

**TO CONSIDER THE NOMINATIONS OF: MR. BRADLEY D. HANSELL TO BE UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE AND SECURITY; MR. EARL G. MATTHEWS TO BE GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE; MR. DALE R. MARKS TO BE ASSISTANT SECRETARY OF DEFENSE FOR ENERGY, INSTALLATIONS, AND ENVIRONMENT; AND THE HONORABLE BRANDON M. WILLIAMS TO BE UNDER SECRETARY OF ENERGY FOR NUCLEAR SECURITY**

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**HEARING**

BEFORE THE

**COMMITTEE ON ARMED SERVICES  
UNITED STATES SENATE**

ONE HUNDRED NINETEENTH CONGRESS

FIRST SESSION

APRIL 8, 2025

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**TUESDAY, APRIL 8, 2025**

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

The Committee met, pursuant to notice, at 9:38 a.m. in room SD-G50, Dirksen Senate Office Building, Senator Roger Wicker (Chairman of the Committee) presiding.

Committee Members present: Senators Wicker, Fischer, Cotton, Rounds, Ernst, Sullivan, Cramer, Scott, Tuberville, Mullin, Budd, Schmitt, Banks, Sheehy, Reed, Shaheen, Gillibrand, Blumenthal, Hirono, Kaine, King, Warren, Peters, Rosen, Kelly, and Slotkin.

**OPENING STATEMENT OF SENATOR ROGER F. WICKER**

Chairman WICKER. Thank you, and I welcome our four witnesses, and their families. and I thank them for being here this morning, and a guest or two.

Mr. Brandon Williams has been nominated to be Under Secretary of Energy for Nuclear Security, and the Administrator of the National Nuclear Security Administration (NNSA). As the Administrator, Mr. Williams would be responsible for rebuilding and modernizing our long, neglected nuclear weapons stockpile.

Failure here is not an option. Over the past several years, we've watched as Russia, China, and North Korea have rapidly expanded their nuclear arsenals and developed new types of weapons, weapons for which we are so sorely unprepared.

The Committee is focused on ensuring that the Department of Defense (DOD) and the NNSA deliver results. As the congressional Strategic Posture Commission made clear, modernizing our country's nuclear deterrent is a national imperative. I look forward to hearing how Mr. Williams intends to pursue this objective.

Mr. Bradley Hansell has been nominated to be Under Secretary of Defense for Intelligence and Security. In addition to serving as the Secretary of Defense's principal advisor on intelligence, counterintelligence security, and law enforcement matters. The Under Secretary is tasked with protecting the Department's most sensitive information from our adversaries. This includes ensuring the provision of timely and accurate intelligence to our forces, overseeing the security clearance vetting process, guarding against insider threats, and protecting our industrial base from China's aggressive campaign of espionage and theft.

Mr. Hansell served as a Naval officer and an Army Green Beret. During his distinguished career in uniform, he saw firsthand that quality intelligence is crucial to executing the mission. That experience and his work in the private sector gives me confidence he will do an excellent job. I look forward to hearing Mr. Hansell outline his priorities for our intelligence and security enterprise.

Mr. Earl Matthews has been nominated to be the General Counsel of the Department of Defense. He has a distinguished career as a judge advocate in the Army Reserve and the Army National Guard, serving as the senior headquarters staff judge advocate for the DC National Guard. Mr. Matthews also brings extensive civilian government experience. He worked for Secretary Mattis in 2017 before moving over to the Army General Counsel Office where he served as acting General Counsel of the Army.

President Trump and Secretary Hegseth have taken bold in this series, steps to reform the Department of Defenses. As we all know, purposeful and thoughtful reform requires purposeful and thoughtful lawyers. I'm confident that Mr. Matthews possesses both qualities. I look forward to hearing his opinion about what the DOD Office of General Counsel is doing right, and I want to hear his ideas for how he would do things differently.

Mr. Dale Marks has been nominated to be the Assistant Secretary of Defense for Energy, Installations, and Environment, a role which ensures the operational readiness and resiliency of the Department of Defense. If confirmed, Mr. Marks would oversee the management of military installations and infrastructure; the bedrock of the safety and well-being of servicemembers and their families.

This critical position will play a key part in the implementation of several reforms from last year's NDAA [National Defense Authorization Act]. Among them are the mandate retire requiring the minimum 4 percent plant replacement value for DOD facilities. Let me repeat that. Among them are the mandate in the NDAA requiring a minimum 4 percent plant replacement value for DOD facilities. Leveraging of area-wide contract authorities, and a review of Biden era green energy policies that focus more on climate change than on combat lethality. I look forward to hearing from Mr. Marks about how he intends to tackle these important issues.

So, we have a lot to talk about today, and I turn to my friend and colleague, Ranking Member Reed.

**STATEMENT OF SENATOR JACK REED**

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

Welcome, gentlemen. Congratulations on your nominations. I'd also like to welcome your families and friends who are here today in support of you, as they have been throughout your life. I also want to recognize Representative Pfluger who will introduce Mr. Marks and Mr. Matthews momentarily. Thank you, sir.

Mr. Williams, you've been nominated to be the Under Secretary of Energy for Nuclear Security and Administrator of the National Nuclear Security Administration, or NNSA. If confirmed, you'll be responsible for the programs and personnel responsible for modernizing and overseeing our nuclear stockpiles and production facilities.

I'm concerned that the Trump administration has already undermined this mission. Last month, nearly 200 NNSA nuclear engineers were abruptly fired, then hastily rehired. Another 150 employees took the deferred retirement option. Just last week, more than 8,500 employees at the Department of Energy, about half of the entire workforce, were identified by the Office of Management and Budget (OMB) to be fired, including 500 NNSA employees. The potential damage to the NNSA and the threat to the safety of all Americans should be alarming.

Mr. Williams is a former Congressman, Navy veteran, and entrepreneur. I would like to know how you will approach this challenge, and how you'll work to protect the vital workforce of the NNSA.

Mr. Hansell, you have been nominated to be Under Secretary of Defense for Intelligence and Security. If confirmed, you'll have a dual-hat role as the principal intelligence advisor to the Secretary of Defense and the Director of Defense Intelligence in the Office of the Director of National Intelligence.

The complexity of the global threat environment we face is unprecedented. China, Russia, Iran, North Korea, and many other actors pose serious challenges on national security, and you'll be responsible for ensuring the defense intelligence enterprise is equipped with the resources and capabilities it needs to meet these challenges. These are immensely complicated networks that we face, but your experience in the Navy, Army, and the private sector will be valuable in such a complex position.

Mr. Hansell, I welcome your thoughts about how you intend to foster your transformation within the intelligence enterprise, and ensure that the military has timely and accurate information to defend the Nation.

Military leaders often say that America's network of allies and partners is our greatest asymmetric advantage over our global competitors. If confirmed, you'll be in charge of managing and facilitating our intelligence relationships with foreign military partners.

I fear that many of the actions taken to the President and just avoidance such as cabinet members discussing classified information on Signal to eliminating foreign assistance to placing tariffs on many of our closest allies undermines these longstanding relationships, and makes it less likely that they will trust us with their most sensitive information. I hope you'll lay out your plan for ensuring that our network of allies and partners remain strong.

Mr. Matthews you have been nominated by to be the General Counsel of the Department of Defense. The General Counsel serves as the chief legal officer of the Department of Defense, and as the primary legal advisor to the Secretary of Defense.

If confirmed, you would provide legal advice and counsel on the full scope of Defense Department missions and responsibilities. Including the roles and functions of the military, contracting and acquisitions, military healthcare, law of armed conflict, military justice, and more. Frankly, I am concerned about the legality of certain activities the Trump administration has ordered the military to execute over the past several months. Public trust in the military can never be taken for granted, and civilian control of the military is a sacred duty that must be carried out responsibly.

Mr. Matthews, you have extensive experience as a judge advocate in the U.S. Army and the Army National Guard, and I expect you to always exercise independent professional judgment, and to give your best legal counsel to the Secretary of Defense even if, or especially, if that advice is not what they would want to hear. I would like to know how you'll plan to demonstrate this ethos and represent all servicemembers with the professionalism they deserve.

Finally, Mr. Marks, you have been nominated to be Assistant Secretary of Defense for Energy, Installations, and Environment. If confirmed, you'll oversee the defense Department's physical footprint, provide management of military installations worldwide, and coordinate environmental safety and occupational health programs.

Your extensive background in the U.S. Air Force, managing infrastructure, testing, logistics, and other issues should serve you very well. There are a number of significant challenges you'll need to address. In particular, military construction has been underfunded for many years, forcing servicemembers and defense civilians to manage their missions with inadequate infrastructure. Similarly, enlisted barracks in the military housing privatization initiative require greater oversight to meet the standards that our servicemembers and military families deserve. These are issues that this Committee has addressed extensively over the years.

Further, as extreme weather and growing energy demands impeded readiness, you'll need to pursue new ways to improve the resilience of military installations and support operational energy programs to extend the capabilities of our warfighters. Mr. Marks, I welcome your thoughts on how you'll address each of these inter-related challenges.

I thank the nominees, again, for your willingness to serve our Nation. I look forward to your testimony. Thank you very much, Mr. Chairman.

Chairman WICKER. Thank you, Senator Reed. I very much appreciate that. Mr. Matthews, I see that one of my good friends and colleagues from the House of Representatives August Pfluger has humbled himself to come over here to the

U.S. Senate and introduce you. We very much appreciate the effort of Representative Pfluger, and I now turn to him for whatever remarks he may make.

**STATEMENT OF HON. AUGUST PFLUGER, U.S.  
REPRESENTATIVE FROM TEXAS, 11TH DISTRICT**

Representative PFLUGER. Thank you, Chairman Wicker, and Ranking Member Reed, and all the distinguished Members of this Committee for allowing me to be here today.

It truly is an honor to introduce my dear friend and former colleague from the National Security Council staff, Earl Matthews. Earl is President Trump's nominee to be the next General Counsel of the Department of Defense, and I wholeheartedly believe that he is the right person at the right time with the right skillset to fill this critical national security role. I would urge his swift confirmation.

I've known Earl for 6 years now, and we first met when he was the senior director for defense on the National Security Council, and he took a chance on hiring me. Do not let that in any way cloud your judgment on him. He is a great person. But during this time, I've witnessed Earl's successful leadership capabilities firsthand as he led a handpicked 11-person team of civilian and military professionals charged with advancing the President's defense policy agenda through the interagency.

In fact, Earl, was instrumental in establishing the U.S. Space Force, one of the most visionary and transformative decisions for our national security. Despite facing significant resistance within the Pentagon Bureaucracy, Earl led the charge on behalf of President Trump to make this vision a reality.

Earl's story is one of resilience, one of dedication, and service. Born in Philadelphia into a family with a proud generational tradition of military service, he faced adversity early in life when he lost his mother shortly after his birth. He was raised by his maternal aunt, Marietta, a retired Pennsylvania government employee, whose guidance and support undoubtedly shaped the man he is today.

She is here today alongside her husband and so many of Earl's family members and friends and they're that they are here to show their unwavering support. They're directly behind us. I can't think of a more proud and affirming statement than to have your own family and your own friends at a confirmation hearing of this importance.

I can say without a reservation that there is no one more qualified or more deserving to serve as General Counsel of the Department of Defense than Earl Matthews, who has served with character, with integrity, and with dedication that is worthwhile of our great national security enterprise and of the Department of Defense.

Chairman, Ranking Member, thank you for allowing me to introduce my good friend, someone who is incredibly qualified to fill this position. I yield back.

Chairman WICKER. Thank you, Representative Pfluger. We very much appreciate it, and thank you for pointing out the friends and family members who are present. We welcome them and hope that they enjoy the hearing. So, Representative Pfluger, you are free to go. You're welcome to stay, but I know you're very, very busy. We do appreciate your input.

I now turn to my distinguished colleague, Senator Scott, who I understand will be saying some words of support for Mr. Marks. Senator Scott, you are recognized.

**STATEMENT OF SENATOR RICK SCOTT**

Senator SCOTT. Chairman Wicker, Ranking Member Reed, and Members of this Committee. It's a great honor to introduce Mr. Dale Marks to be the next Assistant Secretary of Defense for energy installation environment. I'll also like to recognize his wife Patty and his son Tony, who are here to support Mr. Marks.

This role is crucial in ensuring the readiness of our military installations success of our energy policies, and the resilience of our services. In Mr. Marks, President Trump chose a leader who could deliver for Americans and for the men, women, and families of our Armed Forces.

Mr. Marks is a former fighter pilot and a combat wounded veteran. After his distinguished military career, he continued his service in a civilian capacity where he rose to the ranks of the senior executive service. He's currently serving as the executive director of the 96-Test Wing Air Force Material Command at Eglin Air Force Base in the great State of Florida.

In and out of uniform, Dale has demonstrated his ability to build teams, promote accountability, and make decisions, prioritizing long-term success. The issues that the Department of Defense face are not just military challenges, they're leadership and oversight issues. This position is essential to ensuring that our military installations remain strong, our energy policies support mission success and our environmental strategies enhance, not hinder operational readiness and support peace through strength. At a time when global energy security and resilient infrastructure are paramount, we need a leader who understands both the strategic and operational challenges facing our military and the implications of high-level decisions to the folks on the ground. Mr. Mark's professional record, broad expertise, deep experience, and proven commitment to our Nation, make him exceptionally well qualified for this position. Working with President Trump, the Secretary of Defense, and the entire administration, he will keep our forces ready and prepared to protect and serve.

I urge this committee to fully consider and support his nomination, and look forward to his testimony today. Congratulations.

Chairman WICKER. Thank you very, very much, Senator. We, appreciate it. Now we will hear opening statements by each of our nominees, and without objection, we will take them in the order of Mr. Williams, then Mr. Hansell, then Mr. Matthews, and finally, Mr. Marks. Mr. Williams, you'll recognized for your opening statement, sir.

**STATEMENT OF HON. BRANDON M. WILLIAMS TO BE UNDER SECRETARY OF ENERGY FOR NUCLEAR SECURITY**

Mr. WILLIAMS. Chairman Wicker, Ranking Member Reed, thank you for inviting me to be considered by this Committee for this important position. Also, thank you, Senator Fischer. I know that the mission of the NNSA is near and dear to your heart as well as you Senator King. Thank you, all of the distinguished Members of this

critically important Committee. It's truly an honor to appear to appear before you today.

I'd like to offer my appreciation to President Trump for nominating me. I'm honored and grateful to be considered, and if confirmed, I will work diligently to strengthen the capability, credibility, and communication of our strategic deterrence. I share the President's commitment to peace through strength and look forward to serving on our energy Secretary Chris Wright's leadership.

I would like to recognize my family who could attend today's hearing. First, my beloved wife, Stephanie of 32 years as a Navy Ensign. I asked her father an Army colonel with three bronze stars and two Vietnam combat tours, if I could have his daughter's hand in marriage. Stephanie has outranked me ever since.

As a child, she lived in Germany during her father's battalion command, which protected the most critical territory in Europe, the Fulda Gap. Stephanie experienced firsthand the Soviet threat and the specter of nuclear war. I can say that we both have a visceral understanding of the importance of strategic deterrence. I'm pleased also that my son Marshall, our son Marshall, could be present today.

At the Department of Energy (DOE), the National Nuclear Security Administration has functioned in relative obscurity for many decades but has recently been thrust back into the public consciousness. In my estimation, the men and women of the NNSA comprise one of the greatest scientific and engineering organizations in human history. They are exceptional machinists, technicians, marksmen, logisticians, engineers, computer and data scientists, physicists, and weapons designers.

This workforce, since the Manhattan Project, continues to ensure the safety, security, reliability, and effectiveness of our nuclear stockpile. If given the opportunity to lead this extraordinary organization, I will do so humbly, in the shadow of great Americans like Admiral Rickover, Ernest Lawrence, and Robert Oppenheimer.

I have watched many hours of questioning and testimony from this Committee, and I know that you're aware the hour is late and the need is urgent to restore our nuclear weapons enterprise. During your hearings, I've repeatedly heard the concerns of our military commanders, of our strategic forces. This Committee has provided critical bipartisan leadership and keen foresight to respond to the growing threat from China, Russia, and others.

You have set in motion the necessary modernization efforts. Respect is also due to my colleagues and my friends in the House of Representatives. As a Member of Congress, I served as the chairman of the Energy Subcommittee for the Science Space and Technology Committee, where I had oversight over our prestigious DOE National Labs and was privileged to visit many of them.

Independent of my committee obligations, I actively sought briefings from NNSA leadership and staff on the challenges and needs of maintaining and strengthening our strategic deterrence posture. I am aware of the many historic challenges that NNSA now faces. Again, it's with humility that I ask to be entrusted with this important mission.

I am deeply committed to America's strategic deterrence. In May, 1989, I witnessed firsthand the student protests in Tiananmen

Square, and later that fall, enrolled in an introductory class on strategic deterrence and soon volunteered for nuclear submarine duty. During my nearly 6 years of Navy Service, I made six strategic deterrence patrols in the Pacific, aboard the ballistic missile submarine, USS *Georgia*. On board, I served as the strategic missile officer, nuclear weapons safety officer, nuclear weapons security officer, and nuclear weapons radiological controls officer. I was responsible for the launch codes on *Georgia*, and for thousands of hours, I supervised the submarine's nuclear reactor and engine room operations.

I then completed a master's degree at the Wharton School in Operations and Finance, and later co-founded a software company dedicated to modernizing industrial manufacturing. My mission, if confirmed by this esteemed body, is to accelerate the restoration of our nuclear weapons enterprise, rebuild trust with Congress, and within NNSA's customers, the Department of Defense, STRATCOM, the Department of State and others, and prioritize strengthening the relationships with our nuclear assurance partners overseas.

The U.S. Department of Energy and NNSA will continue to meet the strategic defense mission of this Nation and of our allies as the world grows more perilous through nuclear proliferation. If confirmed, I will work to keep nuclear materials out of the hands of bad actors and to protect Americans at Home from nuclear terrorism.

I am truly humbled to be considered, and look forward to answering your questions.

[The prepared statement of The Honorable Brandon M. Williams follows:]

PREPARED STATEMENT BY THE HONORABLE BRANDON M. WILLIAMS

Chairman Wicker, Ranking Member Reed, thank you for inviting me to be considered by this committee for this important position. Also, thank you, Senator Fischer—I know that the mission of the NNSA is near and dear to your heart. And thank you to all of the distinguished Members of this critically important Committee; it is truly an honor to appear before you today.

I would like to offer my appreciation to President Trump for nominating me. I am honored and grateful to be considered, and if confirmed, I will work diligently to strengthen the capability, credibility, and communication of our strategic deterrence. I share the President's commitment to peace through strength and look forward to serving under Energy Secretary Wright's leadership.

I would like to recognize my family who could attend today's hearing. First is my beloved wife, Stephanie, of 32 years. As a Navy Ensign, I asked her father—an Army Colonel with three Bronze Stars and two Vietnam combat tours—if I could have his daughter's hand in marriage. Stephanie has outranked me ever since. As a child, she lived in Germany during her father's battalion command which protected the most critical territory in Europe—the Fulda Gap. Stephanie experienced firsthand the Soviet threat and the specter of nuclear war. We both have a visceral understanding of the importance of strategic deterrence.

I am pleased that our son, Marshall, could also be present today.

At the Department of Energy, the National Nuclear Security Administration has functioned in relative obscurity for many decades but has recently been thrust back into the public consciousness. In my estimation, the men and women of the NNSA comprise one of the greatest scientific and engineering organizations in human history. They are exceptional machinists, technicians, marksmen, logisticians, engineers, computer and data scientists, physicists, and weapons designers. This workforce, since the Manhattan Project, continues to ensure the safety, security, reliability, and effectiveness of our nuclear stockpile. If given the opportunity to lead

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As the world grows more perilous through nuclear proliferation, if confirmed, I will work to keep nuclear materials out of the hands of bad actors and to protect Americans at home from nuclear terrorism.

I am truly humbled by this consideration and look forward to answering your questions.

Chairman WICKER. Thank you very, very much, Representative Williams. Mr. Hansell.

**STATEMENT OF MR. BRADLEY D. HANSELL TO BE UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE AND SECURITY**

Mr. HANSELL. Chairman Wicker, Ranking Member Reed, and distinguished Members of this Committee, thank you for the opportunity to appear before you today and for your consideration of my nomination to be the Under Secretary of Defense for Intelligence and Security.

I would like to thank President Trump, and Secretary Hegseth, for the trust and confidence they have placed in me.

Nearly 5 years ago, I was honored by this Committee's strong bipartisan support for my nomination to be the Deputy Under Secretary. While the full Senate was not able to hold a floor vote before the election, I'm here today to earn your broad support for my nomination as the Under Secretary.

My first inspiration to serve this country started with those in my family who served before me. For three generations, my family has sworn to protect and defend the Constitution. I will always recall my grandfather's pride when speaking about his service as a

young sailor in the Pacific. Both of his sons became Naval officers, and both of my brothers, here today, currently serve. Michael is a civilian with the Navy, and my brother Brian, currently commands in the Marine Corps F-35 Squadron.

