ensuring stable and predictable annual funding and providing sufficient staff to support design and construction activities. Supply chain issues are also a challenge to overcome within the industry. If confirmed, I look forward to reviewing these efforts and risks in much greater detail with the subject matter experts.

Question. If confirmed, what actions will you take to monitor the risks in meeting the Critical Decisions (CD) 1–4 under DOE Order 413 for completing the SRPPF?

Answer. If confirmed, I will work closely with the subject matter experts to identify each risk, monitor closely, and mitigate as needed.

Question. Will you commit to promptly informing Congress at first sign that these risks may pose further schedule delays and cost increases?

Answer. If confirmed, yes.

URANIUM STRATEGY AND TRITIUM PRODUCTION

Question. The U.S. government currently requires low-enriched uranium (LEU) in order to produce tritium, as well as for research and isotope production reactor fuel. The Department of Energy (DOE) has maintained as policy that only unobligated LEU can be used for national security purposes, meaning that neither the uranium nor the technology used to enrich it carries an “obligation” from a foreign country requiring that the material be used for only non-weapons purposes. Since USEC ceased enrichment operations in 2013, the DOE has relied upon down blending recycled high-enriched uranium (HEU) to meet requirements for unobligated LEU, but the available supply of recycled HEU for down blending is finite. The United States does not currently have an indigenous uranium enrichment capability.

Do you believe NNSA should build a future capability to address LEU for tritium production only, or for all national security purposes?

Answer. If confirmed, I will carefully consider the most effective ways to ensure steady, reliable access to key strategic nuclear materials, including tritium and LEU. These materials are vital for the long-term sustainment of the U.S. nuclear deterrent.

Question. The NNSA is the lead U.S. agency for establishing requirements under the Mutual Defense Agreement between the United States and the United Kingdom to share research and material in support of each other's nuclear deterrent. In section 3138 of the Fiscal Year 2020 NDAA, the Department of Energy was directed to “determine whether the Agreement [between the United States of America and the United Kingdom of Great Britain and Northern Ireland] for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes, signed at Washington, July 3, 1958 (9 UST 1028), between the United States and the United Kingdom, permits the United States to obtain low-enriched uranium for the purposes of producing tritium in the United States.”

If confirmed, will you review the response to this section and report back to the Senate Armed Services Committee of your assessment?

Answer. Yes.

Question. The 2018 NPR noted that tritium production is now “insufficient to meet the forthcoming U.S. nuclear force sustainment demands,” and added that “a marked increase in the planned production of tritium in the next few years” will be required in order to prevent the atrophy of our nuclear capabilities below requirements.

In your opinion, is NNSA's current tritium strategy, in terms of quantity and schedule, sufficient to support such a marked increase?

Answer. As a member of the JASON Advisory Panel, I co-lead an in-depth study of this question in 2018, and thus I am familiar with the tritium strategy. In my opinion, I believe the tritium strategy can support this increase. If confirmed, I will thoroughly review the current tritium production schedule, along with risks of interruptions and plans for mitigating interruption, and I will assess this against stockpile needs.

Question. Do you believe NNSA should be investigating alternative tritium production methods besides the current program of providing material for the Tennessee Valley Authority to irradiate in the Watts Bar reactors?

Answer. If confirmed, I will thoroughly review options to ensure steady, reliable access to key strategic nuclear materials, including tritium.

REGULATION AND OVERSIGHT

Question. Staff at NNSA's national laboratories have stated that they are overburdened by regulation and oversight, both internal and external, and that this contributes to the challenges in staying under cost and on schedule for major projects.

Do you believe that environmental, safety, and construction regulations are properly applied to NNSA projects and operations?

Answer. NNSA's vital missions depend upon a framework of environmental, safety, and construction regulations to protect its workforce, the communities in which NNSA's labs, plants and sites are located, and the environment. Integrating such regulations into operations and project plans can prevent costly compensatory actions.

The framework of DOE requirements and directives has been established and refined over decades of practical experience with inherently hazardous work. This framework provides an excellent foundation which can be built upon by incorporating best practices as appropriate. At the same time, I look forward to working with the Associate Principal Deputy Administrator to see if the implementation of environmental, safety, and construction regulations can be improved such that protections are enhanced while workforce productivity is increased.

Question. In your opinion as someone who has spent most of his career at the laboratories, do these regulations serve the labs and the country well?

Answer. Governance and oversight are necessary to ensure safe operations and mission success. NNSA has a strong safety record and has made meaningful enhancements to the governance and management of its labs, plants, and sites. This type of continuous improvement is vital to the continued health and success of any organization. I believe further improvements could simultaneously improve environmental protection, personnel safety, and workforce productivity, and, if confirmed, I will challenge the organization to find such improvements.

Question. Do you believe the labs are subject to the appropriate level of oversight from NNSA, DOE, the Defense Nuclear Facilities Safety Board, GAO, and/or Congress?

Answer. Organizations such as the GAO and DNFSB provide different views and perspectives that are invaluable to achieving NNSA's mission. A cooperative team, working together towards successful mission accomplishment, ultimately provides the labs the appropriate level of oversight. If confirmed, I will work with the Administrator and others to assess the appropriate level of oversight.