My commitment and passion for service deepened with my own as both a Naval officer and an Army Special Forces officer. One of the most powerful driving factors of my life came from the privilege of commanding soldiers in combat. I felt there existed a social contract that some of the most impressive men and women of our country would do what is asked when it's asked with incredible risk to their own lives. In return, their leaders hold the secret responsibility to do everything in their power to ensure, when necessary, it's the right decision and every possible advantage is afforded to them.

My role to fulfill this responsibility in uniform ended after being wounded in Afghanistan. I am beyond grateful for the opportunity, if confirmed, to work tirelessly in support of that same contract and with it, the warfighter.

I would like to thank my truly exceptional wife, who's with me today, who impresses me every day in her own right for her willingness to sacrifice in support of this cause. As well as Connor, our 1-year-old son, who we hope someday gets to feel the joy of serving a cause greater than himself.

I believe the combination of experiences in my career have made me uniquely qualified to drive meaningful impact in this role. My deep understanding of intelligence ranges from the tactical to strategic level. As a Green Beret, my team conducted the entire intelligence cycle to include the development and utilization of intelligence sources, which I then relied on when planning and leading combat missions. I know the value of getting it right, and the human price of getting it wrong.

As a senior director on the NSC staff, I leveraged intelligence in the formulation of policy, and led efforts in my portfolio to address the responsiveness of the IC [Intelligence Community] and foundational coordination challenges between IC components. In the private sector I leveraged my leadership and business operations expertise to advise companies on improving performance. As a leader in the BCG's [Boston Consulting Group] public sector practice. I also had the opportunity to apply industry best practices to the very unique government domain, as we partnered with leaders in both the DOD and the IC to address their challenges.

Effective management of the Defense Intelligence and Security Enterprise is essential, and we must align efforts to maximize effects down range and return on our investment. This includes ensuring we have the right technology and organizational structure to enable our personnel—some of America's best—to increase their impact in today's operational environment, and to position the enterprise for the rapidly changing landscape of the future.

We must better enable intelligence to inform Department investments, effectively matching capabilities with threats. With program costs incredibly high—and the cost of misallocation on the modern battlefield even higher—the premium on intelligence effectively informing the entire acquisition lifecycle is at an all-time high.

Last, we must ensure the Department has all the tools required to most effectively compete along the full continuum of conflict. Our adversaries are increasingly conducting malign activity below a threshold that has traditionally triggered a military response. Enhancing our Irregular Warfare capabilities will allow us to provide risk-informed options to better compete short of armed conflict and re-establish deterrence in line with the Secretary's priority. I believe offensive cyber capabilities and an increased focus on Defense HUMINT [human intelligence] are areas for opportunity. Finally, offensive counterintelligence efforts are essential and imposing a cost on our adversaries.

If confirmed, I look forward to implementing these efforts, and serving the amazing men and women of the enterprise to support the Secretary's priorities. In closing, I'm deeply committed to working with this Committee and with Congress to provide information needed to carry out oversight responsibilities.

Thank you for your time today and consideration of my nomination. I look forward to your questions.

[The prepared statement of Mr. Bradley D. Hansell follows:]

PREPARED STATEMENT BY MR. BRADLEY D. HANSELL

Chairman Wicker, Ranking Member Reed, and distinguished Members of this Committee, thank you for the opportunity to appear before you today and for your consideration of my nomination to be the Under Secretary of Defense for Intelligence and Security.

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Nearly 5 years ago, I was honored by the Committee's strong bipartisan support for my nomination to be the Deputy Under Secretary. While the full Senate was not able to hold a floor vote before the election, I am here today to earn your broad support for my nomination as the Under Secretary.

My first inspiration to serve this country started with those in my family who served before me. For three generations, my family has sworn to protect and defend the Constitution. I will always recall my grandfather's pride when speaking about his service as a young sailor in the Pacific. Both of his sons became Naval Officers and both of my brothers, here today, currently serve. Michael is a civilian with the Navy; and Brian is currently commanding a Marine Corps F-35 squadron.

My commitment and passion for service deepened with my own, as both a Naval Officer and an Army Special Forces Officer. One of the most powerful driving factors of my life came from the privilege of commanding soldiers in combat. I felt there existed a social contract, that some of the most impressive and brave men and women of our country would do what is asked, when it's asked, with incredible risk to their own lives. In return, their leaders hold a sacred responsibility to do everything in their power to ensure, when necessary, it's the right decision and every possible advantage is provided to them.

My role to fulfill this responsibility in uniform ended after being wounded in Afghanistan. I am beyond grateful for the opportunity, if confirmed, to work tirelessly in support of that same contract, and with it the warfighter.

I would like to thank my truly exceptional wife, who impresses me every day in her own right, for her willingness to sacrifice in support of this cause. As well as Connor, our 1-year-old son, who we hope someday gets to feel the joy of serving a cause greater than himself.

I believe the combination of experiences in my career has made me uniquely qualified to drive meaningful impact in this role. My deep understanding of intelligence ranges from the tactical to strategic level. As a Green Beret, my team conducted the entire intelligence cycle, to include the development and utilization of intelligence sources, which I then relied on when planning and leading combat missions. I know the value of getting it right and the human cost of getting it wrong. As a Senior Director on the NSC staff, I leveraged intelligence in the formulation of policy and led efforts in my portfolio to address the responsiveness of the IC and foundational coordination challenges between IC components. In the private sector, I leveraged my leadership and business operations expertise to advise companies on

improving performance. As a leader in Boston Consulting Group's public sector practice, I also had the opportunity to apply industry best practices to the unique government domain, as we partnered with leaders in both the DOD and IC to address their challenges.

Effective management of the Defense Intelligence and Security Enterprise is essential, and we must align efforts to maximize effects downrange and the return on our investment. This includes ensuring we have the right technology and organizational structure to enable our personnel—some of America's best—to increase their impact in today's operational environment, and to position the enterprise for the rapidly changing landscape of the future.

We must better enable intelligence to inform Department investments, effectively matching capabilities with threats. With program costs incredibly high—and the cost of misallocation on the modern battlefield even higher—the premium on intelligence effectively informing the entire acquisition life cycle is at an all-time high.

Last, we must ensure the Department has all the tools required to most effectively compete along the full continuum of conflict. Our adversaries are increasingly conducting malign activity below a threshold that has traditionally triggered a military response. Enhancing our Irregular Warfare capabilities will allow us to provide risk-informed options to better compete short of armed conflict and re-establish deterrence. I believe offensive cyber capabilities and an increased focus on Defense HUMINT are areas for opportunity. Finally, offensive counterintelligence efforts are essential in imposing a cost on our adversaries.

If confirmed, I look forward to implementing these efforts and serving the amazing men and women of the enterprise in support of the Secretary's priorities.

In closing, I am committed to working closely with this Committee and with Congress to provide the information needed to carry out oversight responsibilities.

Thank you for your time today, and consideration of my nomination. I look forward to your questions.

Chairman WICKER. Thank you very much, Mr. Hansell. Thank you for your service, and as a matter of fact, you were severely injured in combat in Afghanistan, and it's somewhat of a miracle that you're here. We commend you for your service, and we are we commend those caregivers, and medical personnel that helped you recover. So, thank you for your testimony.

Mr. Matthews, you are next, and you're recognized.

#### **STATEMENT OF MR. EARL G. MATTHEWS TO BE GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE**

Mr. MATTHEWS. Chairman Wicker, Ranking Member Reed, and distinguished Members of the Committee, good morning. Thank you for the opportunity to appear before you today as the President's nominee to serve as the General Counsel of the Department of Defense. It is a high honor and distinct privilege to be considered for this role.

I'm sincerely grateful for the kind introductory remarks of my dear friend, Congressman August Pfluger. I'm also deeply appreciative of the many friends and family members present today, in support of my nomination. I do want to recognize my wife, Tyra, whose love and support is instrumental to me being here today. I also must give special recognition to my aunt, Marietta Matthews Alston, my mother's sister, who raised me as her own child, upon my mother's death when I was less than 1 month old.

I'm deeply grateful to President Trump for the special trust and confidence he has reposed in me by my nomination. I'm also thankful to the Secretary of Defense, Pete Hegseth, for his continued support and trust. If confirmed by the Senate, my lodestar will be to ensure that the military and policy objectives of the President and the Secretary of Defense are achieved in a manner consistent with the Constitution and laws of the United States.

My commitment to you, if confirmed, is that the DOD enterprise writ large will receive timely and accurate legal advice and counsel to ensure that all activities and operations of the Department are conducted in accordance with applicable law, including the Law of Armed Conflict relative to the conduct of combat operations.

My commitment to the role for which I have been nominated is undergirded by my family's long lineage of service to the United States. Our legacy of military service dates back to the Civil War. At least one member of my family has served on Active Duty in uniform during every conflict in which our country has participated from World War I through the recent conflicts in Iraq and Afghanistan,

I am named after my maternal grandfather, who was a soldier in the United States Army. All three of my maternal uncles served in the Armed Forces of the United States. Both of my mother's older brothers served in combat during the Vietnam War. One, my uncle, Norman Matthews, a retired career non-commissioned officer in our United States Air Force is with us here today. I spent my summers visiting my Uncle Norman at various military installations across the United States and gained an appreciation for military life.

As a boy, however, the male role model most present in my life and the person who most shaped and influenced the person that I am today was my uncle, Russell B. Matthews. My uncle Russ was an 0311 marine who graduated from recruit training at Paris Island as an 18-year-old in 1966, who served a combat tour in the Republic of Vietnam.

After his 4 years in the Marine Corps, he returned home to Philadelphia and spent a full career as an employee of the United States Postal Service. He instilled in his eldest nephew a love of books and a love of country. My two uncles and other combat veterans in my inner city Philadelphia neighborhood inspired me to want to serve our country as they did. I applied for a Reserve commission in the Army JAG Corps in 1998 when I was a third-year student at the Harvard Law School.

I joined our army because I believe in this fundamental mission to fight and win the Nation's wars. I have been a member of both the profession of arms and the profession of law for over 25 years. I spent over four of those years deployed to combat or hazardous duty zones as a member of the 22d Civil Affairs Battalion attached to the 3d Infantry Division (Mechanized).

I crossed the berm from Kuwait into Iraq in March 2003 and was one of the first Army lawyers to reach Baghdad on April 8th of that year, 22 years ago today. I spent my first tour in Iraq working under the Coalition Provisional Authority to rebuild the Iraqi Judiciary post-Saddam, and I served as a legal advisor at a detention facility in Baghdad, where I saw Iraqi and third-country national detainees being treated with humanity, dignity, and respect as required by the Law of Armed Conflict, and that is the standard for our forces.

I routinely interacted with the International Committee of the Red Cross during my time in Baghdad. My first tour in Iraq enhanced my understanding of the critical role played by DOD law-

yers and expanding and sustaining the rule of law. I remain firmly and deeply committed to the rule of law.

I have been privileged to serve as a judge advocate during operational deployments to Bosnia, twice to Iraq, to Afghanistan, and to the Horn of Africa. Additionally, I have served a civilian tour in Afghanistan as an intelligence officer, working closely with inter-agency partners in support of the joint warfighter.

I have completed additional assignments as a military lawyer in both the Office of the Judge Advocate General (JAG) of the Army, in the office of the legal counsel to the Chairman of the Joint Chief of Staff. In the civilian capacity. I have served as a career DOD attorney at the Defense Intelligence Agency and as a senior political appointee in my role as Principal Deputy General Counsel and acting General Counsel of the Department of the Army, the largest component within DOD.

In my previous roles, I have been privileged to work with the consummate legal professionals of the Office of General Counsel of the Department of Defense, and to have collaborate later collaborated with that office on numerous legal issues. I have interacted professionally with nearly every person who has served as DOD General Counsel or acting General Counsel over the last 22 years. I revere the office and hold its mission sacrosanct.

If confirmed, it'll be my honor as a temporary custodian to preserve an advance the DOD OGC mission in support of our Constitution and laws, in support of the men and women of the Department, both military and civilian of their families, and of the American people that Department of Defense exist to protect.

If confirmed, I'm also committed to working with this Committee and its staff to ensure that the Congress is fully and currently informed of the activities, initiatives, and operations of the Department of Defense.

Thank you again for allowing me to be here today. I welcome your questions.

[The prepared statement of Mr. Earl G. Matthews follows:]

PREPARED STATEMENT BY MR. EARL G. MATTHEWS

Chairman Wicker, Ranking Member Reed, distinguished Members of the Committee, good morning. Thank you for the opportunity to appear before you today as President Trump's nominee to serve as the General Counsel of the Department of Defense. It is a high honor and distinct privilege to be considered for this role. I'm sincerely grateful for the kind introduction by my dear friend and former teammate on the National Security Council staff, Congressman August 'Pfoto' Pfluger I have too many friends present today in support of my nomination to acknowledge everyone by name, however, you know who you are and I deeply appreciate of each of you for being here. I do want to recognize my wife Tyra, without whose love and support I would not be here today. I must also give special recognition to my aunt, Marietta Matthews-Alston, my mother's sister. Aunt Marietta raised me as her own child upon my mother's death when I was a less than 1 month old infant. I want to recognize her husband, my dear Uncle Ken Alson, his brother my Uncle David Alston, my uncle Norman Matthews, a Vietnam-Veteran and retired career non-commissioned officer in the USAF, his wife my Aunt Brenda Matthews, my aunt Paula Gilmore and her husband Leroy Handy.

I am grateful to the President for the special trust and confidence he has reposed in me by this nomination. I am also thankful to Secretary of Defense Pete Hegseth for his support and trust.

I first began working for then candidate Donald J. Trump on the pre-election Department of Defense transition team in the summer of 2016. I was then and I remain today inspired by the President's America First, Peace through Strength na-

tional security agenda. If confirmed by the Senate, my lodestar will be to ensure that the military and policy objectives of the President and the Secretary of Defense are achieved in a manner consistent with the Constitution and laws of the United States. My commitment to you, if confirmed, is that the DOD enterprise writ large will receive timely and accurate legal advice and counsel to ensure that all activities and operations of the Department are conducted in accord with the law.

My commitment to the role for which I have been nominated is undergirded by my family's long lineage of service to the United States. Our legacy of military service dates back to the Civil War. At least one member of my family has served on active duty in uniform during every conflict in which our country has participated from World War I through the recent conflicts in Iraq and Afghanistan. I am named after my maternal grandfather who was a soldier in the United States Army. All three of maternal uncles served in the Armed Forces of the United States. Both of my mother's older brothers served in combat during the Vietnam War. As a boy, the male role model in my life and the person who most shaped and influenced the person I am today was my uncle, Russell B. Matthews. Uncle Russ was an O-3-11 Marine who graduated from Paris Island as a 18 year old in 1966 and who served a tour in the Republic of Vietnam. After his 4 years in the Marine Corps, he returned home to Philadelphia and spent a full career as an employee of the U.S. Postal Service. He instilled in his oldest nephew a love of books and a love of country. My 2 uncles and other combat veterans in my inner city Philadelphia neighborhood inspired me to want to serve our country as they did. My service as a military officer has been the realization of a boyhood dream. I applied for a reserve commission in the Army JAG Corps in 1998 when I was a third-year student at the Harvard Law School. I joined our Army fundamentally because of patriotism, because I believe in our Army's foundational mission, to fight and win the Nation's wars and because, although I abhor war, I knew that if our country ever did go to war, I wanted to be in it.

I have been a member of both the Profession of Arms and the Profession of Law for over 25 years. As a member of a forward deployed civil affairs battalion attached to the 3d Infantry Division (Mechanized), I crossed the berm from Kuwait into Iraq in March 2003 and was one of the first Army lawyers to reach Baghdad during the first week of April of that year. I spent my first tour in Iraq detailed as an Operations Officer assigned to the Coalition Provisional Authority's Ministry of Justice Advisory Team and as a legal adviser at a major detention facility in Baghdad. My first tour in Iraq enhanced my understanding of the critical role of DOD lawyers in expanding and sustaining the rule of law. This devotion to the rule of law has not abandoned me since. I have been privileged to serve as a uniformed judge advocate in deployments to Bosnia-Herzegovina, Iraq twice, Afghanistan, and to the Horn of Africa. I served an additional civilian tour in Afghanistan as an intelligence officer working closely with interagency partners in support of the American War fighter. Throughout my military and civilian careers it has been my privilege to serve in the company of and in direct support of American heroes. I have served additional stateside tours as a uniformed attorney in both the Office of the Judge Advocate General of the Army and the Office of the Chairman of the Joint Chiefs of Staff. In a civilian capacity, I have served as a career DOD civilian attorney at the Defense Intelligence Agency and as senior political appointee in my role as Principal Deputy General Counsel and Acting General Counsel of the Department of the Army. I have additionally served in a non-legal policy coordination role as Deputy Assistant to the President and Senior Director for Defense on the NSC staff at the White House.

In all of my previous roles, it has been my good fortune to interact with the highly skilled men and women of the Office of the General Counsel of the Department of Defense and to have worked with attorneys in that office closely, especially during my service on the Joint Staff, the Army Office of General Counsel and the NSC staff. Indeed the first actual General Counsel of the Department I met was William J. Haynes in Baghdad in the summer of 2003. I have interacted in at least some way with nearly every person who has served as DOD General Counsel since. I revere the office and hold its mission sacrosanct. If confirmed, it will be my honor to preserve and advance that mission in support of our Constitution, in support of the men and women of the Department, both military and civilian, their families and the American people that the Department exists to protect. If confirmed, I am also committed to working with this committee and its staff to ensure the Congress is fully and informed of the activities, initiatives and operations of the Department of Defense. Thank you again for allowing me to be here today. I welcome your questions.

Chairman WICKER. Thank you, Mr. Matthews. Mr. Marks.

**STATEMENT OF MR. DALE R. MARKS TO BE ASSISTANT SECRETARY OF DEFENSE FOR ENERGY, INSTALLATIONS, AND ENVIRONMENT**

Mr. MARKS. Chairman Wicker, Ranking Member Reed, and distinguished Members of this Committee, it is an honor to be considered for the role of Assistant Secretary of Defense for Energy, Installations, and Environment. I'm incredibly humbled by the opportunity.

Thank you to Senator Scott for his gracious introduction, unwavering support for the Florida Defense communities where I've had the privilege of serving for the past 8 years. I'm deeply grateful to President Trump for his trust and confidence in me. I especially want to thank Secretary Hegseth for his laser-focused efforts on behalf of our warfighters.

Three factors motivate me to serve this Nation and its men and women in uniform. The first is my faith and trust in Almighty God and the provision of his endless grace in my life. All glory is his. The second is my family, starting with my beautiful wife, Patty, who has stood by my side through far more than anyone should ever ask. My son, Tony, also here today, who inspires me with his creativity and perseverance daily. Then my three other children who could not be here today; Michelle, Kristen, and Robert, and their amazing spouses. I am continually impressed by the servant leaders they have become, and then of course, I must mention the blessings of four grandchildren. I also want to thank my many friends and colleagues who have helped me in my journey to this moment.

The third factor is a deep and abiding love for our great Nation. I've spent more than half my life serving our country, with almost a third of that deployed in combat to some far-off land, even as the civilian in support of our national defense. I've had the immense privilege of serving tours at the Pentagon, combating commands, major commands, and sub commands, and as I do today, leading at the installation level, I've also served alongside all our service partners and numerous allies to defend our Nation.

It is a privilege to be asked to continue to serve in this capacity. The Department of Defense under President Trump is committed to achieving peace through strength. This is our solemn mission. The strength and lethality of our military is built not only on the weapon systems that defend us, but also on the readiness of our servicemembers and their families to accomplish this mission.

To that end, it confirmed, three fundamental principles will guide me. I'm a fighter pilot. I have to keep it simple. The first is to protect the mission. The second is to take care of our people, and the third is to partner for success. Protecting the mission means addressing a wide range of emerging threats to the Homeland and our energy supply. We cannot reliably provide the energy and fuel emission requires and expect to modernize our facilities as well. If we continue to do things the same way we always have.

Holding the status quo got us to where we are today. So, it's going to take a new mindset and a new collective approach to see different results. Many people believe change is hard, and I would submit change is hard because resistance to change is too easy. We must tackle these incredibly difficult challenges to mission assur-

ance with expanded opportunities to enhance our readiness and resilience while faithfully stewarding the natural resources entrusted to us.

The second is taking care of our people. This is more than just quality life. This, to me, is a readiness issue. I know firsthand that our warfighters cannot deliver 100 percent of their effort to the mission if they're required to deal with safety and health challenges in their homes. They cannot wonder if the buildings they work in have functioning plumbing or that the cyber-systems and electricity are going to fail. I'm committed to fixing these things now to ensure our critical installation assets globally serve as a force enabler, providing a distinct advantage to our warfighters over our adversaries.

Third is partnering for success. The DOD exists in over 800 locations around the globe. This means we need to be good community partners. Working with both our civic and business leaders to improve the resilience of our military installations inside and outside the fence line. These partnerships promote the value of military installations and strengthen communities and states through collaborative planning and implementation in support of America's military.

I commit that, if confirmed, I will work tirelessly to apply these principles to prioritize limited resources to enhance the warfighting capacity and lethality that will deter and if called upon defeat our adversaries. Finally, if confirmed, I will work with this Committee and this Congress to provide our Armed Forces with the capabilities needed to defend and protect our homeland.

Thank you and I look forward to your questions.

[The prepared statement of Mr. Dale R. Marks follows:]

PREPARED STATEMENT BY MR. DALE R. MARKS

Chairman Wicker, Ranking Member Reed, and distinguished members of this Committee, it is an honor to be considered for the role of Assistant Secretary of Defense for Energy, Installations, and Environment.

I am incredibly humbled by this opportunity. Thank you, Senator Scott, for your gracious introduction and unwavering support for the Florida defense communities where I have had the privilege of serving for more than 8 years.

I am deeply grateful to President Trump for his trust and confidence in me. I especially want to thank Secretary Hegseth for his laser-focused efforts on behalf of our warfighters.

Three factors motivate me to serve this Nation and its men and women in uniform. The first is my faith and trust in Almighty God and the provision of His endless grace in my life. All glory is His.

The second is my family, starting with my beautiful wife, Patty, who has stood by my side through more than anyone should ever ask; my son Tony, also here today, who inspires me with his creativity and perseverance daily; and then my three other children who could not be here today: Michele, Kristen, Robert and their amazing spouses. I am continually impressed by the servant-leaders they have become. And then, of course, I must mention the blessing of four beautiful grandchildren.

The third factor is a deep and abiding love for our great nation. I have spent more than half my life serving our country, with almost a third of that deployed in combat to some far-off land, even as a civilian, in support of our National Defense. I have had the immense privilege of serving tours at the Pentagon, Combatant Commands, Major Commands, and sub-commands, and as I do today, leading at the installation level. I have also served alongside all our Service partners and numerous allies to defend our Nation.

The Department of Defense, under President Trump, is committed to achieving Peace Through Strength. This is our solemn mission. The strength and lethality of

our military is built not only on the weapon systems that defend us but also on the readiness of our servicemembers, and their families, to accomplish this mission.

To that end, and if confirmed, three fundamental principles will guide me—I'm a fighter pilot so I have to keep it simple. The first is to take care of our people, the second is to protect the mission, and the third is to partner for success.

Taking care of our people is more than just quality of life—this, to me, is a readiness issue. I know firsthand that our warfighters cannot deliver 100 percent of their effort to the mission if they are required to deal with safety and health challenges in their homes. They cannot wonder if the buildings they work in have functioning plumbing or if the cyber-systems and electricity are going to fail. I am committed to fixing these kinds of issues now to ensure our critical installation assets globally serve as a force enabler, providing a distinct advantage to our warfighters over our adversaries.

The second is protecting the mission. This means addressing a wide range of emerging threats to the Homeland and our energy supply. We cannot reliably provide the energy and fuel the mission requires, and expect to modernize our facilities as well, if we continue to do things the same way we always have. Holding to status quo got us to where we are today, so it is going to take a new mindset and a new collective approach to see different results. Many people believe change is hard. I would submit change is hard because resistance to change is far too easy. We must tackle these incredibly difficult challenges to mission assurance with expanded opportunities to enhance our readiness and resilience, while faithfully stewarding the natural resources entrusted to us.

Third is partnering for success. The DOD exists in over 800 locations around the globe. This means we need to be good community partners, working with both our civic and business leaders to improve the resilience of our military installations inside and outside the fence line. These partnerships promote the value of military installations and strengthen communities and states through collaborative planning and implementation in support of America's military.

I commit that if confirmed, I will work tirelessly to apply these principles to prioritize limited resources to enhance the warfighting capacity and lethality that will deter and, if called upon, defeat our adversaries.

Finally, if confirmed, I will work with this Committee and this Congress to provide our armed forces with the capabilities needed to defend and protect our Homeland. Thank you, and I look forward to your questions.

Chairman WICKER. Thank you to all of our witnesses for their opening statements, and again, we very much thank the family, and friends who have come to give you support.

We now must ask all of you a series of standard questions, this Committee poses to all civilian nominees. So, if you would all turn on your speakers and just answer together verbally.

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

[Witnesses answer in the affirmative.]

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

[Witnesses answer in the negative.]

Chairman WICKER. 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 for this Committee when requested?

[Witnesses answer in the affirmative.]

Chairman WICKER. 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?

[Witnesses answer in the affirmative.]

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

[Witnesses answer in the affirmative.]

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

[Witnesses answer in the affirmative.]

Chairman WICKER. Finally, will those witnesses and briefers be protected from reprisal for their testimony or briefings?

[Witnesses answer in the affirmative.]

Chairman WICKER. All right. That concludes those questions, and I would note for the record, satisfactory answers on the part of all four of our witnesses.

Okay. I got 5 minutes. Let's see how well I can do here. Mr. Marks you mentioned facilities. Thank you for doing that. I assume you noticed that I stressed the 4 percent requirement contained in the most recent NDAA, and that I mentioned it actually twice. Did you notice that?

Mr. MARKS. I did sir.

Chairman WICKER. Do you think there's a reason that I read that twice?

Mr. MARKS. Senator, it's vitally important, and I appreciate the conversation we had in your office as well.

Chairman WICKER. Okay. Well, if you're confirmed, and I'm sure you will be, will you make sure, and will you commit to this Committee that you're going to follow that requirement and actually tend to this?

Mr. MARKS. Yes, Senator.

Chairman WICKER. I very much appreciate that.

Now, let's see. Mr. Hansell, let's talk about economic warfare and irregular warfare. You might tell us what your view is of exactly what that is. But I assume you believe that we have a lot more to do in on this issue with regard to our pacing challenge that the Chinese—but do believe it's time for one person to have the coordinating responsibility for all of this economic warfare and irregular warfare?

Mr. HANSELL. Senator, I appreciate the question. It's a rather large one. I certainly acknowledge that economic security is national security, but relevant to my portfolio. What I think you're referencing is the aggressive malign activity, short of armed conflict, that China is conducting. Is the reason of why I've outlined in my opening statement, one of my priorities of providing the Secretary more risk-informed options to compete along the full continuum of conflict. That would certainly entail an increased focus on irregular warfare.

As to the structure, I'm not yet in the Department and can't speak authoritatively about the best structure, but I can tell you from my Government experience and the threat that the Chinese activity is incredibly adept at exposing the seams in our Government structure. I think we need very aggressive integrated coordination in order to best leverage our capabilities. I think that, cer-

tainly, economic warfare, that would be an interagency whole-of-government approach.

But within DOD itself, I do believe that, if confirmed, my office would be—I would advocate for my office to have a leadership role in such coordination.

Chairman WICKER. Very good.

I'm glad you'll look at that, and you, of course, you cannot assume what you'll find when you get in there. But let me just observe that the DOD has more than a dozen players in this space. I would hope that perhaps your shop could take a lead role in coordinating all the activities among more than a dozen organizations.

Now, Representative Williams, you've got one thing to concentrate on, and that is modernizing our U.S. nuclear weapon stockpile. Working with Chairman Fischer and Ranking Member King in making this the largest civil works project in the history of our Government work.

I hope you will stay away from ill-advised attempts to undermine the autonomy of the NNSA. Can I have your personal assurance that you'll focus on modernizing the U.S. nuclear weapons stockpile, and oppose any moves to undermine the independence of NNSA, or distract from its core mission, which I just outlined?

Mr. WILLIAMS. Chairman Wicker, thank you for the question. Yes, I will certainly endeavor, should I be confirmed, to produce the weapons of our strategic deterrence. I'm deeply committed to that. I've been a customer of those and care deeply about that mission.

Since the Atomic Energy Commission, going back to the beginning, right after the Manhattan Project, civilian control and independence of our nuclear weapons enterprise has been essential. I think it's a part of American beliefs that there should be that separation. I will endeavor, should I be confirmed, to keep that independent.

Chairman WICKER. That's helpful.

Let me take a bit of liberty here. Mr. Matthews, there's been a problem in the past with DOD OGC, and I certainly hope you're going to help us rectify this. We make requests, we get responses very late from various components of the Department, unnecessary redactions of sentences, long passages in documents that we receive.

If confirmed, how would you use your role as General Counsel to ensure that the DOD responds to this Committee, as you now promised to do, in full, transparent, and timely manner, and avoid this practice of incomplete, late, and redacted responses?

Mr. MATTHEWS. Thank you for the question, Mr. Chairman. I can say that, if confirmed, I'm going to return your phone calls, Mr. Chairman, and those of Ranking Member Reed, or any Member of this Committee. I view the Congress of the United States as the Board of Directors for the Department of Defense, and I consider it my responsibility, if confirmed, to be responsive.

Chairman WICKER. Okay. Well, I appreciate that. You know, we can have a hearing Senator Reed down in the classified SCIF, if we need to, but once we get down there the redactions need to be lifted. So, I'll leave it at that, and I thank my colleagues for indulging me.

Senator REED.

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

Mr. Williams you will be the senior lawyer in the Department of Defense. Secretary Hegseth has made it very clear in multiple ways that he has not much respect for lawyers. Among his first actions, he dismissed the JAGs for the Army, Navy, and Air Force. These officers are absolutely critical to guide the Department, particularly in complying with the Law of Armed Conflict and ensuring that the military shares restrictions and rules including that would touch upon any type of domestic deployment.

Mr. Matthews, do you commit to following the rule of law and the Constitution even if you the Secretary disagrees?

Mr. MATTHEWS. Unreservedly, sir? Yes, I do.

Senator REED. Thank you.

Do you commit to always exercising your professional legal judgment free of political influence?

Mr. MATTHEWS. I do, Senator

Senator REED. Federal law states clearly that no DOD employee may interfere with the provision of independent advice by TJAGs to military service leadership and by JAG officer to commanders. Do you commit to fostering and continuing and protecting this independence?

Mr. MATTHEWS. Yes, Senator. I will always follow the law.

Senator REED. Will you ensure that the acting IG [Inspector General] will not be influenced or interfered with as he conducts his duties, including the evaluation of Signalgate?

Mr. MATTHEWS. If confirmed, Senator, yes, I do.

Senator REED. Thank you very much.

Mr. Williams you've been charged with a very challenging assignment; leading NNSA. As I indicated in my opening remarks, in mid-February, 177 employees were laid off, and 153 took early retirement. Now, 150 of those, of the 177 returned, they were called back because they realized, they couldn't function without them. But NNSA has been chronically understaffed for the years. Now, as I mentioned too, there they've declared that DOE will shed 8,500 employees, and that boils down to about 500 civilians at NNSA.

How can you make the organization function when morale has been spiraling downwards because of these personnel changes and simply the lack of personnel?

Mr. WILLIAMS. Thank you for the question, Ranking Member Reed. I have read those reports, although I have no firsthand direct knowledge of any of those decisions within the Department of Energy or within NNSA. As I mentioned in my opening statement, the men and women of NNSA are an exceptional organization, I think, actually in human history. They will be essential to accomplish the scope of the task that's been outlined by this Committee the resources that have been entrusted over the last decade of a, of a real rebuilding of it. I can assure you that I will advocate for the men and women of NNSA that we can accomplish that mission together.

Senator REED. Well, I hope you do, because if you lose 500 personnel, you'll be sitting up at night not just worrying, but also watching our weapons.

Mr. Hansell, you as the USDIS are responsible for carrying out section 714 of title 10, which authorizes the Secretary of Defense to provide protection and personal security in the United States to designated individuals who are under a serious and credible threat to their safety.

The most recent annual threat assessment of the U.S. Intelligence Community (IC) in March of this year stated Iran seeks to target former and current U.S. officials it believes were involved in the killing of Islamic Revolutionary Guard, Quds Force Commander Qasem Soleimani in January, 2020, and previously has tried to conduct lethal operations in the United States.

There are two former Defense officials, Secretary Esper and Joint Chiefs of Staff General Milley, who have had their protection removed. Do you believe that decisions related to whether or not this protection should be based on the assessment of the threat by the Intelligence Community?

Mr. HANSELL. Thank you for the question, Senator. I'm very aware of the specific 714 language, and specifically, it's new ability for this Secretary to delegate this responsibility to the Under Secretary for Intelligence Security versus the prior restriction to the Deputy Secretary.

I am very familiar with the regulation, and that there's two categories, one, that of folks that can receive this benefit because the nature of the position. Second is a population mostly DOD, and DOD retired. That is based on circumstances; one of those being serious, credible threats, the other being overwhelming operational circumstances, and that the law says that that determination shall be made based on a threat assessment.

So, to answer your question specifically, the law is clear that a threat assessment should inform that. I am also aware of the congressional notification requirements in that law. If confirmed, would intend to follow it as written, and I think additionally, make an overall assessment of the program to ensure we have a sustainable resource, sustainable framework that allows us to mitigate risk to force in a standardized way.

Senator REED. So, your view is that the threat assessment should be the predicate for removing or providing protection. Can Congress get the copy of the threat assessment that was used in the decision to take away this protection?

Mr. HANSELL. Senator, I have no information about historical. I'm not in the Department now, about historical decisions, but if confirmed and if delegated this responsibility, I would have access to those threat assessments and accordance with regulations, would share those.

Mr. WILLIAMS. Thank you very much.

Chairman WICKER. Thank you, Senator Reed. Senator Fischer.

Senator FISCHER. Thank you, Mr. Chairman, and thank you gentlemen for all putting yourselves forward to serve your country. We deeply appreciate that.

The National Nuclear Security Administration, NNSA, designs, builds, stores, and disposes of our Nation's nuclear weapons. Our stockpile remains safe, secure, effective, and credible thanks to the hard work done every single day by NNSA and our National Security Laboratories.

Mr. Williams, I appreciate our earlier conversations and agree that NNSA faces immense challenges. After the end of the cold war, NNSA infrastructure recapitalization efforts were abandoned, and now we must modernize most of the enterprise without interrupting the production of new nuclear weapons. Many of these facilities are truly one of a kind, and must be custom designed and built to safely process plutonium, uranium, tritium, lithium, anti-high explosives.

Fortunately, we are not starting from a blank State. The NNSA has produced an enterprise blueprint that shows all the facilities that need to be built over the next 25 years, and then sequences them in priority, linking them to a new warhead production effort. We also have an opportunity as we build new infrastructure to replace old facilities, some of which date back to the Manhattan Project, to incorporate modern manufacturing processes. We can produce nuclear weapons faster, more efficiently, and reduce risk in that process.

Mr. Williams, if confirmed, how would you approach the challenges of recapitalizing NNSA's infrastructure?

Mr. WILLIAMS. Well, Senator Fischer, thank you for that question. That is the key question. I think as I have studied the problem, and read the stockpile reports, and read the blueprint enterprise that you mentioned, as well as the GAO [Government Accountability Office] reports, CRS [Congressional Research Service] reports, I think the scope and scale is, as you describe. We have to deliver the program of record, the lifetime extensions of our existing stockpile, as well as rebuild the infrastructure to modernize.

A lot of that comes, I think, through reassessing our relationship with risk. The reevaluating the risk that we take, I think we have to make sure we have the workforce that we retain, the workforce that we have. As I mentioned it's not just a weapon scientist, it's machinist, its technicians.

It's every level of the organization that is needed to keep the very special qualities and skills that we have acquired that we can't afford to lose. Then I think it will require leadership focused on the mission. I think one of the things that drives all of us, it certainly drove the Manhattan Project, is understanding the current threat.

I think that it's very sobering and awakening for all of us to suddenly be talking about strategic deterrence, talking about threats that we thought perhaps as a nation had gone away 30 years ago, and of course, the men and women, the NNSA never believed that, nor the Combat Commanders of STRATCOM.

I think there's a focus of the mission and leadership. I think there's innovation, and I think it's focused on the workforce as well as keeping Congress informed that you'll continue to support this mission.

Senator FISCHER. I hope, if confirmed, that you will look at that leadership, look at the workforce, be able to look at some of the complex construction projects that are out there, and figure out how to improve the management of those as well.

Mr. Williams, there are seven life extension programs and major altercations currently underway. These nuclear weapons must be delivered on schedule, and several are synced to new delivery sys-

tems that are currently under development by the Department of Defense. So, maintaining that close connection between NNSA and the Department of Defense on these programs, that is key to the success for all the programs that are involved here.

If confirmed, how will you ensure that NNSA fully understands the Department of Defense's requirements for these?

Mr. WILLIAMS. Senator Fischer, thank you for that question. Of course, I'll be participating in the Nuclear Weapons Council. I would like to come out to STRATCOM, meet with the leaders, General Cotton, and the leaders of STRATCOM. They are the most important customer of NNSA. If confirmed, I would very much like to hear their input and have a very transparent conversation with them. There are a great number of details and classified information that I've not been privy to, that I look forward to immersing myself in to make sure I understand all the details of delivering what, frankly, our strategic forces require to deter our enemies.

So, very committed to work with you and with this committee to make sure I'm following through on all of those, should I be confirmed.

Senator FISCHER. Your role in that Nuclear Weapons Council is important in that process, if you are confirmed. So, thank you for that.

Chairman WICKER. Thank you very much, Senator Fischer. Senator Hirono.

Senator HIRONO. Thank you, Mr. Chairman.

Welcome to all of our nominees. I ask the following two initial questions of all nominees before any of my committees to ensure the fitness to serve. So, we'll start with Mr. Matthews, and we'll go right down the line. 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? Please, down the line.

[Witnesses answer in the negative.]

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

[Witnesses answer in the negative.]

Senator HIRONO. For Mr. Marks, several military training areas very critical to INDOPACOM. These landless leases in Hawaii are set to expire in 2029, right around the corner. These leases, as I mentioned, are critical to ensuring U.S. and allied military forces can adequately train in the Pacific. However, the lands involve also hold cultural significance to the Native Hawaiian community.

If confirmed, will you ensure that these negotiations, which will expire, is conducted in a manner that respects local communities and the environment, while still prioritizing military readiness?

Mr. MARKS. Senator, thank you for that question. I know this is critically important to you, and, yes, Senator, if confirmed, I will work not only with the military services, but the local community. Hawaii plays a very strategic role for INDOPACOM, and I would want to ensure that both the respect of the communities as well as the incredible importance of those training areas is recognized and we find the best possible solution.

Senator HIRONO. In fact, the DOD has recognized the importance of these negotiations, and there is a person name and Noa Kalupi

who is charged with making sure that these negotiations include the voices of the community. So, it's good that you are aware or that you will be aware of the necessity of how we're going about things. I would also note that it is very important to the community that these negotiations occur as transparently as possible so that the community feels as though the military is acting in good faith, and listening to their voices.

Again for you, the DOD stakeholders are coastally coordinating with the EPA, Hawaii State agencies, and the public to complete the closure of the Red Hill Bulk Fuel Storage Facility. You probably are aware that the, the spills that occurred at the Red Hill facility resulted in some 93,000 people being impacted. They had to go to hotels and find other arrangements. This led to a questioning by the community of how the Navy, basically, but to the community, the Navy, the military was conducting it itself.

So, will you commit to overseeing the safe, timely closure of Red Hill, which will require taking a transparent role with the public to restore the confidence and the trust of the community in the military?

Mr. MARKS. Senator, thank you. The transparency is vital to partnership. Good partnership is built on trust and good relationships. So, Senator, if confirmed, I will commit to work not only with the Navy as this moves forward, to ensure we're taking the proper steps for both mission capability and what is in the best interest of the community.

Senator HIRONO. The closing of Red Hill is not over in that there are remediation and environmental issues that still must be addressed. I would ask that you address them in a timely manner with the resources that will be required.

Mr. MARKS. Yes, Senator, absolutely, and in fact, it was just a couple weeks ago, I had the privilege of meeting with the Hawaii coordination cell so that they could begin to get me up to speed, so that I could understand the issue more thoroughly. I do appreciate it more deeply.

Senator HIRONO. I also want to mention that our military base, our installations, I should say, are in various states of disrepair, frankly, and especially in Hawaii, which have aging facilities, energy vulnerabilities, and poor infrastructure. So, I'm putting into the NDAA a requirement that all of our services conduct or put together a 30-year infrastructure improvement plan so that we have something going forward that will more properly ensure that our infrastructure needs are being addressed and met. So, would you support such a planning process for our services?

Mr. MARKS. Senator, as a strategist, I believe in long-term planning, and so, I appreciate the initiative that you've introduced. If confirmed would want to work not only with you, this Committee, but the services on a way to achieve how we get a greater future look at the investments on our infrastructure.

Senator HIRONO. Mr. Chairman, could I just ask one question of Mr. Matthews?

Chairman WICKER. Oh, sure.