Question. If confirmed, are there any changes in regulatory or oversight structures based on your experience that you would recommend?

Answer. I believe NNSA should balance governance and oversight with risk and changes. This is vital to NNSA's continued success. If confirmed, I will collaborate with my peers across the nuclear security enterprise to identify and consider changes as appropriate.

NOTIFICATION OF CONGRESS

Question. If confirmed, will you work with the Administrator of NNSA to notify Congress promptly of any significant issues in the safety, security or reliability of the nuclear weapons stockpile?

Answer. Yes.

SEXUAL HARASSMENT

Question. What is your assessment of the current climate regarding sexual harassment and gender discrimination in the NNSA?

Answer. Sexual harassment and gender discrimination should never be tolerated in any workplace. I have been pleased to learn that NNSA is taking proactive steps to assess the work environment and address any issues that may be occurring and not being reported.

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 DOE, NNSA, or a component thereof?

Answer. If confirmed, I will be committed to creating a workplace that provides a safe and welcoming environment for the workforce. If I receive or became aware of a complaint of sexual harassment or discrimination, I will immediately contact our Office of Human Resources to ensure that the complaint is reviewed and that the cognizant office begins the process of investigation. If the investigation revealed inappropriate conduct, appropriate disciplinary action would be initiated, up to and including removal from federal service.

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 JEANNE SHAHEEN

PLUTONIUM PITS

1. Senator SHAHEEN. Dr. Adams, the National Nuclear Security Administration (NNSA) is supposed to create the capacity to produce 80 new plutonium pits per year by fiscal year 2030. However, NNSA acknowledges this is unlikely to happen until fiscal years 2032–2035 and external studies suggest that even that timeline may be optimistic. What is your level of confidence in NNSA's ability to produce pits on a schedule to meet the modernization needs of our nuclear forces and, if the NNSA is not on schedule, what steps can we take to increase pit production to the required levels?

Dr. ADAMS. Restoring the Nation's ability to produce pits is a complex and unique challenge that simply must be met. I have high confidence that if the program continues to execute the two-site solution, NNSA will deliver at least 30 pits per year well before 2030 and at least 80 pits per year starting not long after 2030 and continuing for the foreseeable future. If confirmed, I will review the pit-production plans and work with the appropriate experts to find ways to shorten the timeline

and generate improved estimates of cost and schedule. I will work in partnership with the Department of Defense (DOD) to develop plans that maintain our nuclear deterrent under the full range of possible pit-delivery schedules. I am confident that this can be done.

QUESTIONS SUBMITTED BY SENATOR MAZIE K. HIRONO

QUESTION ON NOMINEES' FITNESS TO SERVE

2. Senator HIRONO. Dr. Adams, 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?

Dr. ADAMS. No.

3. Senator HIRONO. Dr. Adams, have you ever faced discipline, or entered into a settlement related to this kind of conduct?

Dr. ADAMS. No.

QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

NUCLEAR MODERNIZATION PROGRAM MANAGEMENT

4. Senator INHOFE. Dr. Adams, the United States is facing an unprecedented challenge from not one, but two nuclear peer adversaries, even as our own capabilities for supporting our deterrent are near their lowest ebb, and the complex modernization and recapitalization plans for addressing these deficiencies are, in the words of the Commander of U.S. Strategic Command, "at least 10 years behind where we need to be". Can you explain to this Committee how your experiences in academia have prepared you to manage this complex, multi-billion dollar, once-in-a-generation effort to rebuild the U.S. nuclear weapons stockpile and restore the capabilities required to maintain our status as a nuclear weapons state?

Dr. ADAMS. If confirmed, leading the Office of Defense Programs to success will require that I establish the right priorities, guide the organization in the right direction, and inspire tens of thousands of professionals to achieve more, and more quickly, than has historically been the case. This in turn will require broad and deep knowledge of what it takes to succeed—in both the short and long terms—and the ability to make sound decisions after absorbing large quantities of information and hearing diverse opinions. I believe that I have that knowledge and those abilities.

I spent the first five years of my career in the nuclear weapons program at the Lawrence Livermore National Laboratory. During my subsequent 3 decades in academia, I have worked on national security issues, with emphasis on the U.S. nuclear deterrent, to an extent and at a level that are far outside the norm in academia. The major contributor to my development of the requisite knowledge and abilities has been execution of many different roles, outside of my academic experience teaching nuclear engineering and performing research related to stockpile stewardship, in service of the nuclear deterrent over the course of the past 3 decades. I will highlight three examples.

(1) In recent years, I have chaired Los Alamos National Laboratory's (LANL's) Mission Committee, whose purview includes the lab's weapons activities including plutonium pit production. This role has required intricate knowledge of NNSA's weapons design and assessment efforts; warhead delivery programs (including the B61-12, the W88 Alt 370, and the W76-2); the production complex and its interfaces with the design labs; management of large capital projects, including those being executed to enable LANL to manufacture at least 30 pits per year and those being executed to enable Enhanced Capabilities for Subcritical Experiments in Nevada; supply-chain issues; the science and engineering challenges of producing one-of-a-kind components (such as plutonium pits) while meeting stringent requirements for quality, safety, and security; and much more. In this role I have had oversight responsibility for efforts totaling more than \$2 billion per year and involving thousands of employees at LANL, and responsibility for advising LANL's leadership on how to improve these efforts.