Senator HIRONO. This won't take long. So, I'm glad that you testified that you will follow the rule of law and the independence of the JAG officers. That's very important. Do you have any concerns

about the fact that the military services senior JAG attorneys were fired?

Mr. MATTHEWS. Good morning, Senator Hirono. Thank you for the question. Not being in the Department, I wasn't privy to the reason for the decision of Secretary Hegseth to request nominations for the Judge Advocates General. I will say that from my understanding, the Navy TJAG had resigned before the beginning of the Administration. So, I don't believe it was actually said he was fired. I think the Secretary requested nominations for the Army and the Air Force Advocate General, I think he acted according to law when he did so. I would say that I share your concern about the independence of legal advice.

Senator HIRONO. You can imagine we have some concerns about what happened because no reasons were given. Thank you, Mr. Chairman.

Chairman WICKER. Perhaps you can followup also on the record, Senator Hirono. Thank you very much. Senator Sullivan.

Senator SULLIVAN. Thank you, Mr. Chairman.

I want to thank all the nominees and their families. By the way, some really, really impressive group of nominees, all veterans, all served in incredible capacities, Purple Heart recipients. This is very impressive. So, thank you to all of you. I'm not going to quiz you on the great Billy Mitchell, father of the U.S. Air Force who said that Alaska was the most strategic place in the world. I know you already know all that. I just want from each nominee your commitment to come to Alaska, to see this strategic place and see our wonderful military forces there. Can I get each of you to commit to that starting with you, Mr. Matthews?

Mr. MATTHEWS. If confirmed, Senator, it's my first trip.

Senator SULLIVAN. Excellent. Well, that's a great answer. Can anyone else top that?

Chairman WICKER. Doesn't have to be the answer.

Senator SULLIVAN. That's a great answer. Maybe you can come before you're confirmed. No, I'm kidding. Good answer.

Mr. HANSELL. Senator, as I testified to you 5 years ago about the increased importance in economic national security of the area, I think that trend will continue and thus appropriately. I look forward to visiting.

Senator SULLIVAN. Great. Thank you.

Mr. WILLIAMS. Senator, I'd be honored. Would likely be in July or August with my fishing gear.

Senator SULLIVAN. No. You're coming in February, where it's 40 below 0.

[Laughter.]

Mr. WILLIAMS. That's so long as we can visit Adak. I've always heard about it.

Senator SULLIVAN. Okay. Well, I'm getting to Adak here in a minute.

Mr. MARKS. Senator, as we discussed it, as goes Alaska, so goes defense of the Homeland. It'd be an honor to visit Alaska.

Senator SULLIVAN. Right. Thank you, and, again, I really appreciate all the great opening statements. Mr. Matthews, your statement and your family's service. Just remarkable. It's super impressive. I'm glad so many of your family members are there. You and

I had a good discussion. You're very smart lawyer. You have a great background. Just to be clear, as we discussed, your loyalty, of course, in this job is to the Constitution, correct?

Mr. MATTHEWS. Yes, sir. To the constitutional laws of the United States.

Senator SULLIVAN. Good. Perfect, and you've been doing that your whole career, loyalty to the Constitution and the United States?

Mr. MATTHEWS. Yes, sir.

Senator SULLIVAN. Excellent. Let me go to you, Mr. Matthews and Mr. Marks. I want to talk just briefly about the 8(a) contracting program that we talked about in my office.

I was recently in the great State of Alabama, Huntsville, Alabama. There's a lot of 8(a) contractors there. You know, this is a program that's been in law for decades. It helps economically disadvantaged communities. But where I don't think it gets a lot of press is just how effective, efficient—I mean, our military, our Pentagon needs effective, efficient ability to deliver services.

These companies in Huntsville, I saw a company, it was Alaska Native company that took a—the request for an armored wheeled vehicle, a Navy harpoon anti-ship system to combine them together. They did it in 2 weeks, the design. Then, they had manufacturing done where this new system was out on the beaches of Taiwan in less than a year. The government gets to keep the IP. All done in Huntsville, Alabama. It was unbelievable. The OEMs, the big primes, it would take them 10 years to do something like that.

So, Mr. Matthews and Mr. Marks, can I get your commitment to work with this Committee? You know, there's some people out there—oh, these are DEIs [diversity, equity, and inclusion]. This has nothing to do with DEI. This is efficient, effective, good for the Pentagon work, and I just want to make sure you guys agree with me on that. Can I get your commitments on that?

Mr. MATTHEWS. Senator, you have my firm commitment. I think we should not paint broad brush Alaska Naval corporations particularly have played a unique role in support of the national defense, and we can't ignore that

Senator SULLIVAN. Made it much more effective and efficient and deadly. Correct?

Mr. MATTHEWS. Exactly, sir.

Senator SULLIVAN. Mr. Marks?

Mr. MARKS. Senator, if confirmed, you have my commitment. Anything that can get capability into the hands of the warfighter more quickly, that helps us defend our Nation is a vital importance, and we should support that.

Senator SULLIVAN. Great. Let me very quickly talk about Adak. The INDOPACOM Commander, NORTHCOM commander, CNO of the Navy have all recently testified either in classified or unclassified hearings saying, look, you look at a map, you look at the Russians and the Chinese, how aggressive they're being in the North Pacific, in the Arctic. We need to reopen that base. There was a Navy team that was there just last week, and can I get your commitment to work with me on that? Looking at that really, really critical base that used to be a sub base. Senator Hirono was talking

about Red Hill. Adak has one of the largest fuel storage depots anywhere on the planet Earth. It's all infrastructure is still ready available. Can I get your commitment to work with me on that?

Mr. MARKS. Yes, Senator, you have my commitment, if confirmed.

Senator SULLIVAN. Great. Thank you, Mr. Chairman.

Chairman WICKER. Thank you, Senator Sullivan. Senator King.

Senator KING. Thank you, Mr. Chairman. Welcome to all the nominees.

I want to echo Senator Sullivan's comments. Extraordinarily well qualified in the work you have done to serve this country prior to this day as exceptional. I want to express my appreciation and recognition of that. I also, and want to have to go back to our wonderful chairman, John McCain, and remind the Senator that Billy Mitchell was court-martialed, but that's another story.

Senator SULLIVAN. But I think he got his rank back after that.

Senator KING. This is something that's been going on for 10 years in this Committee.

Chairman WICKER. Turns out he knew what he was talking about.

Senator SULLIVAN. He did. Thank you, Mr. Chairman.

Senator KING. Okay. Mr. Williams, I know Senator Reed raised this question, but I'm gravely concerned about this memo that was mentioned on Friday of the possibility of 500 people in the NNSA as non-essential. That's 20 percent of the workforce, and the testimony was, it's one of the greatest scientific and engineering organizations in human history. I just don't understand how that wonderful organization, which is that's true, 20 percent are non-essential?

By the way, I did a little calculation. That's two-tenths of 1 percent of the NNSA budget is those 500 people. So, what's to be gained by reducing the staff by 20 percent of this essential agency in this moment of the rebuilding of our nuclear triad?

Mr. WILLIAMS. Senator King, thank you for that question, and for your attention on the workforce, which I think is absolutely critical. If confirmed, I commit to you that I will stand up for the men and women of NNSA that I will advocate for them. We're facing a moment in history where NNSA must perform, and I think there's opportunities for us to innovate at NNSA, to deliver on the program of record and the expectations that this committee has set and that will stand up to our adversaries.

Senator KING. You're absolutely right. This is a no fail mission. In fact, because of the modernization program that we're in the midst of, the demands on NNSA have never been greater, probably since the founding of the agency. So, I hope you will stand up for that workforce. By the way, there's an issue here, not only of the people, 500 people being said, they're non-essential. The effect on morale in the workforce, I think is something to be considered.

So, I hope you can address this early in your tenure and be sure that the workforce is protected, and that the morale, and the esprit of the agency can be maintained. Will you commit to that?

Mr. WILLIAMS. Mr. King, if confirmed, I will certainly commit to that. I will tell you that my commitment to this deterrence really did begin in Tiananmen Square in May 1989, an observation of the student protest there. I was in the Pacific on a nuclear submarine

during the third crisis of the Taiwan Strait, when the Communist Chinese first launched missiles in the modern age that dropped short and flew over Taiwan in a show of force.

In the aftermath of that, as I recall, we sailed a carrier battle group through the Strait of Formosa to show our resolve. We can't do that today, that concerns me. This program is of historic importance.

Senator KING. I couldn't agree more. Mr. Hansell, I always ask intelligent officials the same question. Will you tell the President the truth, even if it's something he doesn't want to hear?

Mr. HANSELL. Absolutely. I would do so, and I think the President and the Secretary would require me to do so.

Senator KING. The former Director of National Intelligence (DNI) Dan Coats put it very succinctly. He said, "The job of the Intelligence Community is to find the truth and tell the truth." Just parenthetically, who started the war in Ukraine?

Mr. HANSELL. Senator, it's a military fact that Russia invaded Ukraine, both in 2014 and 2022, as recently outlined in the unclassified ATA, Annual Threat Assessment.

Senator KING. You just earned my vote. Thank you, sir. Mr. Williams, I'm going to overlook the Harvard Law School experience. I think several other Senators on this committee labor under that disability. Can you recall an occasion in all of your career as a lawyer for the military, when you said no to an officer, that they—to something, an order that they wanted to pursue that you told them was contrary to the Constitution or the laws of this country?

Mr. MATTHEWS. Senator, I typically try to avoid that situation by providing advice in advance. But I can recall experiences where there were violations of the Law of Armed Conflict, which I had to point out when I was in Afghanistan 1 year when we had platoon leader who was—had some detainees, and he was making them walk in front of the formation over across Improvised Explosive Device (IED) infected land. It was a violation of Law of Armed Conflict. It's not how we do it. We separate our prisoners and speed them to the rear. So, that was something that I had to point out.

Senator KING. You made it clear and reversed the decision?

Mr. MATTHEWS. Oh, there was an investigation. That's correct, sir.

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

Chairman WICKER. Thank you, Senator King. Senator Tuberville.

Senator TUBERVILLE. Thank you, Mr. Chairman.

Thank you, gentlemen, for being here, and your willingness to serve. Mr. Marks, I want to talk a little bit about an issue that affects many of our installations across the country, including my home State, Redstone Arsenal, Huntsville. The issue is military construction, better known as MILCON. We need to move fast, and traditional military construction process is way too slow. You know, back at Redstone Arsenal, there are two out warehouses, as we speak, that are going up. One military corps engineers is building, and the other is by the FBI [Federal Bureau of Investigation].

These warehouses are roughly the same size, but the FBI facility has a lot more bells and whistles, yet the military warehouse is going to take double the amount of time to build and 150 percent over the cost of what it's cost in the FBI building. How on earth

does this make sense? It is a disaster, and I'm sure we're having those problems across the country.

Can I get your commitment to go and look at this situation? Lieutenant General Chris Mohan, the AMC Commander down there is really looking into this, and I think he could help us with some of this in the future. We need to cut back on the time and the cost on a lot of these buildings, Mr. Marks.

Mr. MARKS. Senator, thank you for that question, and I couldn't agree more. We absolutely need to look at additional best practices on ways to speed up our MILCON to include how it aligns with our programs. If confirmed, I absolutely would want to dig deeper with you on this to ensure that I see how we can potentially go faster.

Senator TUBERVILLE. Thank you.

Another quick question for you, Mr. Marks. You recently discussed drone incursions with my staff. Can you tell the Committee about that conversation and your experience?

Mr. MARKS. Senator, thank you. What we have seen across the country, and especially there at Eglin, is an increase in drone activity, and in fact, activities surrounding our installations, whether that is foreign national turnarounds or other investments, things that we need to make.

So, Senator, in the local area at the installation I currently serve at, we've increased our investment to include increased detection capability, so that we can then use the authorities that we have been provided at the installation level to defend those installation. Senator, if confirmed, I would want to see it expanded so that we can work with the combatant commanders to ensure we are defending our local installations here in the Homeland.

Senator TUBERVILLE. Thank you. Very much needed.

Mr. Hansell, as you know, one of the organizations you will oversee is USD(I&S). If you are confirmed, is the Missile and Space Intelligence Center (MSIC), which is a component of the Department of Intelligence. It's located in Huntsville, Alabama. MSIC provides world-class analysis and performance of foreign weapons systems.

Mr. Hansell, can you talk a little bit about how important it is for our warfighters to assess the kind of foreign material data that MSIC provide?

Mr. HANSELL. Yes, Senator. I'd first highlight the importance of MSIC, as the important relative to the growing importance of the space domain. It becomes ever more critical to our national security, as well as, I think critical intel from MSIC should be used to inform the Golden Dome architecture design at every stage of the milestone.

Senator TUBERVILLE. Thank you.

Mr. Williams, NNSA has been plagued by cost overrun schedule delays, project cancellation related to construction of nuclear facility, including Ukraine, uranium processing facility, the Savannah River Plutonium Processing facility, and others. If confirmed, what specific steps would you take to ensure that these project management failures are not repeated in the future?

Mr. WILLIAMS. Thank you, Senator, and that is right at the heart of the plutonium pit production that you mentioned in Savannah River, as well in Los Alamos, you know, is the critical path to restoring our ability to make new nuclear weapons and to ensure the

long-life extension of our existing stockpile. There's a number of classified details that I've not been briefed on in that, but that is, I commit to you, should I be confirmed, that is absolutely a commitment to get that back and to deliver for the weapons programs.

Senator TUBERVILLE. Thank you.

Mr. Matthews, if confirmed, what role would you have in advising the President and the Secretary on reforming the JAG Corps?

Mr. MATTHEWS. Thank you, Senator, for the question. If confirmed, I would be a legal advisor to the Secretary of Defense and not to the President unless he asked me. But if the President were to ask me, I would render—I would consider the question he asked, and in light of the facts and information available to me, I would make a recommendation. The JAG Corps, the Judge Advocate General Corps, the Joint Force, JAG play an important role in ensuring the delivery of military justice, ensuring compliance with the Law of Armed Conflict, a whole myriad of activities, and so, it's important that we get it right.

Senator TUBERVILLE. Thank you.

Chairman WICKER. Thank you, Senator Tuberville. Mr. Marks are you going to visit Huntsville before or after you visit Alaska. [Laughter.]

Chairman WICKER. Just take that for the record. Senator Warren.

Senator WARREN. Thank you, Mr. Chairman, and congratulations to all of our nominees.

So, after a 2018 Reuters investigation found that military families were living in homes that were filled with mold, pest infestations, and other safety hazards, this committee opened an inquiry and instituted a slate of reforms in 2019 to hold private military housing contractors accountable.

One of these reforms was the creation of a Tenant Bill of Rights to ensure that military families have the quality housing that they deserve. Another was the creation of a public data base for military families to report when their landlords failed to provide that quality housing. So, I'm glad that the DOD finally created that data base called the Housing Feedback System last year. I'm sorry that servicemembers had to wait 5 years for it. DOD needs to do better to rebuild trust with military families.

Mr. Marks, if you are confirmed, it will be your job to make sure that servicemembers and their families have safe, high quality, and affordable housing. So, will you commit to preserving and using DODs Housing Feedback System to hold private military housing contractors accountable?

Mr. MARKS. Senator, thank you for that, and as someone who has been a military housing resident, I greatly appreciate the additional oversight to include that data base, which has been implemented. I've watched that rollout at the local installation level. If confirmed, you have my commitment we will continue to build transparency and trust with our residents. We owe them that.

Senator WARREN. Good, I appreciate that, and I appreciate your strong response here.

So, while the reforms we've put in place are an important start, military families are still being treated like second-class citizens by unscrupulous landlords. At Fort Belvoir, the housing conditions in

these private homes were so reprehensible that families couldn't even live there, but the families had to continue paying rent for their unlivable homes while they may do in temporary housing.

Mr. Marks, do you agree that military families deserve the same tenant protections provided to their civilian neighbors? So, for example the right to terminate their leases if their landlord fails to address safety hazards, or the right to sue their landlord for relief if their family got sick because of poor conditions in the home?

Mr. MARKS. Senator, we owe our residents the highest standards of quality in homes and to continue to make robust the both informal and formal dispute resolution processes. If confirmed, I would want to work with you in this Committee to see what we can do.

Senator WARREN. My question is, should our military families have the same rights that their civilian neighbors have to insist under local and State laws to get protection?

Mr. MARKS. Senator, I understand there are some laws to include the Enclave Act that needs to be addressed, and so, what I would want to do is, if confirmed, dig deeper to see how we could address that. I do believe that residents do need to have robust rights to include where they live.

Senator WARREN. Well, you know, we already have a pretty bad example here because these families at Fort Belvoir tried to file claims under the Virginia Consumer and Housing Protection Laws, and their complaints were dismissed because of the Enclave doctrine. This is the doctrine that says on Federal lands, tenants may not be entitled to the same rights as other members of the State or community.

I want to work with my colleagues to address this in the NDAA, but DOD also recently provided a response to a letter that I sent with Senators Ossoff and Kaine, that said the military services already have the authority to require private military housing companies to take corrective action and can negotiate to provide families with additional rights.

So, let me ask you, Mr. Marks. Will you work with this Committee and the military services to fight for and enforce military families housing protection rights, and ensure they receive the safe and quality, high quality housing they're entitled to

Mr. MARKS. Senator, if confirmed, you have my commitment to work with this Committee, you and others, and the services on behalf of our residents. We owe them that for the service that they give our great Nation.

Senator WARREN. I appreciate that, and I hope this is something we'll take up in the NDAA. We have a duty to make sure that military families' homes are safe so they can stay focused on the mission of keeping the rest of us safe. Substandard housing conditions hurt military readiness. That's a problem we could fix. Thank you, Mr. Chairman.

Chairman WICKER. Thank you, Senator Warren. Senator Gillibrand.

Senator GILLIBRAND. Thank you, Mr. Chairman.

Mr. Hansell, currently, there's discussions within the DOD about whether the NNSA and the U.S. Cyber Command should be dual-hatted. Do you believe all of the prior reviews of this arrangement, including one just 3 years ago, that have found substantial benefits

to that structure, or do you feel that this should be reconsidered, and an open question? What's your recommendation for the future arrangement of a dual-hatted arrangement?

Mr. HANSELL. Thank you for the question, Senator. Without being in the Department, having the most current information, I can't make a full assessment, but I did testify on this 5 years ago. I'm very aware in the time, in a seating time how robust the capabilities that U.S. CYBERCOM have become and how the criticality of the cyber domain for national security. I am very aware of all the lengthy amount of thought that has gone into this to date, the Dunford Commission and the current SSG [Staff Sergeant] implementation guide that Secretary Austin put in place, and would certainly leverage all thinking to date in any analysis.

Although I don't have a specific recommendation on this, I do believe just like in the private sector, that every organization to include the defense intelligence and security enterprise has to constantly assess itself to make sure it's aligned with the right tools in our organizational structure to maximize effects.

I would just note that I'm very aware of this committee's language that any recommendation to change the dual-hat comes with a need for the both the Secretary and the Chairman to certify no degradation in operational capability to CYBERCOM for our national security. Certainly, if confirmed, and I conduct a review, would advise the Secretary accordingly to that.

Senator GILLIBRAND. Office of the Under Secretary of Defense (OUSD) is one of the full-time participants of the DOD's cross-functional team for anomalous health incidents. A DOD Inspector General report from March 2023 recommended a review and update any applicable counterintelligence guidance and policy documents to address AHI-related information and counterintelligence. To my knowledge, this has still not been completed. Will you commit to reviewing and implementing the recommendations of the DOD IG report?

Mr. HANSELL. I will, Senator, I think it is absolutely critical. I know firsthand the importance of taking care of those that are willing to put themselves on the line in the service of our country. If confirmed, I would ensure that the defense intelligence enterprise continues to make AHI a counterintelligence-reportable event so that we can determine any relatedness to foreign intelligence service activities.

Senator GILLIBRAND. Thank you.

Mr. Matthews, Secretary Hegseth just took the unbelievable action of firing the Judge Advocates General of the Military Departments. The senior military lawyers were put in place to provide independent legal advice. The law currently states no officer employee of the Department of Defense may interfere with the ability of a Judge Advocate General to give independent legal advice.

I know Senator Reed asked you a similar question and you said that you will follow the law, and you will work to maintain independence. How are your JAGs supposed to feel about this, and how are you going to assure them that they will not be subject to political pressure?

Mr. MATTHEWS. Good morning, Senator. Thank you for the question, and thank you for your work on military justice reforms

throughout the years. You know, many, JAGs, Senator, it's hard to control them. Because you came up with the special trial council concept and they opposed it. So, when they have an issue, they will not hesitate to speak up, and they will. It is been my experience. The Judge Advocates and the Joint Force are willing to they have options. They can leave Government service, they can become lawyers at corporate law firms or corporations. So, they're going to do the right—they're not in these jobs for money. So, they're going to do the right thing regardless, Senator. So, I think their moral fiber, their courage, they've been trained to do, to choose the harder right, over the easier one.