(2) I have served since 2017 on the U.S. Strategic Command (STRATCOM) Commander's Strategic Advisory Group Stockpile Assessment Team (SAG/SAT). (I am the only "academic" ever chosen for this body.) In this role I have advised the STRATCOM Commander on many aspects of the nuclear warheads in the stockpile. This has required detailed study of the health of the warheads at any given time; assessment of what problems might be on the horizon, how likely they are, and

what options would be available to address them; assessment of the likelihood that NNSA would deliver each element in the program of record on schedule, including assessment of the likelihood of achieving 80 pits per year during 2030; and much more.

(3) As a member of the JASON Advisory Group for more than 15 years, I have participated in more than 20 in-depth studies of nuclear-weapons activities, issues, and concerns, including studies sponsored by the DOD as well as NNSA. I was chosen as study leader for most of them.

5. Senator INHOFE. Dr. Adams, the 2018 Nuclear Posture Review (NPR) noted the need for increased flexibility, and measures to “reduce the time required to design, develop, and initially produce a warhead, from a decision to enter full-scale development,” an initiative your predecessor and the current National Nuclear Security Administration (NNSA) Administrator have both supported. If confirmed, what measures would you consider in order to reduce this timeline, both for currently planned weapons programs and for future efforts?

Dr. ADAMS. If confirmed, I will work closely with subject matter experts at NNSA and the labs, plants, and sites to develop clear and attainable recommendations to reduce this timeline where possible.

NUCLEAR MODERNIZATION PROGRAM RESOURCING

6. Senator INHOFE. Dr. Adams, NNSA is required by law to provide to Congress a list of unfunded priorities, similar to the process for DOD combatant commands. However, unlike the combatant commands, NNSA’s unfunded priorities are rarely provided in a manner timely enough to inform Congressional development of the upcoming fiscal year’s budget. If confirmed, will you commit to working with the Administrator for Nuclear Security to ensure that NNSA’s unfunded priorities list is provided to the Congress with sufficient time to adequately inform their deliberations?

Dr. ADAMS. Yes.

7. Senator INHOFE. Dr. Adams, the NNSA is part of the Department of Energy, yet it is funded with defense dollars out of the defense topline, and its primary mission is to sustain the nuclear weapons stockpile to meet the requirements of the Department of Defense. Many have described DOD as NNSA’s primary customer, and while the relationship between the two organizations has been quite strained at times, it is said to have been on the upswing over the past several years. If confirmed, what steps would you take in continuing to improve this relationship?

Dr. ADAMS. It is my understanding the NNSA and DOD have a strong relationship and remain in close coordination for all modernization efforts. If confirmed, I will work to ensure that we retain this strong relationship, and I believe that my previous roles in support of the DOD nuclear-weapons effort will help with this.

PLUTONIUM PIT PRODUCTION

8. Senator INHOFE. Dr. Adams, as the head of Defense Programs for the National Nuclear Security Administration, you would be directly responsible for managing the programs we need to recapitalize U.S. weapons sustainment, as well as the production infrastructure that supports the nuclear weapons stockpile. NNSA recently announced that it does not believe that it can meet the statutory requirement for producing 80 plutonium pits per year by 2030. This seems unacceptable given the growth we’re seeing in China’s and Russia’s nuclear stockpiles. If confirmed, will you commit to providing this Committee with a complete explanation of what it would take to comply with this statutory requirement?

Dr. ADAMS. Yes.

INFRASTRUCTURE MODERNIZATION

9. Senator INHOFE. Dr. Adams, the 2018 Nuclear Posture Review notes that over half of NNSA’s infrastructure is over 40 years old. A quarter dates back to the Manhattan Project—more than 70 years old. Several successive Administrations have promised investment in infrastructure, and yet we’ve seen the backlog of deferred maintenance grow. In the meantime, we have buildings that are literally crumbling, putting people and equipment at risk. How will you work to ensure that we actually follow through and bring NNSA’s infrastructure into the 21st century?

Dr. ADAMS. I agree that recapitalization of our nuclear infrastructure is of the utmost importance. If confirmed, I commit to implementing plans to maintain and recapitalize nuclear security enterprise infrastructure, identifying needs that are not yet in the plans, and working with Congress to ensure the necessary resources are

available to achieve the capability and capacity required to sustain and modernize the stockpile.

10. Senator INHOFE. Dr. Adams, many of the NNSA laboratories and plants have struggled to recruit and retain personnel since the end of the Cold War. At some of facilities, almost half the workforce will be eligible to retire in the next few years. This issue is equally prevalent among the NNSA's Federal workforce. Do you believe NNSA has sufficient Federal staff to accomplish its mission? If not, which areas or specialties would you recommend growing?