Senator GILLIBRAND. Well, we are counting on them to exert their independence, and their legal acumen, and to really strengthen the military justice system, which has not been working well. So, it's on you to make sure they feel supported, to make sure they have the tools and resources they need to make sure they don't feel that they are being politically bullied to certain outcomes.

I'm also very concerned that Secretary Hegseth is considering downgrading the Judge Advocate General from 3-stars to 2-stars. I'm sure you are aware that we have 20 years of precedent that put that change in place so that they would have independence. Do you think this rank reduction is appropriate?

Mr. MATTHEWS. Senator, I think that this Congress gave the Secretary the discretion to determine what grade they serve at. As you well know, Senator, when Senator Graham led the fight to have the Generals serve at the 09 level, it was required that they be at the 09 level. That was changed. We all have agreed that there was two there. Pentagon, it's too top heavy with stars. I think there's an overall assessment of the rank structure within the Department at the headquarters of the Army, Navy, and Air Force.

It may be that other principal staff officers on the Army, Navy and Air staffs also lose their grades. I think the quality of the legal advice is not impacted by the grades that an officer serves at. When I joined the Army, and the Judge Advocates General were 2-stars, and they gave frank advice.

Commanders are always going to rely upon their Judge Advocates because they want to stay out of trouble. So, they play a vital role at the commanding commander at the 06 level. So, I think that rank is important, but more important is the quality of the legal advice that they're going to be issuing.

Senator GILLIBRAND. Thank you, Mr. Matthews.

We will be counting on you to bring a military justice system that is worthy of the sacrifice of our men and women who serve.

Mr. MATTHEWS. Yes, ma'am.

Chairman WICKER. Mr. Matthews, you've made a very frank and honest answer to that question, and I appreciate it. Thank you. Senator Gillibrand. Senator Scott.

Senator SCOTT. Thank you, Chairman.

Well, first off, congratulations, each of you on your nominations. I know, I think every one of you is going to do a great job. Let me start with Mr. Matthews. I've always had concerns about how much influence JAG officers have. I'd be a little bit different than my colleague has just talked about. But in the combat, we have

people that are responsible for our men and women in uniform to lead them in battle.

How much influence does it have a JAG officer on their—I mean, I understand the JAG officers give them legal advice, but ultimately, they're not the decision-maker. You keep hearing stories that the lawyers are making—are running every time that we have to go. We put men and women in harm's way. If we're going to put men and women in harm's way, I want somebody that's a warfighter rather than a JAG officer to be the one that's making the final decision. So, how it actually works?

Mr. MATTHEWS. Thank you for the question, Senator. A couple of things. One JAG officers are warfighters. We who wear a uniform, we're part of the Joint Force, we're soldiers. We want to destroy the enemy just like anybody else. JAG officers are running the command, that's a command failure in my opinion, because we're advisors. We only advise the commander. The policymakers should be making decisions that would be as if the counsel to the Senator is telling the Senator what to do. That's not how it works. We can only advise, and so, that's my response, Senator.

Senator SCOTT. So, the decision, the tactical decisions are not made by JAG officers?

Mr. MATTHEWS. They should not be. Now, I will say, Senator, in 20 years of counterinsurgency and counter-terrorism operations, we have exercised a great deal of restraint and conduct of combat operations and lethal activities, and so, the law of war is quite permissive, but the ROE [Rules of Engagement], which is policy not a legal requirement, has been quite restrictive.

That's impacted our ability to get after the enemy. Sometimes, we should always adhere for the law of war, of course, distinction and proportionality, military necessity, humanity. But I think we live in a risk-adverse culture. Commanders are always concerned about getting relieved about getting a 15-6 investigation where they killed somebody in a civil incident, and that's going to impact their ability to be promoted. So, that's an issue that I think you properly identified, Senator.

Senator SCOTT. Thank you, Mr. Hansell, in 2019, we experienced a tragic church attack at the Pensacola Naval Air Station. After that tragic day, I fought hard as Florida's Senator to get legislation passed to ensure we properly vet every foreign national, regardless of the country of origin, or any partnerships we have with these countries. I was glad that we were able to make this get this become law, but we have to remain vigilant.

Can you discuss how we can continue to expand security armed bases and protect the brave individuals of our military forces and their families?

Mr. HANSELL. Absolutely. Senator, being from the Panhandle, very aware of the incident and your fight for the legislation after it. If confirmed, part of my—

Senator SCOTT. Because you know what was happening, it was the military wasn't deciding who was allowed on our base. The State Department was making the decision about who was allowed on our base, not the Department of Defense, which made no sense at all.

Mr. HANSELL. As I testified before, and I assume I will more today, is it's these seams in government that we have to really be careful of. I think after this legislation though, it's very clear about the vetting requirements needed for international military students. I would say as disturbed as I am about the status of our vetting security clearance, vetting capabilities in the Department right now, there can be no exception about the application of them in securing our personnel.

I would just say in addition to, since that incident, there's been new threats arising. One that is of a concern of mine is this threat of UAS on our installations, and would certainly work with my colleagues in policy and the Counter UAS Task Force to best address that.

Senator SCOTT. Thank you.

Mr. Marks, you know, constantly we get reports that our military's not ready to go to battle today. If something happened today, they're not ready to go to battle. So, what are the things that you can do to make sure that our men and women are prepared?

Mr. MARKS. Senator, I greatly appreciate that question. One of the greatest ways that, I believe, that we can help our servicemembers is to ensure that the places that they live and work are of a high enough standard in quality, so that they're not distracted by the things that would keep—take them from their mission preparedness to ensure that they're 100 percent ready to go do the work that they need to do.

Senator SCOTT. Thank you. Thank you, Chairman.

Chairman WICKER. Thank you, Senator Scott. Senator Rosen.

Senator ROSEN. Well, thank you, Chairman Wicker, Ranking Member Reed for holding this hearing.

I want to thank Congressman Williams for meeting with me last week. Thank you. I'm going to direct my questions to you, Congressman. You know, the Nevada Test Site, now known as the Nevada National Security Site, NNSS, but we really still call it the Test Site Nevada—so, I'll defer to that—it is larger than all NNSA sites combined, and to the Ranking Member, our site, it's equivalent to the size of the State of Rhode Island. So, but—

Senator REED. High tide or low tide?

[Laughter.]

Senator ROSEN. We'll strike that from the record. There you go. Anyway, the Nevada's Test Site played a critical role in nuclear weapons development. It was ground-zero for the majority of the United States explosive nuclear testing from 1951 to 1992, when 100 atmospheric and 828 underground tests were conducted during this era, which we must not ever return to. Millions of people and acres of land were contaminated by radiation.

Since President George H. W. Bush signed the moratorium in 1992, the NNSA has utilized the Stockpile Stewardship Program in Nevada's underground laboratory to conduct subcritical experiments to certify the reliability, safety, and effectiveness of our nuclear stockpile. What we're doing in Nevada is working. For decades, the directors of the National Laboratories, the commanders of U.S. Strategic Command, the Secretaries of Defense and Energy, including through the entirety of the first Trump administration, have annually certified the military effectiveness of our stockpile.

Nonetheless, some in President Trump's orbit have suggested that the U.S. should resume explosive nuclear testing. Can you imagine that? Despite no evidence supporting this position, and if it is above ground explosive testing, the amount of exposure and destruction would be felt worldwide.

So, in addition to placing Nevadans at risk, experts warn that breaking the moratorium would likely prompt Russia and China to follow, as they have more to gain from testing than we do. Given our superior scientific and computer modeling capabilities, this could ignite a dangerous, deadly, and costly nuclear arms race for no reason.

So, Congressman Williams, if President Trump were to ask your advice about returning to explosive nuclear tests, how would you counsel him on the national security implications, and what would you recommend?

Mr. WILLIAMS. Senator Rosen, thank you for that question. Thanks very much for hosting me and that conversation. It's very insightful and very much appreciated. As you pointed out we have 928 nuclear tests that we performed, more than any other nation, and we collected more data than anyone else. It is precisely that data that has underpinned our scientific basis for confirming the stockpile since the moratorium in 1992. The decision whether to continue testing, critical testing, super critical testing, would certainly be above my pay grade, should I be confirmed, as the Administrator—

Senator ROSEN. Would you recommend explosive nuclear testing in place of our subcritical testing that we do at the U1A tunnel effectively in all of these years?

Mr. WILLIAMS. Sorry, to get to my answer is, I would not advise thank you testing, and I think we should rely on the scientific information.

Senator ROSEN. Thank you. I'm going to stay on this because resuming explosive testing at the Nevada National Security Site would risk severe economic and environmental impacts, not just in Nevada, but primarily in Nevada, placing more than 2 million people at risk who live in Las Vegas. Not to mention the down winders states going East. We know that at least 32 accidental venting accidents occurred during the last period of underground testing. That's why there's strong statewide bipartisan opposition to testing, including from our Republican Governor.

So, again, Congressman Williams, how would the risk of radiological release and groundwater contamination posed by underground nuclear testing, along with the risk to Las Vegas economy, feature in your advice to the president, if he were even to indicate interest in resuming, even below ground or any type of explosive nuclear testing?

Mr. WILLIAMS. Senator, thank you. The question, my primary concern would be for our deterrents. That we're deterring our enemies, and the environmental impact, of course, would be very important and impactful to the citizens of Nevada. I think before those kinds of activities were to take place, particularly so close to a populated area like Nevada, those would be very important considerations.

Senator ROSEN. Thank you. Thank you for your time.

Chairman WICKER. Thank you very much. Senator Kelly.

Senator KELLY. Thank you, Mr. Chairman.

Mr. Hansell, as Under Secretary of Defense for Intelligence and Security, you would be responsible for the overall security of classified information. Recent reporting has highlighted that foreign governments are increasingly trying to exploit recently fired probationary Federal employees for classified information. As you know, some of those probationary employees have actually worked for DOD for some period of time. If they were promoted, they go to the probationary status.

Our national security secrets are more at risk now, because—this is my view on this—because of this Administration's sledgehammer approach to our Federal workforce. This is not about the loyalty of our civilian service, but rather about the careless manner in which they were being fired.

While this isn't a new problem, this administration's actions have made it a bigger one. So, already, we're aware of an ongoing effort by the PRC [People's Republic of China] to contact and recruit members of the U.S. military to learn how our military operates so effectively in certain areas. Certainly, combat aviation is one of those. We have an edge because of our training and our tactics and our, you know, long history, especially in combat aviation, but in other areas as well.

We should not be making this information available to our adversaries. So, last year, I introduced a piece of legislation called the No Work with Adversaries Act with Senator Cotton to help try to tackle this problem. I'm going to be introducing this legislation again next year. So, if confirmed, Mr. Hansell, how do you plan to shore up our military's defenses and ensure servicemembers and DOD civilians are alerted to the threat that's out there from the PRC and our adversaries?

Mr. HANSELL. I appreciate the question, Senator, and I'm certainly aware of the magnitude and breadth of TTPs, and the agility of the TTPs being used by our adversaries, namely Chinese espionage in this situation. Specifically, very aware of the legislation you've introduced regarding training of some of our fighter aircraft pilots.

From outside in, not yet, having been in the Department, I would say is my hypothesis that far—is most veterans and servicemembers don't have any malice intent. This, I bet the bad apples are far and few between. I think this is an example where we need to have clear guidance that's understood by servicemembers, and develop the tools that enable them to navigate the commercial space at a speed of relevance. I'm very concerned about the Department's ability in foci identification and mitigation, along a slew of variables in the industrial base. But this would be a perfect example. You know, reading the legislation not only pass through entities, but the amount of subsidy that triggers the legislation is something that I think we have a burden to provide the servicemembers, the tools to do the right thing. Which I think is their natural instinct.

Senator KELLY. Yes, I agree with you. Most servicemembers do not have any intent to share information, though. Just one, the right person with the right knowledge can do significant damage

to our national security. I think it's also important that everybody understands that the risk is out there, and the PRC is actively trying to recruit.

You know, my understanding is there have been times where folks think they're working for one company and they're actually working for the PRC. So, getting the information out there is incredibly important. So, I hope you work with us on that.

Mr. Williams, recent efforts to eliminate Federal workers and contractors could have significant consequences for NNSA's mission. So, how do you assess the impact of potential workforce reductions on stockpile sustainment, non-proliferation, and modernization programs? Briefly, I don't want to go over my 30 seconds.

Mr. WILLIAMS. Yes. Thank you for the question, Senator, and thanks also for working with me on NEPA reform issues under the NDAA. I think it was a little over a year ago. If confirmed, I will speak up for the men and women of the NNSA and advocate for them. I think we know how critical they are to restoring our nuclear deterrence, our nuclear weapons enterprise. So, all of the discussions about personnel, we're rising to meet a historic demand right now. I think innovation is key to that. I think efficiency is key to that, but we need the specialized workforce that has been developed at NNSA.

Senator KELLY. All right, and I encourage you to push back against any further cuts to our NNSA workforce when it could undermine, especially, the nuclear security mission. Thank you.

Chairman WICKER. Thank you very much, Senator Kelly. Senator Slotkin.

Senator SLOTKIN. Thank you, Chairman.

Mr. Matthews, I mean, to all the nominees, congratulations. Mr. Matthews, if confirmed, you will be the senior most lawyer in the Department of Defense, an incredibly important job. When the Secretary of Defense and the Commander-in-Chief want to employ and deploy the Department of Defense, it will come to you to decide whether the requests meet those legal standards.

I'm concerned that Secretary Hegseth is looking to chart his own path on legal issues. As I understand it, in March, he brought in his personal lawyer, Timothy Parlatore, to oversee sweeping reforms of the JAG Corps, those thousands of military lawyers in the Department of Defense who meter out how military lawyers are trained, and the decisions that they make. If confirmed, would you be Timothy Parlatore's boss, or would he be your boss? Can you turn on your mic for us?

Mr. MATTHEWS. Thank you for question, Senator. Senator, President Trump nominated me to be the chief legal officer of Department of Defense. I will be the chief legal officer of the Department of Defense and the principal staff assistant to the Secretary on all legal matters. I've been reading newspaper articles about Mr. Parlatore, but I don't know him. He just became a judge advocate, so, I'm not aware of these efforts, but I'll be the chief legal officer of the Department of Defense. Senator, I'm not an empty suit. I'm a serious guy, and I have to speak up.

Senator SLOTKIN. That's what we want. We want the Senate-confirmed official to be the senior lawyer. I hope that his personal law-

yer doesn't start to employ sweeping reforms given what the Secretary has already done with the JAG Corps.

In that role, which we want you to serve, you'll be asked to meter out really big decisions for the Department of Defense. There are times when Presidents and Secretaries of Defense ask for things that violate the Constitution. You are standing in the breach making those tough calls, as we discussed in, in our office. Can you just confirm for me that and a couple of things that if you are told that Active Duty military is being asked to bring—to come in to suppress nonviolent protests in violation of Posse Comitatus, will you determine and advocate that that not be a way the Department of Defense is employed?

Mr. MATTHEWS. Senator, I will advise on the law, and I'll tell my clients what the law is.

Senator SLOTKIN. Well, I think the law is pretty clear about Active Duty suppressing nonviolent protests in violation of Posse Comitatus. What about U.S. military holding U.S. citizens indefinitely without charge or access to courts? Will you push back on any attempt to use those unlawful powers?

Mr. MATTHEWS. Senator, you raised a hypothetical scenario, which is extraordinary. I'm not aware of that occurring today, or—

Senator SLOTKIN. I hope it never happens. We hope it never happens, but it's clearly illegal, right? I mean, the—

Mr. MATTHEWS. I can imagine no situation where a U.S. citizen could be held indefinitely without any access to court or due process. I don't see that, Senator.

Senator SLOTKIN. Great. I hope you'll push back on that. What about if you are asked to punish military personnel for expressing lawful political views outside of their official duties, would you advocate for military punishment in that case?

Mr. MATTHEWS. Senator, the General Counsel of Department of Defense, if I'm confirmed, we don't punish anybody. I'm a lawyer. I provide legal—

Senator SLOTKIN. Well, make a recommendation. Your recommendation.

Mr. MATTHEWS. What's the scenario, again, Senator?

Senator SLOTKIN. That a member of the military expresses a lawful political view outside of their official duties.

Mr. MATTHEWS. I think lawful political view is in the eye of the beholder, Senator. As you know, members of the Joint Force or the Armed Forces have truncated First Amendment rights. So, if they're making disparaging remarks about Members of the Senate or of the Commander-in-Chief, that's an issue that we need to study.

Senator SLOTKIN. So, if in their private life they express a view that they might consider voting for a Democrat, is that something you would recommend advocating some sort of reprimand for?

Mr. MATTHEWS. Senator, I don't have anything against Democrats. Not to be flippant, but no ?-it's a hypothetical, but I can't imagine a scenario like that, Senator.

Senator SLOTKIN. Well, I mean, we, we see 4-star Generals being fired because of their alleged views, right? We're seeing people remove JAGs. People, I am assuming you've served with, for years,

be removed for doing their jobs, because they don't comport with the political views of the Secretary of Defense. So, it's not a hypothetical to ask whether someone's going to be punished for their political views outside of work.

Mr. MATTHEWS. Senator, I haven't seen any evidence that the JAGs were removed because of political views. I've not seen that. Maybe you have access to stuff I haven't seen.

Senator SLOTKIN. Well, I think it's—can we agree? It's highly unusual to remove that many JAGs at once. Have you ever seen in your career the removal of that many JAGs at one time?

Mr. MATTHEWS. Again, Senator, one—

Senator SLOTKIN. Have you ever seen it? You've been there for a long time.

Mr. MATTHEWS. I have not seen it in my career, but I'll tell you this, that one of the persons of those Advocates General resigned before the Administration even started. So, we're talking about two people Senator, and the actions taken by the Secretary were lawful, to my understanding.

Senator SLOTKIN. I'm out of time, so I yield back.

Chairman WICKER. Thank you, Senator Slotkin, and Senator Peters.

Senator PETERS. Thank you, Mr. Chairman.

Mr. Marks in response to an advanced policy questions that was posed to you, you've indicated that you would, "continue to aggressively address PFAS [Per- and Polyfluoroalkyl Substances] in a comprehensive manner across the Department." I'm certainly glad to hear that, and, certainly, I am glad to hear because it's the top priority for me. Particularly with the number of sites that we have in Michigan that need to be addressed, and I'm hopeful we can agree on some expectations.

So, I'm going to ask you four questions, and if you can just answer yes or no, this would be incredibly helpful when it comes to PFAS cleanup. First off, yes or no, would you be willing to remediate where PFAS exceeds Federal or State standards?

Mr. MARKS. Senator, I would adhere to the laws of the standards, and we would remediate to those, if confirmed.

Senator PETERS. Both Federal and State, cleaning up to the extent that meets both Federal and State PFAS standards to ensure PFAS Safety?

Mr. MARKS. Senator, again, we want to clean up to the standards as indicated by law and policy?

Senator PETERS. Next ensuring remediation is completed efficiently and effectively?

Mr. MARKS. To the degree possible. Absolutely, Senator.

Senator PETERS. Finally, improving transparency and engaging with community stakeholders throughout the process?

Mr. MARKS. Senator Transparency is key, and yes, if confirmed, we would want to uphold that.

Senator PETERS. Great, and transparency is essential. The one of the frustrations we've had is the communications in our local communities, and I would hope that would be different, if you are confirmed.

Mr. MARKS. Again, Senator, you have my commitment, if confirmed, we'll work hard on transparency.

Senator PETERS. Great. Thank you.

Mr. Hansell, congratulations on your nomination. I'm glad that we were able to meet in my office prior to this meeting, and talk about priorities related to technology acquisition process in the Intelligence Community. As we discussed, if you recall in my office, the bulk of new information technology development in the commercial sector the DOD's traditional acquisition practices. We think they need to be updated and streamlined to quickly adapt and to integrate to commercial technologies that are advancing a whole lot faster than we're seeing in the traditional sources.

But this kind of change is particularly challenging for the IC community given the needs for additional safeguards and classification. So, my question for you, sir, is if confirmed, how will you work to speed up commercial technology adoption?

Mr. HANSELL. Senator, thank you for the question. I'm very aware of it. In my private sector experience, I've seen the challenges highlighted in the FoRGED Act. As advisor to DOD IC clients, I saw firsthand the opportunity cost of not enabling decisive action. In advising private sector clients trying to do business in the Intelligence Community, Defense Department, I saw the loss of effects of not being a good customer and not cutting the red tape.

I agree with you, in areas with more classification, these problems are exasperated. I think we certainly—the first thing I would do is in line with the FoRGED Act, I think we need to be more aggressive, is make sure there's not an over classification. I've seen too many times where folks are using over classification as a barrier entry to deter competition and that is not getting the best effects down range for the warfighter. We have to stop that.

Another example. The red tape is, when between an FCL [Facility Clearance] accreditation, SCIF [Sensitive Compartmented Information Facility] accreditation, security clearance backlog, when in the private sector, it's sometimes is better to buy a company for accreditation than to go through the process. I think we can agree the process is extremely broken. What I would do, I think, top two things I would do is, one, I think that there's incredible amount of people out there that want to provide services to the Intelligence Community, Defense Department, but don't understand the problems which exist because we've overed them. So, I would work to build bridge with leaders inside industry.

Senator PETERS. Right. Well, I look forward to working with you, if confirmed, on all of that.

Mr. HANSELL. Thank you, Senator.

Senator PETERS. There's a lot to do there.

Mr. Williams, the National Nuclear Security Administration, which you have been nominated to head, is responsible for a lot of very big things, as you know. First and foremost, maintaining, enhancing the safety, security, and effectiveness of our nuclear stockpile. It's a big job. Yet, we have Elon Musk and his DOGE that have made, unfortunately, this agency a top target for staffing cuts, which to me, and I think many Americans believe is reckless.

Mr. Williams, how can the National Nuclear Security Administration protect our most sensitive nuclear assets and meet its additional responsibilities without sufficient staff?

Mr. WILLIAMS. Thank you, Senator, for the question. I think of course, I'm not in the Department, so I'm not really familiar with what the plans are. I'm not familiar other than the news reports. However, I will commit to you that, should I be confirmed, that I will be an advocate for the men and women of the NNSA. They comprise a unique workforce at a unique period of time when we have to meet the mission of reconstituting our nuclear weapons enterprise. So, that's my commitment, Senator. That I'll be an advocate on behalf of the men and women of the NNSA.

Senator PETERS. I'm out of time, but just real quick. If confirmed, will you allow DOGE to dictate staffing decisions in your agency, if confirmed, or will you push back?

Mr. WILLIAMS. Senator, I'm not aware of how DOGE operates, but the NNSA Act by Congress puts personnel issues under my authority, should I be confirmed as the administrator, and I will be certain to protect and exercise that authority that's given by Congress.

Senator PETERS. Very well. Thank you, Mr. Chairman.

Chairman WICKER. Senator Shaheen.

Senator SHAHEEN. Thank you, Mr. Chairman, and welcome to all of the nominees this morning.

Mr. Marks, the former Pease Air Force Base in New Hampshire was one of the first places where PFAS was discovered after the base had been closed. It contaminated the water supply for the city of Portsmouth, and the Air Force was very responsive in coming and helping the city deal with that, putting carbon filters on the wells so that the water was cleaned up, and now they have been cleaning up the groundwater since then. So, I was reassured to hear your responses to Senator Peters about your commitment on PFAS.

But I am concerned with reports that I'm hearing from New Hampshire, from those people who are part of the Restoration Advisory Board that DOD's travel policy restrictions are hindering public participation in community PFAS engagement meetings. So, again, I was reassured when you committed to supporting community engagement on this issue. But do you agree that there is a responsibility to meet regularly with those restoration advisory boards, and if possible, to do that in person where possible so that it increases transparency and engagement with communities?

Mr. MARKS. Senator, thank you for that. I'm unfamiliar directly with that part of the issue. However, partnership is exactly what needs to take place in communities to be successful. If confirmed, I would want to work with the services to better understand why they were not allowed to travel.

I understand the orders that have come forth on that, but my understanding is also that mission can go forward. So, I would like to dig deeper, if confirmed, to understand more, but it would be my encouragement to have those in-person meetings. I think they're the most effective methodology.

Senator SHAHEEN. Well, thank you. I appreciate that, and I agree, and I would just point out that because of the early recognition of PFAS contamination, Pease was the site where the Agency for Toxic Substances and Disease Registry, which is now being cut, did a health study that is still ongoing. It's about to wrap up with,

I think, about 9 sites around the country to determine the long-term health effects of PFAS.

But for us in New Hampshire, the impact from the former Pease Air Force Base has been significant. Because there were two childcare centers that were affected by the contamination, and parents were very concerned about what that impact will be long-term on their children.

Mr. Matthews, I understand you were present in meetings at the Department of Defense on January 6th, and that you subsequently wrote a report outlining fallacies in previous testimonies to Congress. I appreciate that. But I'd like to know how you intend to ensure that all DOD attorneys provide legal advice that's free from political influence.

Mr. MATTHEWS. Thank you, Senator. Senator, I think that that's the standard. That's the expectation that they will be free from political influence. It's your job, and so, I will reinforce that requirement throughout the Department to the extent I can ask that, if confirmed.

Senator SHAHEEN. You are a member of the Army JAG Corps, is that correct?

Mr. MATTHEWS. I'm a Reserve officer in the Army JAG Corps. Yes, ma'am.

Senator SHAHEEN. Well, I'm sure you're aware that the Secretary of Defense fired the Army and Air Force JAGs at the beginning of May, starting at the beginning of May. A number of my colleagues on this panel have requested answers for why that happened. But do you have any knowledge of that?

Mr. MATTHEWS. I wasn't at the Department. I have no special insight, ma'am. I do know that the—my understanding was that Secretary Hegseth announced that the President will be accepting nominations for those positions. Air Force, and Army, and Navy Judge Advocate General, and that the incumbents for the Army and Air Force did resign after it was announced that nominations were being sought. But I have no insight into why that occurred.

Senator SHAHEEN. But just to be clear, do you consider your job as a JAG officer to be political in any way?

Mr. MATTHEWS. No, ma'am.

Senator SHAHEEN. Thank you.

Mr. MATTHEWS. People in uniforms should stay out of politics, ma'am. That's my view.

Senator SHAHEEN. Well, I appreciate that, and I hope that that's a value that the Department of Defense and Secretary Hegseth will continue to reinforce.

Mr. Williams, I just want to followup on Senator Peter's question about the firings at NNSA, because as he pointed out, there are fewer qualified, experienced personnel now who are safeguarding our nuclear weapons. That when the first firings happened at NNSA of 3,000 people who were deemed non-essential, that people had to be hired back because the firings were not targeted enough to recognize who was essential and who wasn't.

I would hope that if you are confirmed, that you would be very clear about what personnel are essential to ensuring that our nuclear stockpile is safe.

Mr. WILLIAMS. Senator Shaheen, thank you for that question. Thanks also for visiting the Air Force Research Lab in Rome, New York, where you and I were together a little over a year ago. So, thanks for showing interest in the former Griffith Air Base. I just wanted to tell you that

Senator SHAHEEN. I don't think that was me, Mr. Williams.

Mr. WILLIAMS. Was it not?

Senator SHAHEEN. It was not.

Mr. WILLIAMS. I wish it had been.

[Laughter.]

Mr. WILLIAMS. To answer to your question. The mission of NNSA is so critical right now in our national history. The workforce is absolutely critical to meeting the needs right now. If confirmed, I would work very carefully and closely to see what changes, if any, in personnel and scope would be necessary.

Honestly, I would welcome analysis and evaluation of, are we innovating? Are we spending money in NNSA in an optimal way? But those decisions, as I've said, I will advocate for the men and women of NNSA, and know that they have special skills and special experience that cannot be easily replicated.

Senator SHAHEEN. Thank you. Thank you, Mr. Chairman.

Chairman WICKER. Thank you, Senator Shaheen. Mr. Reed, further questions?

Senator REED. No, Mr. Chairman.

Chairman WICKER. This concludes today's hearing. I want to thank our witnesses for their testimony, and again, thank their friends and families for joining us, and for staying with us. For the information of Members and staff, questions for the record will be due to the Committee within two business days of the conclusion of the hearing. With that, we are adjourned.

[Whereupon, at 11:48 a.m., the Committee adjourned.]

[Prepared questions submitted to The Honorable Brandon M. Williams by Chairman Wicker prior to the hearing with answers supplied follow:]

#### QUESTIONS AND RESPONSES

##### DUTIES AND QUALIFICATIONS

*Question.* In accordance with title 42, U.S. Code, section 7132(c), the Under Secretary of Energy for Nuclear Security serves concurrently as the Administrator for Nuclear Security of the National Nuclear Security Administration (NNSA), as set forth in title 50, U.S. Code, section 2402. The Under Secretary must have an extensive background in national security, organizational management, and appropriate technical fields, and be well-qualified to manage the nuclear weapons, nonproliferation, and materials disposition programs of the NNSA in a manner that advances and protects the national security of the United States.

What background, experience, and expertise do you possess that qualify you for appoint as the Under Secretary for Nuclear Security and Administrator for Nuclear Security, National Nuclear Security Administration (NNSA)?

*Answer.* As a Veteran of the United States Navy Nuclear Submarine Service, I believe my experience completing six strategic deterrent patrols aboard the USS *Georgia* (SSBN 729B) while serving as the Strategic Missile Officer, Nuclear Safety Officer, Nuclear Weapons Radiological Controls Officer, and Nuclear Weapons Security Officer, has never been more important at NNSA. My Nuclear Navy experience qualifies me to supervise the operation of two naval nuclear reactor designs (5SW and S8G), which I have thousands of hours of supervisory experience, and which

I was designated as the naval courier for the receipt of nuclear weapons and materials for USS *Georgia*. After leaving the Nuclear Navy, I pursued a graduate degree from the Wharton School of Business at the University of Pennsylvania. Following which, I founded a software company focused on modernizing and securing industrial controls for process manufacturing industries. Most recently, I served as a Member of Congress for New York's 22d congressional District, in which capacity I was named Chairman of the House Committee on Science, Space, and Technology Energy Subcommittee, which I had oversight authority of DOE National Labs. If confirmed, I believe this background, experience, and expertise will best equip me for the role that I have been nominated for.

*Question.* What is your understanding of the duties and functions of the Under Secretary for Nuclear Security? Of the duties and functions of the Administrator, NNSA?

*Answer.* If confirmed, as Under Secretary for Nuclear Security, I will report directly to Energy Secretary Wright. My role will be to inform and execute his and the President's vision on nuclear security and the Department of Energy's (DOE) mission. If confirmed, as NNSA Administrator, I will be responsible for executing NNSA's missions of maintaining and enhancing the safety, security, and effectiveness of the U.S. nuclear weapons stockpile; reducing the global danger from weapons of mass destruction; providing the U.S. Navy with safe and militarily effective nuclear propulsion; and responding to nuclear and radiological emergencies in the United States and abroad.

*Question.* Do you perceive there to be any differences or dissonance between the requirements of each such position? If confirmed, under whose authority, direction, and control, would you serve in each such position?

*Answer.* The Under Secretary for Nuclear Security serves as NNSA Administrator. Per the NNSA Act, "in carrying out the functions of the Administrator, the Under Secretary shall be subject to the authority, direction, and control of the Secretary."

*Question.* If confirmed, what additional duties and responsibilities, if any, do you expect that the Secretary of Energy would prescribe for you?

*Answer.* I am unaware of any additional duties and responsibilities that I may be assigned at this time.

*Question.* If confirmed, what would be your main priorities in each of the roles for which you have been nominated?

*Answer.* My main priority for the NNSA is to deter the enemies of the United States and of those allies with whom we have extended our deterrent shield. I am to do this by building and maintaining strategic weapons that are safe, secure, effective, and reliable. I will emphasize meeting the programs of record for our customers first. I want to prioritize the rebuilding of the nuclear weapons enterprise, deliver on the Life Extension Programs (LEP) Programs of Record, innovate in our ability to respond to emergency and emergent threats and continue to pursue non-proliferation and counter-proliferation priorities. I also firmly believe that NNSA must rebuild credibility with NNSA customers, including the Department of Defense.

*Question.* What are the major challenges you would expect to confront if confirmed as the Under Secretary and Administrator?

*Answer.* The fundamental challenge NNSA faces is the need to simultaneously replace its aging and failing infrastructure while continuing to meet Department of Defense (DOD) requirements for warhead modernization. Maintaining leadership focus on these priorities should not come at the expense of investment in expanding scientific capabilities to expedite future modernization efforts. In addition, nuclear proliferation challenges are growing in an increasingly complex threat environment.

*Question.* If confirmed, how would you address these challenges?

*Answer.* If confirmed, I will focus significant leadership attention on historical project management challenges, and identify best practices used in private industry that could be adapted for use at NNSA. I will work to develop collaborative relationships with partner organizations, especially DOD and Congress, to identify challenges early and work to identify solutions. I will review the approaches and systems that NNSA is adopting the nuclear deterrent with an eye toward identifying efficiencies. While NNSA has a significant Federal oversight role of its management and operating (M&O) contractors who manage day-to-day operations at the labs, plants, and sites, I will make sure M&O contract incentives are properly utilized.

*Question.* If confirmed, what duties and responsibilities would you assign to the Principal Deputy Assistant Administrator?

*Answer.* The Principal Deputy Administrator, subject to the authority of the Administrator, shall oversee the implementation and accountability of contracts, procurement, administrative, budget, and planning activities. In addition, the Principal

Deputy Administrator will engage with stakeholders, partners, and suppliers to NNSA to develop efforts for resiliency, efficiency, and innovation to the nuclear weapons enterprise.

#### CONFLICTS OF INTEREST

*Question.* Federal ethics laws, to include 10 U.S.C. § 208, prohibit government employees from participating in matters where they, or certain family members or organizations with which they have certain relationships, have a financial interest.

Do you agree, without qualification, if confirmed, to disclose any potential conflicts of interest, including investments, business ties, family relationships, or other connections that could be perceived as influencing your decisionmaking?

Answer. Yes.

*Question.* Do you agree, without qualification, if confirmed, that if a conflict of interest arises, you will recuse yourself from participating in any relevant decisions regarding that specific matter?

Answer. Yes.

*Question.* Do you commit, without qualification, if confirmed, to decisionmaking on the merits and exclusively in the public interest, without regard to private gain or personal benefit?

Answer. Yes.

#### NNSA ORGANIZATION AND MANAGEMENT STRUCTURE

*Question.* The NNSA Act of 2000, as amended, establishes that the Administrator for Nuclear Security “. . . shall be subject to the authority, direction, and control of the Secretary [of Energy]. Such authority, direction, and control may be delegated only to the Deputy Secretary of Energy, without re-delegation.”

What is your view on the relationship between the Secretary of Energy and the Administrator of NNSA in statute and in recent practice?

Answer. Per the NNSA Act, NNSA is subject to the authority, direction, and control of the Secretary. To ensure NNSA is successful in executing its mission, I believe the NNSA Administrator must have a robust relationship with the Secretary of Energy and Deputy Secretary of Energy. If confirmed, I will work closely with the Secretary and Deputy Secretary to bolster NNSA’s efficiency and impact.

*Question.* How is the “semi-autonomous” nature of the NNSA, as set forth in the by the NNSA Act, reflected in NNSA’s organizational structure? What makes NNSA different from the domains of the other Under Secretaries of the Department of Energy (DOE)—in both law and practice?

Answer. The NNSA Act established NNSA as a semi-autonomous organization under DOE to execute its national security programs. This statutory authority is unique in that it provides the Administrator authority over key operational functions, such as policy development, personnel, and procurement. The NNSA Act also delineates specific identified positions, such as the Administrator, Principal Deputy Administrator for Nuclear Security, Deputy Administrator for Defense Programs, Deputy Administrator for Defense Nuclear Nonproliferation, Deputy Administrator for Naval Reactors, and a General Counsel.

*Question.* With a view to improving organizational management and operational effectiveness, would you recommend any changes to the structure of NNSA?

Answer. Independent studies in recent years have noted that NNSA’s management of the nuclear security enterprise is generally improving. There is always room for improvement. Given NNSA’s unique structure and relationships with its management and operating contractors (M&O), sustaining transparent communication and facilitating productive relationships with stakeholders is fundamental to effective governance and management. NNSA must deliver on its missions cost-effectively and efficiently. If confirmed, I will work with the NNSA leadership team to ensure that the agency executes program and project management efficiently, with the highest acumen and in a fiscally responsible manner.

#### RELATIONSHIP WITH THE DEPARTMENT OF DEFENSE (DOD)

*Question.* If confirmed, you will be a member of the Nuclear Weapons Council (NWC), together with the Under Secretaries of Defense for Acquisition and Sustainment, Policy, and Research and Engineering, as well as the Vice Chairman of the Joint Chiefs of Staff and the Commander of U.S. Strategic Command. Since the 1946 Atomic Energy Act, when it was designated as the “Military Liaison Committee,” the primary purpose of the NWC is to serve as the civilian-military interface and set the military requirements for the nuclear weapons stockpile, which form the basis of the core mission of NNSA. The Department of Defense (DOD) is, in a sense, NNSA’s primary customer.

How would you assess the relationship between NNSA and the DOD, at both senior management levels, as well as at working levels?

Answer. I have not yet had the opportunity to witness these relationships firsthand, but I understand NNSA and DOD continue to integrate their work well and maintain a positive working relationship. NNSA and DOD must continue to successfully integrate each of their unique capabilities, responsibilities, and schedules to maintain a safe, secure, and effective nuclear deterrent.

*Question.* If confirmed, what steps would you recommend to improve this relationship?

Answer. If confirmed, I plan to maintain regular engagements with my DOD counterparts to ensure consistent communications and coordination so that NNSA remains a dynamic partner ready to support the nuclear security mission.

*Question.* Do you believe that NNSA is adequately responsive to the requirements set by the DOD?

Answer. Yes, though I understand the demand on the nuclear security enterprise has significantly increased. If confirmed, I will work to ensure continual communication and collaboration with DOD and, if necessary, improve NNSA's ability to respond to DOD requirements. Likewise, I will endeavor to inform DOD requirements by communicating NNSA's current and planned capacity, and work to ensure that NNSA modernization and recapitalization efforts are poised to provide options for future DOD requirements.

*Question.* Do you believe it important for the NWC to ensure the NNSA is adequately funded through the interagency budget process to meet DOD's requirements?

Answer. I believe NNSA must submit a budget capable of supporting the activities necessary to meet DOD requirements. If confirmed, I will work with the Secretary of Energy, the Office of Management and Budget, and the NWC to make sure NNSA understands DOD requirements and requests the necessary funding to meet those requirements.

#### NNSA BUDGET

*Question.* The workload of the NNSA has seen an unprecedented increase over the past several years, an increase that is expected to continue for the foreseeable future. However, growth in the NNSA budget has consistently failed to keep pace with inflation and failed to fully resource a variety of projects understood to be critical capability needs, such as tritium and conventional high explosives production.

Multiple independent commissions, including the Commission on the National Defense Strategy, and the Commission on the Strategic Posture of the United States have highlighted that U.S. defense investments are inadequate for addressing the international security threats facing the United States. These conclusions have been echoed by many Members of Congress.

*Question.* Do you agree that sustained real growth in the defense budget, including the national security functions of the Department of Energy, of at least 3 to 5 percent is necessary to meet global security challenges without incurring significant additional risk?

Answer. I have not been fully briefed to be able to sufficiently evaluate the defense budget's needs. If confirmed, I will work with DOE colleagues, my Federal counterparts, and additional stakeholders to request the necessary funding to meet our national security needs to keep America safe.

*Question.* 10 U.S.C. 179 requires the Nuclear Weapons Council to examine the NNSA budget before its submission to the Office of Management and Budget (OMB) to ensure it can meet DOD requirements, and provide confirmation of such review to Congress.

If confirmed, do you commit, without qualification, to complying with the requirements of 10 U.S.C. 179 with regard to the annual NWC examination of the NNSA budget prior to its submission to OMB?

Answer. Yes.

*Question.* How would you ensure compliance with this provision, including ensuring the NWC is accorded adequate time to review the budget before its submission to OMB?

Answer. I have not had the opportunity to be briefed on this, but I understand there is an existing process. If confirmed, I plan to work with the NWC and the Secretary of Energy to facilitate review of the NNSA budget and deliver timely responses to any NWC stakeholder inquiries.

*Question.* If confirmed, by what standards would you measure the adequacy of the NNSA budget?

Answer. The adequacy of the NNSA budget must be measured by evaluating how effectively the NNSA's strategy documents are being implemented to meet statutory obligations and accomplish the Administration's policies. If confirmed, I will work with my NNSA colleagues, Federal counterparts, and additional stakeholders to determine the appropriate resource levels required for the NNSA budget to fulfill its statutory responsibilities and accomplish the administration's policy goals.

#### NUCLEAR POLICY AND MODERNIZATION

*Question.* United States nuclear forces are the bedrock of our Nation's defense, underpin our most critical alliances, and have deterred nuclear aggression and great power conflict for more than 70 years. Unfortunately, long deferred investments have left us with systems and production capabilities beyond or nearing the end of their useful lives. These capabilities must be updated to maintain a viable nuclear deterrent.

Do you agree with the assessment of past Secretaries of Defense that nuclear deterrence is the Nation's highest priority mission and that modernizing our Nation's nuclear forces is a critical national security priority?

Answer. Yes, I do. Since the end of World War II, our nuclear stockpile has served as the bedrock of our Nation's defense. If confirmed, I look forward to coordinating with NNSA's counterparts in DOD to ensure we retain a modern, capable, and effective nuclear deterrent.