Dr. ADAMS. The Office of Defense Programs has a vital national security mission, and ensuring it has the right workforce to sustain the capabilities and expertise required to execute this mission is critical to NNSA's success. While I am not able to speak to NNSA's specific personnel challenges in my current capacity, I am certainly aware of recruitment and retention challenges in hiring those with the knowledge, skills, and abilities to execute this mission. If confirmed, I will assess the strength and readiness of the workforce and will ensure that the Office of Defense Programs has the resources required to accomplish its mission.

11. Senator INHOFE. Dr. Adams, if confirmed, what would you do to help the labs and plants recruit top talent of all kinds, and recruit top talent to NNSA Federal staff?

Dr. ADAMS. If confirmed, I would look to continue to leverage NNSA's strong partnership with its management and operating contractors, their parent companies, strong academic alliances, and other key partners to support workforce recruitment and retention initiatives. The facilities and programs that perform leading-edge science at the laboratories are key to recruiting and retaining top talent in a competitive job market, in addition to being essential for stockpile stewardship, so I will work to ensure that these stay healthy.

QUESTIONS SUBMITTED BY SENATOR MARSHA BLACKBURN

NUCLEAR STOCKPILE ANNUAL ASSESSMENT

12. Senator BLACKBURN. Dr. Adams, if confirmed, what would be your immediate first step to address the National Nuclear Security Administration's (NNSA) aging infrastructure?

Dr. ADAMS. If confirmed, I will advocate for meeting the most pressing needs of the nuclear deterrent, including modernization of infrastructure. One of my first actions will be to travel to each of NNSA's labs, plants, and sites to meet with personnel on the ground to make a first-hand assessment, including the identification of any gaps in our infrastructure plans.

13. Senator BLACKBURN. Dr. Adams, if confirmed, what would be your immediate first step to address NNSA's maintenance backlog?

Dr. ADAMS. If confirmed, I commit to reviewing the resources available to address NNSA's maintenance backlog and the plans for applying them. Additionally, one of my first actions will be to travel to each of NNSA's labs, plants, and sites to meet with personnel on the ground to make a first-hand assessment, including the identification of any gaps in our maintenance plans.

14. Senator BLACKBURN. Dr. Adams, how is the modernization of infrastructure a readiness concern?

Dr. ADAMS. Rebuilding and modernizing NNSA infrastructure is critical both for delivering on today's requirements and for developing the needed readiness to respond to changes in a timely manner.

15. Senator BLACKBURN. Dr. Adams, how is the modernization of infrastructure a recruiting concern?

Dr. ADAMS. NNSA's ability to execute its mission depends on its ability to recruit and retain a world-class workforce. Rebuilding and modernizing NNSA's crumbling infrastructure is essential if NNSA is to attract skilled workers, who are also being recruited by other organizations with modern facilities.

16. Senator BLACKBURN. Dr. Adams, how is the modernization of infrastructure a retention concern?

Dr. ADAMS. NNSA's ability to execute its mission depends on its ability to recruit and retain a world-class workforce. Rebuilding and modernizing NNSA's crumbling

infrastructure is essential if NNSA is to retain its highly skilled, experienced workers—in whom a great deal has been invested and on whom a great deal depends—for these people are being recruited by other organizations with modern facilities.

17. Senator BLACKBURN. Dr. Adams, what concerns do you have regarding the modernization schedule for the key secondaries group of capabilities including enriched uranium, depleted uranium, and lithium?

Dr. ADAMS. My understanding is that for the planned projects associated with capabilities for secondaries, there are not major programmatic risks beyond the need for stable and predictable funding. As with most large projects, there are always technical and funding risks that will arise, and at present there are supply-chain issues that could affect cost and schedule. If confirmed, I am committed to working with the subject matter experts within the nuclear security enterprise, the Department of Defense, and Congress to ensure the necessary resources are available to provide for this modernization and mitigate these risks.

18. Senator BLACKBURN. Dr. Adams, what is your understanding of the state of the supporting weapons sustainment and production capabilities within the NNSA?

Dr. ADAMS. My understanding is that the NNSA workforce has the knowledge and skills required to sustain and produce warheads, but NNSA is in a race to replace old infrastructure before it becomes unusable, while still using it to meet challenging requirements. Recapitalization of our nuclear infrastructure is of the utmost importance, and it requires sustained and stable investment to ensure NNSA retains the capability to sustain a safe, secure, and reliable nuclear stockpile. If confirmed, I am committed to advocating for these resources and ensuring those resources effectively expended to sustain this vital mission.

[The nomination reference of Dr. Marvin L. Adams follows:]

NOMINATION REFERENCE AND REPORT

PN1673

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
January 11, 2022.

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

Marvin L. Adams, of Texas, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration, vice Charles P. Verdon.

_____, 2022.
(Date)

Reported by Mr. Reed _____
(Signature)

with the recommendation that the nomination be confirmed.