*Question.* If confirmed, do you commit to support and advocate for full funding for efforts to comprehensively modernize the Nation's nuclear weapons stockpile, including supplemental capabilities like the warhead for the sea-launched cruise missile, the supporting sustainment and production infrastructure, and experimental capabilities, and accelerate such programs wherever possible?

Answer. Yes. If confirmed, I commit my support for both the modernization of the U.S. nuclear weapons stockpile, including SLCM-N, as well as the recapitalization of the production and science and technology infrastructure that support it.

*Question.* In its unanimous bipartisan conclusions, the 2023 Strategic Posture Commission (SPC) highlighted the rapidly growing threats facing the United States, now and in the coming decades from China's unprecedented nuclear and military force expansion, Russia's aggression and investment in destabilizing strategic capabilities, and growing regional nuclear and missile threats from North Korea and Iran. To address these threats, the SPC recommended, among other steps, that the U.S. should expedite its ongoing nuclear force modernization activities, modify its strategic nuclear force structure to account for the rapid growth of China's nuclear forces and the unprecedented need to deter two nuclear-armed peer adversaries, and urgently develop additional theater range nuclear options.

Do you agree with the conclusions of the SPC regarding global threats to U.S. interests?

Answer. I agree with the SPC's findings with regards to the threat environment, the challenges posed by cooperation among our adversaries, the potential for opportunistic aggression, and the real challenge of deterring and, if necessary, winning simultaneous conflicts in Europe and the Indo-Pacific. If confirmed, I look forward to being briefed on the work NNSA may have implemented so far in response to these threats and the work that remains to be done to leverage NNSA's capabilities to promote peace through strength and support wider global stability.

*Question.* What is your understanding of how Russia, China, and North Korea have expanded and/or modernized their nuclear force capabilities?

Answer. I understand the global security environment has become more complex in recent years. NNSA, along with its national laboratories, is uniquely capable of applying technical nuclear weapons program expertise to assess foreign nuclear weapons programs. If confirmed, I will seek the appropriate briefings on nuclear threats to focus NNSA's efforts on deterring and countering those that threaten U.S. interests.

*Question.* In your view, how does NNSA support strategic competition with the countries highlighted by the SPC and contribute to the overall national security of the United States?

Answer. Every element of the NNSA mission enables and ensures the United States' ability to strategically compete with our adversaries. NNSA's sustainment and modernization of our nuclear arsenal is the backbone of our national defense, ensuring the United States fields modern, reliable, and effective weapons to deter our adversaries. Recapitalization of the production enterprise demonstrates the United States' commitment to the nuclear mission over the long term and sends a signal to the rest of the world that the United States is able, and willing, to strategically address changes to the geopolitical environment by fielding modern capabili-

ties. This also helps to dissuade adversaries from believing they can outpace our Nation in the nuclear domain.

NNSA's nonproliferation mission also helps ensure threats to the United States are minimized and, when applicable, nuclear agreements are verifiable to deter negotiating partners from abrogating them. NNSA's counterterrorism and counter-proliferation efforts ensure the spread of nuclear weapons will not occur without notice and that nuclear use cannot occur with impunity and non-attribution. The Naval Nuclear Propulsion mission is essential to advancing the United States' ability to project power globally. Collectively, NNSA's capabilities help underpin national security efforts to allow the United States to deter, compete, and project strength globally.

*Question.* Do you support continued collaboration with the United Kingdom in the maintenance of its independent nuclear deterrent?

*Answer.* Yes. The United Kingdom's independent nuclear deterrent plays an immense role in providing a nuclear umbrella to our NATO allies and, equally as important, acts to complicate adversarial military calculus. If confirmed, I would continue to support and advocate for our collaboration with the United Kingdom.

*Question.* Past administrations have conducted Nuclear Posture Review (NPR) to define the upcoming overarching U.S. nuclear policy and strategy. The last NPR, conducted in 2022 by the Biden administration, emphasized the importance of modernizing our stockpile, NNSA facilities, and the workforce. Although the Secretary of Defense is the primary cabinet official responsible for policymaking regarding nuclear weapons, the support of the Secretary of Energy and the Administrator for Nuclear Security are crucial to successful execution of the nuclear mission.

If confirmed, what would be your role in the conduct of the Trump administration's NPR, should it choose to conduct one?

*Answer.* If confirmed and the Administration decides to pursue an updated NPR, I will take an active role to ensure NNSA's capabilities and requirements are communicated and understood as part of this process. NNSA has unique responsibilities to deliver a deterrent that remains safe, secure, and effective for America.

*Question.* If confirmed, what changes, if any, to the policies outlined by the 2022 NPR would you recommend the Trump administration consider?

*Answer.* In my current capacity, I am not privy to potential deliberations that may be occurring regarding a future NPR. However, I will make sure NNSA executes the policy decisions outlined in any update. Given the complex challenges and strategic environment we face today, I believe that modernizing infrastructure across the enterprise, delivering capabilities to DOD, advancing future capabilities through research and development and restoring the domestic production of strategic materials will be enduring priorities for NNSA.

*Question.* Should the upcoming NPR call for the development of additional nuclear capabilities, will you commit, if confirmed, to supporting those additions and ensuring that NNSA fully supports the new requirements?

*Answer.* Yes.

*Question.* Arms control, when effective and verifiable, has been a valuable tool for managing competition and international security concerns. In contrast, unverifiable arms control regimes observed by only one party can generate instability.

Do you believe that further reductions should be taken only within the context of a formal, verifiable arms control agreement with Russia, China and other nuclear-armed powers?

*Answer.* Decisions regarding future arms control initiatives will be decided by the Administration. If confirmed, I will work with interagency partners to contribute to appropriate future arms control initiatives when feasible. In the meantime, I will ensure that NNSA's nuclear security enterprise is investing in the development, testing, and evaluation of monitoring and verification tools and concepts so that the United States can enter future arms control negotiations with confidence that we possess the necessary technologies and approaches for possible future monitoring and verification requirements.

#### NUCLEAR WEAPONS COUNCIL

*Question.* By statute, the Administrator for Nuclear Security is a member of the Nuclear Weapons Council. In your view, what are the most significant issues the Council should take up in the coming years?

*Answer.* While I am not privy to the internal deliberations of the NWC, I do believe that the NWC should take a strategic approach to prioritizing the execution of the existing Program of Record, which has been called necessary but insufficient, while identifying opportunities to accelerate or augment capabilities beyond those planned modernization programs. Successfully accomplishing these efforts and

meeting DOD needs while limiting schedule delays and cost increases for infrastructure, warhead, and platform modernization will require NWC focus and prioritization. If confirmed, I look forward to collaborating with my fellow DOD colleagues through the NWC to continue pursuing the full-scale recapitalization of the enterprise while simultaneously executing necessary warhead modernization programs.

*Question.* If confirmed, will you commit to fully participating in NWC matters and personally attending meetings?

Answer. Yes.

*Question.* If confirmed, will you commit to working with the other members of the NWC and the interagency to ensure that annual budgets adequately support the modernization and sustainment of the U.S. nuclear weapons stockpile?

Answer. Yes.

*Question.* The Fiscal Year 2025 National Defense Authorization Act restructured the existing Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs into the Assistant Secretary of Defense for Nuclear Deterrence, Chemical, and Biological Defense Policy and Programs. Congress took this action to cut through bureaucratic stovepipes in the Office of the Secretary of Defense and designate a single official as the principal civilian staff assistant responsible for nuclear policies, programs, and operations.

What is your understanding of the role of this position in relation to the Nuclear Weapons Council and with regard to the overall DOD relationship with the NNSA?

Answer. I expect this position will facilitate close coordination within DOD and the NWC and will streamline communication between DOD and NNSA. If confirmed, I look forward to discussions with DOD colleagues about how they are implementing this restructuring.

#### DEFENSE PROGRAMS

*Question.* Do you believe that the United States currently possesses the capabilities to ensure the stockpile is safe, secure, and reliable—without the need to resume nuclear explosive testing?

Answer. Yes. The United States continues to observe its 1992 nuclear test moratorium; and, since 1992, has assessed that the deployed nuclear stockpile remains safe, secure, and effective without nuclear explosive testing. Each year, the national security lab directors and the Commander of U.S. Strategic Command assess the stockpile and determine if there is anything that would require a need to return to underground nuclear explosive testing. If confirmed, I will continue to support the annual assessment process and will ensure NNSA continues to comply with these readiness requirements while also supporting a robust Stockpile Stewardship Program.

*Question.* What is your understanding of the current nuclear weapons stockpile modernization plan?

Answer. I understand NNSA is currently executing seven simultaneous stockpile modernization programs at different stages of design, engineering, production, and delivery. The Program of Record includes the B61-12, W88 Alt 370, W80-4, W87-1, W93, B61-13 and the development of SLCM-N. NNSA is also recapitalizing its production infrastructure and design, certification, and assessment capabilities to support the current and future deterrent. NNSA's primary focus remains delivering modernized warheads to DOD, and I understand that the nuclear security enterprise is actively working each of these programs.

Taken together, the current program of record will run through the 2030's and cover all three legs of the nuclear triad. Its successful delivery will increase the effectiveness and reliability of the U.S. nuclear stockpile while providing more flexible options to the President and enhancing U.S. security. While the program of record is planned through the 2030's, deterrence does not stop on any particular date. NNSA must continue to be responsive to DOD requirements while developing capabilities to meet deterrent gaps of any kind that may emerge well into the future. Above all, our nuclear modernization plan must deter the full range of threats posed by adversaries and ensure the United States has an enduring safe, secure, and effective nuclear stockpile.

*Question.* Do you have any concerns with this level of effort required of NNSA and, in particular, concurrency between the plants and the laboratories?

Answer. If confirmed, I will work closely with NNSA's laboratories, plants, and sites to ensure that NNSA and the nuclear security enterprise are able to deliver these critical programs on time and on budget. Though the work required of NNSA may seem daunting, I am encouraged by improved collaboration between NNSA's labs, plants, and sites in recent years that has resulted in tangible progress in deliv-

ering modernized weapons and recapitalized infrastructure. If confirmed, I look forward to accelerating progress in delivering the nuclear deterrent.

*Question.* Congress has authorized the Stockpile Responsiveness Program for the last several years in order to exercise design and engineering skills in support of the nuclear weapons mission, but this authority has not been fully utilized by NNSA.

If confirmed, how would you support the Stockpile Responsiveness Program and make full use of the authorities it provides NNSA?

*Answer.* The unique capabilities of the Stockpile Responsiveness Program (SRP) allow it to advance important technology and prototype systems with new capabilities that will be required to allow the United States to appropriately respond to future threats, technology trends, and international developments not addressed by existing programs. If confirmed, I will fully support, and request funding for, SRP to exercise and develop the nuclear security enterprise's ability to respond to emerging threats and to ensure DOE/NNSA can recruit, train, and retain the next generation of weapon designers and engineers, and to improve integration across the complex to prepare for future demands.

*Question.* If confirmed, what are your long-term plans for the National Ignition Facility and other critical experimental facilities?

*Answer.* The National Ignition Facility is critical to ensuring the safety and reliability of the Nation's nuclear stockpile. If confirmed, I look forward to being briefed on the long-term plans of the National Ignition Facility.

*Question.* What are your views of the Advanced Computing Program and what is your vision for the use of advanced computing in furtherance of NNSA missions?

*Answer.* The Advanced Computing Program enables NNSA to expertly model multiple, connected aspects of nuclear weapons performance. If confirmed, I will continue NNSA's commitment to acquire greater computational capabilities that support the use of sophisticated physics models and advanced artificial intelligence capabilities to more accurately represent nuclear phenomena and enable simulations of unprecedented resolution and precision, essential for evaluating the performance, safety, and reliability of U.S. nuclear weapons.

*Question.* What role do you see in the application of artificial intelligence and machine learning tools in support of NNSA missions?

*Answer.* Artificial intelligence will increasingly become an indispensable tool for NNSA. Alongside supercomputers, new AI-based workflows coupled with machine learning can address emerging challenges, including material discovery, design optimization, and advanced manufacturing within the nuclear security enterprise. If confirmed, I will evaluate the use of AI and machine learning and application across NNSA's mission space, whether in support of the stockpile or addressing non-proliferation, counterproliferation, and infrastructure challenges.

*Question.* The NNSA depends upon a unique mix of private sector and government sources for research, development, and manufacture of critical technologies to support its national security missions. However, U.S. superiority in key areas of innovation is decreasing or has disappeared. Our competitors are engaging in aggressive military modernization and advanced weaponry development. Much of the innovation in critical technologies suitable for national defense purposes is occurring outside of the traditional defense industry.

In your view, what technologies do you see as having the greatest impact on the missions of the NNSA in the future?

*Answer.* Applications using artificial intelligence (AI) could give NNSA a continued advantage over U.S. adversaries in the design and manufacture of nuclear weapons. AI and machine learning technologies have potential to optimize experimental designs, analyze diagnostic data and improve facility operations.

Additionally, advanced manufacturing techniques can accelerate production and improve the quality of components and systems used in nuclear weapons. If confirmed, I will work with NNSA's multiple program offices and the labs, plants and sites to leverage AI, machine learning, and advanced manufacturing for our national security missions.

*Question.* Do you believe NNSA is effectively developing this technology in comparison to our adversaries?

*Answer.* In my current capacity, I am not privy to activities NNSA may be undertaking to develop this technology. I agree that effective development and application of advanced technologies are essential to maintaining U.S. supremacy in the nuclear arena. I would, if confirmed, investigate current efforts and be prepared to provide a more complete answer.

*Question.* Are NNSA's investments in these technologies appropriately focused, integrated, and synchronized across all of the administration's missions and with the DOD, where appropriate?

Answer. One of the principal responsibilities of the NNSA Administrator is to ensure integration of efforts across NNSA laboratories, plants, and sites, including the application of advanced technology, and to integrate these efforts with DOD where needed. If confirmed, I will make this a key priority.

*Question.* In general, do you see NNSA as a good partner for innovative, private sector entities?

Answer. Yes. NNSA's labs, plants and sites, in tandem with private industry, provide cutting-edge, world class scientific and manufacturing capabilities and engagement. If confirmed, I will evaluate partnerships in the private sector for continued preeminence in critical fields related to the security of the nuclear stockpile.

*Question.* What steps would you take to improve the NNSA's ability to engage industry, particularly innovative firms outside the traditional Nuclear Security Enterprise?

Answer. In my current capacity, I am not privy to NNSA's engagements with industry partners, but I understand that NNSA routinely engages industry partners on its contracting opportunities through industry days, pre-proposal conferences, individual meetings and requests for information on various requirements. If confirmed, I commit to implementing suggestions from industry partners, when possible, as well as implementing lessons learned from contract competitions.

#### CONSTRUCTION AND PROJECT MANAGEMENT

*Question.* NNSA has been plagued by cost overruns, schedule delays, and project cancellations related to the construction of nuclear facilities, including the Uranium Processing Facility, the Savannah River Plutonium Processing Facility, and the High Explosive Synthesis, Formulation, and Production Facility.

In your opinion, what are the primary causes of these repeated failures in project management?

Answer. In the past, NNSA projects have failed due to ill-defined requirements, deficiencies in contractor performance and planning, inefficient oversight by Department personnel, procurement delays, inadequate accountability for contractors, and contract structures that insufficiently incentivized contractor performance. In addition, I understand NNSA has been negatively impacted by COVID-19 and inflation issues that have hit the entirety of the construction industry. If confirmed, I will work to adopt business best practices to support the completion of projects to meet the needs of the Nation.

*Question.* In your view, are the changes in NNSA project management practices undertaken over the last few years sufficient to address these problems?

Answer. Over the past few years, NNSA has made continued improvements to address project management challenges, but more work in this area is required. If confirmed, I will be looking for areas where we can adopt innovative strategies to more efficiently deliver NNSA's mission, such as the streamlining of project management requirements.

*Question.* If not, what additional steps would you take, if confirmed, to improve the availability of highly qualified talent capable of managing intensive capital infrastructure projects?

Answer. Attracting talented professionals to manage these challenging infrastructure projects is foundational to the success of the enterprise. If confirmed, I will ensure NNSA hiring requirements for these positions value commercial experience equivalent to Federal experience to attract highly qualified talent. I will also focus on building high performing teams in areas requiring the most attention in collaboration with the labs, plants and sites.

*Question.* If confirmed, what specific steps would you take to ensure that these project management failures are not repeated in the future?

Answer. If confirmed, some of my recommendations include holding those responsible for the project accountable, codifying the optimal level of oversight, taking decisive action when necessary, implementing lessons learned, strengthening cost estimating practices, and identifying opportunities for acceleration.

*Question.* What specific changed in policy, practice, organization, or regulation would you recommend in furtherance of this effort?

Answer. If confirmed, I will review current efforts and processes to ensure that my team continues to refine policy for consistent approaches in cost estimating, eliminate redundant policies and apply more streamlined processes that govern acquisition and project efforts. I will focus on contract structure and incentives to drive performance.

*Question.* In your view, does the Administrator for Nuclear Security need any additional authorities or flexibilities to address the root causes of these project management failures? Please explain your answer.

Answer. My understanding is that NNSA follows DOE Order 413.3B which governs program and project management for the acquisition of capital assets. I agree that rigorous project management principles are important. I support Energy Secretary Wright's recent memorandum which focuses on strengthening national laboratory efficiency and mission execution. If confirmed, I look forward to being briefed on its detailed application to NNSA's critical infrastructure mission activities and whether more changes are warranted.

*Question.* In 2014, largely in response to a string of the large project management failures, Congress created the Office of Cost Estimation and Program Evaluation (CEPE) in the Department of Energy. CEPE was modeled on the DOD Office of Cost Assessment and Program Evaluation (CAPE).

In your view, is CEPE sufficiently staffed to effectively provide the Administrator for Nuclear Security with costing and project management advice on the variety of projects within NNSA?

Answer. In my current capacity, I am not privy to NNSA's staffing details. If confirmed, I am aware that 50 USC 2411 details the CEPE Director's responsibilities, and under that statute I would be responsible for "... ensur[ing] that the Director has sufficient personnel who have competence in technical matters, budgetary matters, cost estimation, technology readiness analysis, and other appropriate matters to carry out the functions required by this" statute.

*Question.* Does CEPE have sufficient authority and access to DOE data and information to serve its statutory purpose?

Answer. I value the importance of data and information in performing NNSA's statutory mission. If confirmed, I will require accurate cost estimates and analyses to inform my decisions at NNSA, and I understand that this important work also informs the NWC and Congress. In my current capacity, I am not privy to their specific data sources. I will review whether CEPE has sufficient authority and access.

*Question.* CEPE reports directly to the Administrator for Nuclear Security. If confirmed, what steps will you take to ensure that CEPE has adequate access to you and other senior leaders in your organization, as necessary and appropriate?

Answer. Per 50 USC 2411, the "Director 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." If confirmed, their independent analyses and reviews will inform my decisionmaking. I will foster a solid working relationship with the CEPE Director.

*Question.* If confirmed, specifically how would you undertake to support and sustain CEPE capabilities and independence?

Answer. If confirmed, it would be important to me that CEPE's capabilities are supported and sustained. In my current capacity, I am not privy to all of the capabilities that CEPE possesses. If confirmed, I would endeavor to understand these unique and important capabilities as soon as possible. I commit to taking the actions needed to sustain these capabilities.

#### PLUTONIUM STRATEGY

*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) will produce up to 50 pits per year, for a projected two-site total of no fewer than 80 pits per year. These production targets were established several years ago, prior to revelations about the speed and scope of potential adversary nuclear force expansions.

Do you believe and overall production target of no fewer than 80 pits per year is sufficient to meet future demands for modernizing and adapting the U.S. nuclear weapons stockpile?

Answer. I have not yet been briefed on the projected demands of the U.S. nuclear deterrent, however, in 2018, the Nuclear Weapons Council endorsed NNSA's two-site approach to supply no fewer than 80 war reserve plutonium pits per year in alignment with DOD requirements. If confirmed, I pledge to work closely with NNSA and laboratory, plant, and site leadership to achieve full rate production and continue to explore opportunities to accelerate the production capacity required to support the nuclear deterrent.

*Question.* Do you support the two-site solution, initiated under President Trump's first term, for meeting statutory requirements for pit production?

Answer. Yes.

*Question.* What are your views on the January 16, 2025, district court settlement halting installation of classified equipment and construction of associated facilities at SRPPF until such time as NNSA prepares a new Programmatic Environmental Impact Statement?

*Answer.* I understand the settlement agreement, which brought an end to the lawsuit challenging the National Environmental Protection Act work done in support of plutonium pit production was mutually agreed upon by NNSA/DOE and the plaintiffs. Per the Agreement, NNSA will conduct a Programmatic Environmental Impact Statement (PEIS) and issue a Record of Decision based on the findings of the PEIS. The Department agreed to complete this process within two and a half years and committed to ensuring enhanced public participation. If confirmed, I will review the status of SRPPF to ensure this will not pose a problem for pit production in general or SRPPF in particular.