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

[The biographical sketch of Dr. Marvin L. Adams, which was transmitted to the Committee at the time the nomination was referred, follows:]



Dr. Marvin L. Adams Biography

Dr. Marvin L. Adams is the HTRI Professor of Nuclear Engineering and Director of National Laboratories Mission Support at the Texas A&M University System, where he has been on the faculty since 1992. He was a physicist at Lawrence Livermore National Laboratory (LLNL) from 1986 to 1992 and has remained extensively engaged with the U.S. national security laboratories since that time. He currently serves on the President's Council of Advisors on Science and Technology (PCAST); the Stockpile Assessment Team of the Strategic Advisory Group for U.S. Strategic Command; and the National Academies Committee on International Security and Arms Control. He served for more than two decades on the Predictive Science Panel for LLNL and Los Alamos National Laboratory (LANL), including several years as Chair. For more than three years he chaired the Mission Committee at LANL and served on the LANL Science, Technology, and Engineering Committee. He has led and contributed to numerous studies for various agencies of the U.S. government on matters related to national security. This has included more than 15 years as a JASON, during which he has been a leader of numerous studies related to nuclear weapons, sponsored by both NNSA and DoD. Dr. Adams is a Fellow of the American Nuclear Society. He received his M.S. and Ph.D. degrees in nuclear engineering from the University of Michigan and his B.S. degree in nuclear engineering from Mississippi State University.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Dr. Marvin L. Adams 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):**

Marvin Lee Adams

2. **Position to which nominated:**

Deputy Administrator for Defense Programs (DOE/NNSA)

3. **Date of nomination:**

January 11, 2022

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):

Mississippi State University, 1977-1981, B.S. in Nuclear Engineering
 University of Michigan, 1982-1984, M.S. in Nuclear Engineering
 University of Michigan, 1984-1986, Ph.D in Nuclear Engineering

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):**

Professor of Nuclear Engineering, Texas A&M University, 1992-present
 Consultant, Lawrence Livermore National Laboratory, 1992-2022
 Consultant, Los Alamos National Laboratory, 1998-2018
 Consultant, Sandia National Laboratories, 2000-2017

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):**

President's Council of Advisors on Science and Technology, 2021-present
 Nuclear Effects Advisory Panel, U.S. Department of Defense, 2019-2021
 Stockpile Assessment Team, U.S. Strategic Command, 2017-present
 JASON, 2006-present
 National Academy of Sciences Committee on International Security and Arms Control, 2014-present
 National Academies Committee on Post-Exascale Computing for the National Nuclear Security Administration, 2021
 National Academies Committee on Enhancing U.S. Nuclear Forensics and Attribution Support Capabilities, 2019-2021
 External Review Committee, Level-1 Milestone on Survivability, U.S. DOE NNSA, 2019-2021
 External Review Advisor, Neutron Diagnosed Subcritical Experiments, U.S. DOE NNSA, 2018
 External Review Committee, Level-1 Milestone on Initial Conditions for Boost, U.S. DOE NNSA, 2017-18
 Review Coordinator, National Academies Study on Lessons Learned from the Fukushima Nuclear Accident for Improving Safety and Security of U.S. Nuclear Plants, Phase 2, 2016
 External Review Committee, Level-1 Milestone on Pit Reuse, U.S. DOE NNSA, 2014-15
 Review Coordinator, National Academies Study on Lessons Learned from the Fukushima Nuclear Accident for Improving Safety of U.S. Nuclear Plants, Phase 1, 2014
 Reviewer, National Academies Study on The Quality of Science and Engineering at the NNSA National Security Laboratories, 2013

External Review Committee, Level-1 Milestone on Early-Phase Hydrodynamics, U.S. DOE NNSA, 2011-12
 Co-Chair, National Academies Committee on the Mathematical Foundations of Verification, Validation, and Uncertainty Quantification, 2010-12
 National Academies Committee on Technical Issues of the Comprehensive Test Ban Treaty, 2009-12
 External Review Committee, Level-1 Milestone in Nuclear Forensics, U.S. DOE NNSA, 2008-09
 Expert Review of U.S. Nuclear Weapons for Secretary of Energy and President's Science Advisor, 2009
 National Academies Committee on Sustaining and Improving the Nation's Nuclear Forensics Capabilities, 2008-09
 National Academies Panel on Evaluation of Quantification of Margins and Uncertainty (QMU) Methodology Applied to the Certification of the Nation's Nuclear Weapons Stockpile, 2007-08

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):

Non-voting member, Board of Directors, Triad National Security, LLC, 2018-2021
 (Texas A&M University System is a partner in Triad, which manages and operates Los Alamos National Laboratory, and I help Texas A&M fulfill its responsibilities as a partner)
 Chair, Mission Committee, Triad National Security, LLC, 2018-2021
 Member, Science, Technology, & Engineering Committee, Triad National Security, LLC, 2018-2021
 Consultant, Lawrence Livermore National Laboratory, 1992-2022
 Consultant, Mitre Corp, 2006-2022

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):

American Nuclear Society (Fellow; past Chair, Vice-Chair, Secretary, and member of Executive Committee of Mathematics and Computation Division)
 Society for Industrial and Applied Mathematics
 American Association for the Advancement of Science

9. Political affiliations and activities:

- a. If you have ever been a candidate for, or have been elected or appointed to a political office, list the name of the office(s); whether you were a candidate/elected/appointed; the year(s) during which you were a candidate, or in which the election was held or the appointment was made; and the term of office (if applicable):**

N/A

- b. List all memberships and offices held in, and services rendered to, all political parties or election committees during the last 5 years:**

N/A

- c. Itemize all individual political contributions of \$100 or more to any individual, campaign organization, political party, political action committee, or similar entity during the past 5 years. List each individual contribution (not the total amount contributed to the person or entity) over this period:**

N/A

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

Phi Kappa Phi (honor society)
 Tau Beta Pi (engineering honor society)
 Faculty Service Award, Texas A&M University Department of Nuclear Engineering (2019)
 Regents Fellow Service Award, Texas A&M University System (2018)
 Teaching Award, Texas A&M University Dept. of Nuclear Engineering (2017)
 Alumni Merit Award, Univ. of Michigan Dept. of Nuclear Engineering and Radiological Sciences (2016)
 Distinguished Service Award for Teaching, Texas A&M University Association of Former Students (2010)
 HTRI Endowed Professorship, Texas A&M University (2008-present)
 George Armistead, Jr. '23 Faculty Fellow, Texas A&M University Engineering (2006)
 Fellow of the Texas Engineering Experiment Station (2003)
 Fellow of the American Nuclear Society (2001)
 Best Paper, Reactor Physics Division, American Nuclear Society Annual Meeting (2001)
 University Faculty Fellow, Texas A&M University (2000)
 Mark Mills Award (best U.S. nuclear engineering student research): advisee C. L. Castrianni (1998)

Tenneco Award for Meritorious Teaching of Engineering, Texas A&M University (1997)
Center for Teaching Excellence Scholar, Texas A&M University (1995)
Most Outstanding Graduate Student, University of Michigan Department of Nuclear
Engineering (1986)
Fellowship, U.S. DOE Nuclear Science & Engineering & Radioactive Waste Management
Program (1982-86)
Fellowship, Institute of Nuclear Power Operations (1980-81)
Charles T. Chave Award ("Most Outstanding U.S. Nuclear Engineering Undergraduate
Student") (1981)

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):**

The complete list is on my CV and is included as an attachment to this document.

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).**

To my best knowledge, I have not given formal scripted remarks on such matters in the past 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

Marvin L. Adams Publication List
January 24, 2022

PUBLICATIONS**Refereed Journal Articles** (* indicates current or recent student of M. L. Adams at time of publication)*Published or in press*

42. A. T. Till*, M. L. Adams, and J. E. Morel, "The Finite-Element with Discontiguous Support Method," *Nucl. Sci. Eng.*, <https://doi.org/10.1080/00295639.2021.1932224> (2021)
41. J. I. C. Vermaak, J. C. Ragusa, J. E. Morel, M. L. Adams, "Massively Parallel Transport Sweeps on Meshes with Cyclic Dependencies," *J. Comput. Phys.*, **425**, 109892, <https://doi.org/10.1016/j.jcp.2020.109892> (2021)
40. M. Grosskopf, D. Bingham, M. L. Adams, W. D. Hawkins, D. Perez-Nunez, "Generalized Computer Model Calibration for Radiation Transport Simulation," *Technometrics*, **63**, 27-39 (2021)
39. Y. Zhang and M. L. Adams, "Analytic evaluation of hydrogen neutron elastic scattering moments with free-gas thermal treatment compared to NJOY," *Progress in Nuclear Energy*, **125**, 103379, <https://doi.org/10.1016/j.pnucene.2020.103379> (2020)
38. M. P. Adams, M. L. Adams, W. D. Hawkins*, T. Smith, L. Rauchwerger, N. M. Amato, T. S. Bailey, R. D. Falgout, A. Kunen, P. Brown, "Provably Optimal Parallel Transport Sweeps on Semi-Structured Grids," *J. Comput. Phys.*, **407**, 109234, <https://doi.org/10.1016/j.jcp.2020.109234> (2020)
37. S. Sherifdeen, J. C. Ragusa, J. E. Morel, M. L. Adams, T. Bui-Thanh, "Accelerating PDE-constrained Inverse Solutions with Deep Learning and Reduced Order Models," arXiv:1912.08864 (2019)
36. M. Hanus, L. H. Harbour*, J. C. Ragusa, M. P. Adams, and M. L. Adams, "Uncollided Flux Techniques for Arbitrary Finite Element Meshes," *J. Comput. Phys.*, **398**, 108848, doi.org/10.1016/j.jcp.2019.07.046 (2019)
35. C. Y. Lau* and M. L. Adams, "Discrete-Ordinates Quadratures Based on Linear and Quadratic Discontinuous Finite Elements Over Spherical Quadrilaterals," *Nucl. Sci. Eng.*, **185**, 36-52, doi 10.13182/NSE16-28 (2017)
34. A. Kumar*, J. E. Morel, M. L. Adams, "A New Indirect Measure of Diffusion Model Error," *J. Quant. Spect. Rad. Transfer*, **163**, 24-33 doi 10.1016/j.jqsrt.2015.04.015 (2015)
33. R. G. McClarren, M. L. Adams, P. A. Vaquer, C. Strack, "The Asymptotic Drift-Diffusion Limit of Thermal Neutrons," *J. Comput. Theoretical Transport*, **43**, 402-417, doi 10.1080/00411450.2014.935860 (2014)
32. N. D. Stehle, D. Y. Anistratov, and M. L. Adams, "Computational method with domain decomposition for the simple corner balance scheme for 2D transport problems with diffusive subregions," *J. Comput. Physics*, **270C**, 325-344, 10.1016/j.jcp.2014.03.056 (2014)
31. J. E. Morel, J. C. Ragusa, M. L. Adams, and G. Kanschat, "Asymptotic P_n -Equivalent S_{n+1} Equations," *Transport Theory and Statistical Physics*, **42:1**, 3-20, doi: 10.1080/00411450.2013.771366 (2013)
30. H. F. Stripling, IV*, M. Anitescu, and M. L. Adams, "A Generalized Adjoint Framework for Sensitivity and Global Error Estimation in Time-Dependent Nuclear Reactor Simulations," *Annals of Nuclear Energy*, **52**, 47-58, doi: 10.1016/j.anucene.2012.08.019 (2012)
29. B. Van der Holst, G. Toth, I. V. Sokolov, K. G. Powell, J. P. Holloway, E. S. Myra, Q. Stout, M. L. Adams, J. E. Morel, S. Karni, B. Fryxell, and R. P. Drake, "CRASH: A Block-Adaptive-Mesh Code for Radiation Shock Hydrodynamics-Implementation and Verification," *The Astrophysical Journal Supplement Series*, **194:23**, pp.1-20 (2011)
28. S. D. Pautz, T. M. Pandya*, and M. L. Adams, "Scalable Parallel Prefix Solvers for Discrete Ordinates Transport," *Nucl. Sci. Eng.*, **169**, 245-261 (2011)
27. H. F. Stripling, IV*, M. L. Adams, R. P. McClarren, and B. K. Mallick, "The Method of Manufactured Universes for Validating Uncertainty Quantification Methods," *Reliability Engineering and Safety Systems*, **96**, 1242-1256, doi:10.1016/j.ress.2010.11.012 (2011)

26. R.P. Drake, F.W. Doss, R.G. McClarren, M.L. Adams, N. Amato, D. Bingham, C.C. Chou, C. DiStefano, K. Fidkowski, B. Fryxell, T.I. Gombosi, M.J. Grosskopf, J.P. Holloway, B. van der Holst, C.M. Huntington, S. Karni, C.M. Krauland, C.C. Kuranz, E. Larsen, B. van Leer, B. Mallick, D. Marion, W. Martin, J.E. Morel, E.S. Myra, V. Nair, K.G. Powell, L. Rauchwerger, P. Roe, E. Rutter, I.V. Sokolov, Q. Stout, B.R. Torralva, G. Toth, K. Thornton, A.J. Visco, "Radiative effects in radiative shocks in shock tubes," *High Energy Density Physics*, **7**, 130-140 (2011)
25. J. J. Jarrell*, J. M. Risner, and M. L. Adams, "Application of Quadruple-Range Quadratures to Three-Dimensional Model Shielding Problems," *Nuclear Technology*, **168**, No. 2, 424-430 (2009)
24. T. S. Bailey*, M. L. Adams, B. Yang, and M. R. Zika, "A Piecewise Linear Finite Element Discretization of the Diffusion Equation for Arbitrary Polyhedral Grids," *J. Comput. Physics*, **227**, 3738-3757 (2008)
23. K. T. Clarno* and M. L. Adams, "Capturing the Effects of Unlike Neighbors in Single-Assembly Calculations," *Nucl. Sci. Eng.*, **149**, 182-196, <http://dx.doi.org/10.13182/NSE04-31> (2005)
22. H. Hiruta, D. Y. Anistratov, and M. L. Adams, "Splitting Method for Solving the Coarse-Mesh Discretized Low-Order Quasidiffusion Equations," *Nucl. Sci. Eng.*, **149**, 162-181 (2005)
21. M. L. Adams, " 'I Have An Ideal' An Appreciation of Edward W. Larsen's Contributions to Particle Transport," *Annals of Nuclear Energy*, **31**, No. 17, 1963-1986 (2004)
20. G. Alonso-Vargas* and M. L. Adams, "A Mixed-Oxide Assembly Design for Rapid Disposition of Weapons Plutonium in Pressurized Water Reactors," *Nucl. Sci. Eng.*, **141**, 111-128 (2002)
19. M. L. Adams and E. W. Larsen, "Fast Iterative Methods for Discrete-Ordinates Particle Transport Calculations," *Progress in Nuclear Energy*, **40**, No. 1, 3-159 (2002)
18. S. D. Pautz* and M. L. Adams, "An Asymptotic Study of Discretized Transport Equations in the Fokker-Planck Limit," *Nucl. Sci. Eng.*, **140**, 51-69 (2002)
17. M. L. Adams, "Discontinuous Finite Element Methods in Thick Diffusive Problems," *Nucl. Sci. Eng.*, **137**, 298-333, <http://dx.doi.org/10.13182/NSE00-41> (2001)
16. S. L. Eaton*, C. A. Beard, and M. L. Adams, "Calculational analysis of structural activation induced by 20-100 MeV proton beam loss in high-power linear accelerators," *Nucl. Instr. and Meth. B*, **168**, 88-97 (2000)
15. M. R. Zika* and M. L. Adams, "Transport Synthetic Acceleration with Opposing Reflecting Boundary Conditions," *Nucl. Sci. Eng.*, **134**, 159-170 (2000)
14. M. R. Zika* and M. L. Adams, "Transport Synthetic Acceleration for Long-Characteristics Assembly-Level Transport Problems," *Nucl. Sci. Eng.*, **134**, 135-158 (2000)
13. M. L. Adams and P. F. Nowak, "Asymptotic Analysis of a Method for Time- and Frequency-Dependent Radiative Transfer," *J. Comput. Physics*, **146**, 366-403 (1998)
12. M. L. Adams, T. A. Wareing, and W. F. Walters, "Characteristic Methods in Thick Diffusive Problems," *Nucl. Sci. Eng.*, **130**, 18-46 (1998)
11. C. L. Castrianni* and M. L. Adams, "A Nonlinear Corner-Balance Spatial Discretization for Transport on Arbitrary Grids," *Nucl. Sci. Eng.*, **128**, 278-296 (1998)
10. D. Yu. Anistratov, M. L. Adams, and E. W. Larsen, "Acceleration of the Nonlinear Corner-Balance Scheme by Averaged Flux Method," *J. Comput. Physics*, **135**, 66-75 (1997)
9. M. L. Adams, "Subcell Balance Methods for Radiative Transfer on Arbitrary Spatial Grids," *Transport Theory & Stat. Phys.*, **26**, Nos. 4 & 5, 385-432 (1997)
8. S. L. Eaton*, C. A. Beard, and M. L. Adams, "Comparison of LAHET Code System Calculations to Experimental Results for Protons of Energies Under 50 MeV Incident on Copper and Iron," *Nucl. Sci. Eng.*, **125**, 249-256 (1997)
7. G. L. Ramoné*, M. L. Adams, and P. F. Nowak, "Transport-Synthetic Acceleration Methods for Transport Iterations," *Nucl. Sci. Eng.*, **125**, 257-283 (1997)
6. M. L. Adams and W. R. Martin, "Diffusion-Synthetic Acceleration of Discontinuous Finite-Element Transport Iterations," *Nucl. Sci. Eng.*, **111**, 145-167 (1992)
5. C. Börgers, E. W. Larsen, and M. L. Adams, "The Asymptotic Diffusion Limit of a Linear Discontinuous Discretization of a Two-Dimensional Transport Equation," *J. Comput. Physics*, **98**, 285-300 (1992)

4. M. L. Adams, "Even-Parity Finite-Element Transport Methods in the Diffusion Limit," *Progress in Nuclear Energy*, **25**, 159-198 (1991)
3. M. L. Adams, E. W. Larsen, and G. C. Pomraning, "Benchmark Results for Particle Transport in a Binary Markov Statistical Medium," *J. Quant. Spectrosc. Radiat. Transfer*, **42**, 253-266 (1989)
2. M. L. Adams and W. R. Martin, "Boundary-Projection Acceleration: A New Approach to Synthetic Acceleration of Transport Calculations," *Nucl. Sci. Eng.*, **100**, 177-189 (1988)
1. M. L. Adams and W. R. Martin, "Slab Geometry Transport Spatial Discretization Schemes with Infinite-Order Convergence," *Transport Theory & Stat. Phys.*, **15**, 651 (1986)

Refereed Full Conference Papers (* indicates student of M. L. Adams at time of publication)

43. T. Ghaddar, J. C. Ragusa, J. I. C. Vermaak, M. L. Adams, "Approaches to Load Balancing Massively Parallel Transport Sweeps on Unstructured Grids," *Proc. International Conference on Mathematics & Computation: Bridging Theory and Applications*, Portland, Oregon, CDROM (2019)
42. M. Hanus, L. Harbour, J. C. Ragusa, M. L. Adams, M. P. Adams, "Uncollided-Flux Treatment in Arbitrary Polyhedral Grids," *Proc. International Conference on Mathematics & Computation: Bridging Theory and Applications*, Portland, Oregon, CDROM (2019)
41. A. P. Barbu*, M. L. Adams, "A Linear Diffusion-Acceleration Method for k -Eigenvalue Transport," *Proc. International Conference on Mathematics & Computation: Bridging Theory and Applications*, Portland, Oregon, CDROM (2019)
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[The nominee responded to Parts B-F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B-F are contained in the committee's executive files.]

SIGNATURE AND DATE

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



This 2nd day of February, 2022

[The nomination of Dr. Marvin L. Adams was reported to the Senate by Chairman Reed on April 5, 2022, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on April 6, 2022.]

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