*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.* I welcomed LANL, NNSA, and the nuclear security enterprise's achievement in producing the first war reserve plutonium pit for the W87-1 nuclear warhead last year. If confirmed, I will prioritize the rate production of plutonium pits at LANL and continue to explore opportunities to accelerate the production capacity required to support the nuclear deterrent.

*Question.* SRPPF has been plagued by issues with design and construction since the decision was made to convert the partially completed Mixed Oxide Fabrication Facility to into a facility for producing plutonium pits. The project also experienced significant cost growth and delays due to impacts from the COVID-19 pandemic and the post-pandemic spike in inflation.

What is your understanding of the status of SRPPF and the project's likelihood of supporting NNSA efforts to meet the statutory requirement to produce no fewer than 80 plutonium pits per year?

*Answer.* I understand that SRPPF will establish the capability to produce no fewer than 50 War Reserve pits per year and that the facility will be a secure, reliable and efficient pit production facility.

I understand that NNSA previously notified Congress of its inability to reach plutonium pit rate production by 2030. If confirmed, I will prioritize the advancement of SRPPF to enable NNSA to deliver plutonium pits at the rates needed to support stockpile modernization and NNSA's efforts to mitigate further delays and cost growth.

*Question.* If confirmed, what steps would you take to improve the performance of the project, both in terms of cost management and construction efficiency?

*Answer.* If confirmed, my recommendations include holding those responsible for the project accountable and identifying opportunities for acceleration. If confirmed, I will prioritize understanding NNSA's project management practices to ensure the project does not encounter past challenges.

#### URANIUM STRATEGY AND TRITIUM PRODUCTION

*Question.* Since the United States Enrichment Corporation (USEC) ceased enrichment operations in 2013, DOE has relied on the existing stockpile of highly enriched uranium (HEU) to support Naval Nuclear Propulsion, as well as the down-blending of recycled HEU to meet requirements for unobligated LEU for tritium production, but the available supply of HEU is finite. To address this supply limitation, the Fiscal Year 2025 National Defense Authorization directed the Secretary of Energy to identify two to four sites for reestablishing unobligated domestic uranium enrichment, for both defense and civilian energy purposes, with an eye to begin construction no later than 2027.

If confirmed, will you support the Secretary of Energy in meeting the requirement in the fiscal year 2025 NDAA outlined above?

*Answer.* Yes, and I look forward to being briefed on NNSA's current plans to meet this requirement.

*Question.* The Fiscal Year 2025 NDAA specified that plans for reestablishing the enrichment capability should focus on "modular, scalable facilities". What are your ideas for how to proceed with such an effort?

*Answer.* If confirmed, I will pursue a flexible and resilient domestic uranium enrichment deployment strategy to meet defense mission requirements and the requirements in the fiscal year 2025 NDAA.

*Question.* A Government Accountability Office (GAO) report in 2014 entitled "Interagency Review Needed to Update U.S. Position on Enriched Uranium That Can Be Used for Tritium Production" concluded that the DOE's policy on identification of obligated uranium was based on three international agreements and a series of policy decisions. Of the three agreements, GAO concluded that only one explicitly addressed tritium production, but that past State Department findings had consist-

ently interpreted the other two agreements as imposing peaceful use restrictions on LEU for tritium production.

Do you believe this GAO reading of all three agreements remains consistent with U.S. policy goals? In your view, should the State Department's prior findings be re-evaluated?

Answer. I am unsure of the technical specifics of this report, but, if confirmed, will seek to determine whether actions are necessary to address these findings. Ensuring a continued supply of tritium is critical to the success of NNSA's mission. Noting that this report is more than a decade old, if confirmed, I would also seek to confirm whether the views of the treaty's partners have evolved. I am committed to the nuclear deterrent, nonproliferation, and naval reactor missions, and if confirmed, would ensure NNSA's production of tritium is consistent with U.S. international agreements and governmental policy.

*Question.* Section 3138 of the National Defense Authorization Act for fiscal year 2020 directed the Department of Energy 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, . . . permits the United States to obtain low-enriched uranium for the purposes of producing tritium in the United States." The Secretary of Energy affirmed that such procurement of low enriched uranium can occur.

What are your views on the accuracy of the Secretary of Energy's determination in this regard?

Answer. I support continued collaboration with the United Kingdom. I believe that all options should be on the table and thoroughly considered. If confirmed, I will work with the Secretary and this Administration to evaluate the previous determination.

#### NAVAL REACTORS PROGRAM

*Question.* The Director of Naval Reactors is the Deputy Administrator for Naval Reactors in the NNSA and is responsible for the design and testing of the Navy's power reactors, its fuel, dismantling and decommissioning power reactors and the inspection and storage of spent Naval Reactor Fuel. Like other elements of the NNSA, the Naval Reactor program is conducting large nuclear construction projects to replace aging fuel storage ponds and fuel examination hot cells. The program is also dependent on high flux Advanced Test Reactor at the Idaho National Laboratory and will require enriched uranium in the late 2040's timeframe.

If confirmed, will you commit to providing to this committee your assessment of the current and planned construction projects, utilization of the Advanced Test Reactor at present and in the future, as well as planning for the capability to enrich uranium fuel that meets the future fleet requirements?

Answer. Yes, I will commit to working with Naval Reactors to provide updates on major construction recapitalization projects and maintaining the capabilities afforded by the Advanced Test Reactor (ATR). The ATR is critical to NR's national defense mission. DOE's Office of Nuclear Energy (NE) and Naval Reactors are continuing to evaluate various options to maintain thermal test reactor capability into the foreseeable future.

Additionally, if confirmed, I will work alongside Naval Reactors and in coordination with the DOE to ensure continued availability of enriched uranium to fuel the U.S. Navy's nuclear fleet. It is my understanding that the Navy has sufficient enriched uranium to support Navy shipbuilding into the 2050's, and Naval Reactors is directly engaged with the DOE and NNSA on efforts to meet future enriched uranium requirements.

#### FISSILE MATERIALS DISPOSITION

*Question.* The United States and Russia committed to the disposition of 34 metric tons (MT) of weapons grade plutonium under the Plutonium Management and Disposition Agreement (PMDA) in 2000. The original plan by the United States was to convert excess weapons grade plutonium to mixed oxide reactor fuel for civilian reactors at the Savannah River Site (SRS). After spending billions of dollars, and following Russia's withdrawal from the PMDA in 2016, this project was abandoned in favor of diluting the plutonium and disposing of it at the Waste Isolation Pilot Plant (WIPP). The dilute and dispose process involves shipping the plutonium pits from Pantex to Los Alamos to be turned into oxide powder, then shipping then on to SRS for packaging, followed by final shipment to WIPP for disposal.

Do you believe the United States should continue to dispose of its stockpiles of weapons-grade plutonium even though Russia abrogated the PMDA?

Answer. I believe it is important that NNSA continue its work to dispose of the excess plutonium necessary to meet the legal commitment to remove material from the State of South Carolina. At the same time, I support a review in coordination with interagency partners of the additional material that NNSA had planned to dispose of under the PMDA to determine whether continued adherence to the PMDA is still the right policy for the United States in light of Russia's purported withdrawal from the agreement.

*Question.* What are your views on the dilute and disposal method?

Answer. In my current capacity, I am not privy to the details of this program. I understand that dilute and dispose is NNSA's program of record for plutonium disposition, and I understand the rationale for this approach. If confirmed, I would make it a priority to learn the details of the program so that I can lead NNSA's plutonium disposition work effectively.

*Question.* What are your views on permanent disposal at WIPP?

Answer. In my current capacity, I am not privy to the details of this program. I understand that dilute and dispose is NNSA's program of record for plutonium disposition, and that this includes disposal at WIPP. I understand the rationale for this approach. If confirmed, I would make it a priority to learn the details of the program so that I can lead NNSA's plutonium disposition work effectively.

*Question.* What are your views of the logistics of shipping plutonium between Pantex, Los Alamos, SRS, and WIPP? In your opinion, could this process be simplified by shipping the pits directly to SRS to be converted to oxide powder there?

Answer. In my current capacity, I am not privy to the details of this program. If confirmed, I would make it a priority to learn the details of the program so that I can lead NNSA's plutonium disposition work effectively.

*Question.* What are your views on reprocessing as an alternative to dilution and disposal?

Answer. I understand that NNSA moved from the MOX fuel approach to dilute and dispose based on compelling cost, schedule, and technical factors. Changing the plutonium disposition approach again could be costly and could make it difficult to meet NNSA's legal commitment to remove plutonium from the State of South Carolina. If confirmed, I commit to work closely with Congress on all aspects of the program, including listening to any views on alternative plutonium disposition approaches.

#### NUCLEAR SAFETY AND SECURITY

*Question.* NNSA was created partially in response to security lapses at the Los Alamos National Laboratory. Nonetheless, periodic security lapses have continued to occur, risking exposure of some of our Nation's most closely guarded secrets.

To what extent have the conditions that allowed such lapses to occur been corrected, in your view?

Answer. While I am not privy to the specifics of LANL's current security infrastructure, if confirmed, I will assess the current effectiveness of the security function and associated activities. Furthermore, I am committed to continuously improving the security of all NNSA labs, plants, and sites.

*Question.* Section 3112 of the Fiscal Year 2025 National Defense Authorization Act prohibits the Secretary of Energy or the Administrator for Nuclear Security, after April 15, 2025, from admitting citizens or agents of the People's Republic of China, the Russian Federation, the Democratic People's Republic of Korea, or the Islamic Republic of Iran to any national security laboratory, nuclear weapons production facility, or any site that supports the Naval Nuclear Propulsion Program.

If confirmed, will you commit to ensuring full compliance with this provision across NNSA by the statutorily directed April 15, 2025, date for implementation?

Answer. Yes.

*Question.* In your view, are there further changes in policy, practice, management, or oversight to reduce the frequency of security issues at NNSA facilities that should be considered?

Answer. Securing NNSA's facilities is critical to the agency's work. If confirmed, I commit to working closely with Congress to ensure the security of NNSA's labs, plants and sites. There is no reason any of our Nation's adversaries should have access to NNSA facilities, except where required by current or future treaty obligations.

*Question.* Over the past several years, there has been a dramatic increase in the number of unmanned aerial systems operating, both lawfully and unlawfully, in U.S. airspace domestically and over American military installations overseas.

If confirmed, what steps will you take to ensure the NNSA appropriately prioritizes and resources detection and defeat capabilities for UAS that pose a threat to NNSA facilities and assets?

Answer. NNSA must adopt capabilities to detect and defeat UAS that pose a threat to NNSA facilities and assets. If confirmed, I commit to learning the details of this program and taking necessary actions to improve NNSA's UAS detection and defeat capabilities. In addition, I will commit to continue working with partner agencies, to include DOD, State Department, DHS, FAA, and local law enforcement, to collaborate and share information about emerging threats and new CUAS technologies.

*Question.* If confirmed, will you commit to working with Congress and the inter-agency to better clarify U.S. Government roles and responsibilities for detecting, tracking, and if necessary, defeating, UAS within U.S. airspace?

Answer. Yes.

*Question.* The Defense Nuclear Facilities Safety Board and NNSA's Office of Enterprise Assessments have periodically reported accidents at various Department of Energy facilities over recent years, including explosions, radiation exposure, and leakage of hazardous materials—putting both personnel and mission at risk. Yet, while personnel safety is critically important, the nuclear mission by definition involves some of the most hazardous materials on earth. Consequently, acceptance of a measure of risk is a prerequisite to accomplish NNSA's assigned missions.

How should we balance safety, risk, and mission at NNSA facilities?

Answer. There are many risks and hazards associated with the production, handling, and disposal of nuclear materials. Intentional and constant monitoring of risks and the implementation of controls to mitigate those risks must be a priority. If confirmed, I will emphasize the continued importance of safety across the enterprise and always minimize safety risks while ensuring the success of accomplishing NNSA's important and urgent mission.

*Question.* If confirmed, what steps would you recommend to improve the safety culture at the various NNSA labs and sites while still meeting mission requirements?

Answer. I recognize that a positive safety culture is important for mission success. NNSA's national security mission requires sustained and strong safety performance to ensure public trust. High safety achievement and mission success are mutually supportive and depend on proper risk assessment and control. Drawing on my experience as a nuclear Naval Officer, I understand that safety and mission success are not mutually exclusive. Conducting NNSA's operations safely is essential for guaranteeing successful execution. Safety is integral to the mission, and I will actively seek opportunities to continuously improve safety practices across the nuclear security enterprise while ensuring NNSA is delivering on its commitments to modernization and the programs of record.

#### CYBERSECURITY

*Question.* What do you see as the primary cyber policy challenges for the NNSA and what suggestions do you have for addressing them?

Answer. Technology moves faster than cybersecurity policy. If confirmed, I will ensure that NNSA continues to improve cybersecurity policies for information technology and operational technology systems to meet mission requirements.

*Question.* Do you believe that the NNSA's current capabilities, policies, and authorities allow for effective cybersecurity? If not, what steps should NNSA and the Department of Energy take to address any shortfalls?

Answer. If confirmed, I will review NNSA cybersecurity capabilities and authorities and make necessary adjustments.

*Question.* What do you conclude from the recent cyber-attacks breaches on telecommunications infrastructure involving Volt Typhoon and Salt Typhoon about the State of our cyber defenses?

Answer. These events highlight the vulnerability of critical infrastructure to cyberattacks. Our Nation, including NNSA, must continue to improve cybersecurity across public and private sectors.

*Question.* If confirmed, what specific measures would you take to improve cybersecurity culture across the NNSA workforce?

Answer. If confirmed, I will review the current State of the cybersecurity workforce and, if needed, will develop plans to improve the culture.

*Question.* How would you empower and hold key leaders accountable for improvements in NNSA cybersecurity?

Answer. I have not been briefed on the cybersecurity practices or policies of the NNSA. However, I have experience in many aspects of cybersecurity from my busi-

ness career. If confirmed, I will ensure NNSA's organizational structure empowers and holds key leaders accountable for implementing cybersecurity practices and measures.

*Question.* If confirmed, what how do you plan to work with the Department of Defense and other agencies in the coordination of cyber security initiatives?

*Answer.* I understand that NNSA regularly engages with defense, intelligence, and law enforcement agencies to identify interagency needs and opportunities for securing, accessing, sharing, and leveraging data. If confirmed, I commit to taking action to reduce barriers that NNSA may face in meeting its commitments to interagency partners.

#### REGULATION AND OVERSIGHT

*Question.* Staff at NNSA's national laboratories often complain that they are overburdened by regulation and oversight, both internal and external, and that these contribute 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.* While I am not currently privy to NNSA's application of environmental, safety, and construction regulations, if confirmed, I commit to ensuring safe operations across the nuclear security enterprise, to include protection of the workforce, the public, and the environment in a way that is supportive of mission execution. I am aware and supportive of Energy Secretary Wright's recently announced actions to ease some permitting rules and regulations for construction projects at the Department of Energy's National Labs.

*Question.* Do you believe these regulations undermine effective performance by the labs and efficient mission execution overall?

*Answer.* If confirmed, I will support DOE/NNSA's initiatives to streamline regulations, standardize performance expectations, and implement a common-sense approach to the interpretation and application of requirements to achieve enterprise-wide efficiency, innovation, and modernization. Additionally, I will work with Energy Secretary Wright to seek out and deliver these innovations for all of DOE to use. While I am not privy to the implementation of regulations across the enterprise, I understand that overly strict interpretations of and approaches to regulatory requirements can lead to inefficiencies. I am committed to exercising existing flexibilities, such as exemptions and equivalencies, to establish necessary controls while also providing regulatory relief where possible.

*Question.* In your view, are the NNSA labs and production facilities subject to the appropriate level of oversight from the NNSA, DOE, the EPA, the Defense Nuclear Facilities Safety Board, the Government Accountability Office (GAO), and/or Congress?

*Answer.* Due to the hazardous nature of the work NNSA performs, it is essential to have the appropriate level of oversight; however, it is important that oversight does not lead to risk avoidance that impairs the ability to achieve NNSA's essential national security missions. NNSA is entrusted stewardship of taxpayer dollars which requires appropriate scrutiny, yet again, it is important that oversight does not result in risk aversion. NNSA's national laboratories, production plants and sites currently have systems and activities that provide a high level of oversight that meet the needs of regulatory drivers.

*Question.* Are there certain oversight processes that are unnecessarily duplicative or purely bureaucratic, in your view?

*Answer.* My understanding is that NNSA follows DOE Order 413.3B which governs program and project management for the acquisition of capital assets. I understand it provides necessary rigor yet can be overly burdensome. I am committed to working with Energy Secretary Wright to ensure important work can be executed in a timely manner under the order. If confirmed, I will work with our stakeholders to address and identify solutions to inefficiencies that may result from existing oversight processes.

*Question.* If confirmed, what changes in regulatory or oversight structures would you recommend, and why?

*Answer.* While I am not privy to all NNSA's regulatory and oversight structures, if confirmed, I will seek opportunities to improve efficiencies, including by reforming regulatory requirements where feasible and desirable.

#### NONPROLIFERATION

*Question.* What do you perceive as the highest priorities of the nuclear non-proliferation programs at NNSA?

Answer. The first priority is addressing the threats posed by the North Korean and Iranian nuclear programs. If confirmed, I will help implement the maximum pressure campaign in Iran and provide unique technical capabilities that could be used to negotiate, implement, and verify any potential future agreement for dismantlement of these countries' nuclear weapons programs. The second is accelerating detection of nuclear proliferation, especially in areas where adversaries seek to deny us access. Emerging threats, such as adversarial use of the space domain and malicious uses of artificial intelligence, must be detected and characterized early. This requires rapid, on-demand deployment of flexible systems using innovative technologies. If confirmed, I will leverage NNSA's world-leading technical capabilities to enhance its ability to detect these threats, so that the United States can respond promptly and keep the threat of nuclear weapons as far from the homeland as possible. The third is supporting responsible civil nuclear power development and deployment, especially to "nuclear newcomer" countries. We must ensure that nuclear power expansion is safe, secure, and peaceful, and has appropriate emergency response frameworks in place. If confirmed, I will leverage the unique expertise of NNSA's national laboratories to help U.S. companies design nuclear reactors that are more physically secure and easier to safeguard, which will reduce proliferation risks while also providing a commercial advantage to U.S. companies. I will also encourage NNSA programs to further partner with the countries embarking on nuclear power through emergency response efforts. This will effectively strengthen U.S. partnerships proactively with these countries in radiological and nuclear safety and security.

*Question.* What challenges does the emerging multilateral nuclear competition between the U.S., China, Russia, and North Korea pose to existing nonproliferation efforts?

Answer. If confirmed, I am committed to protecting America from the threat of nuclear proliferation, even in a competitive global environment. This multidimensional nuclear competition poses a significant challenge for existing nuclear nonproliferation efforts. Under these circumstances, any potential arms control efforts are more complex, and it is more difficult to respond to the threat from countries like Iran and North Korea and to reach agreement on measures to strengthen the global nuclear nonproliferation architecture. However, NNSA has deep experience and a proven track record in advancing U.S. nuclear nonproliferation goals, even in challenging circumstances.

*Question.* Do you believe additional cooperative nonproliferation efforts are feasible in light of China, Russia, and North Korea's burgeoning cooperation on nuclear technologies and materials?

Answer. Launching new cooperative nuclear nonproliferation efforts is certainly challenging in the current global environment. However, as I said, NNSA and its predecessor organizations have overcome challenges like this before. Indeed, the foundation of the global nuclear nonproliferation regime, the Treaty on the Non-Proliferation of Nuclear Weapons, entered into force during the height of the cold war. Progress is possible, even under challenging circumstances. For example, President Trump's pursuit of peace in Ukraine could open new opportunities for cooperative nonproliferation efforts. If confirmed, I am committed to taking a clear-eyed view of any new cooperative nonproliferation opportunities and to vigorously pursue initiatives that will make America stronger and safer.

*Question.* If confirmed, what would be your nonproliferation R&D priorities?

Answer. NNSA should prioritize nonproliferation research and development (R&D) that directly contributes to the Nation's security by developing and improving U.S. capabilities to detect and characterize global nuclear security threats. NNSA must also prioritize R&D that sustains and develops foundational nonproliferation technical competencies at the national laboratories to ensure the technical agility needed to support a broad spectrum of U.S. nonproliferation missions and anticipated threats. If confirmed, I will prioritize work in these areas.

*Question.* If confirmed, what steps will you take to improve coordination across the NNSA on nonproliferation R&D and reduce duplicative efforts?

Answer. I am not familiar with the details of NNSA offices performing nonproliferation R&D, but commit to looking into any duplicative efforts and streamlining the efforts to remove duplication.

#### EMERGENCY RESPONSE

*Question.* What is your understanding of the NNSA's roles and responsibilities with regard to responding to domestic and international radiological events?

Answer. NNSA is responsible for sustaining and, as necessary, employing the Nuclear Emergency Support Team (NEST) to respond to radiological and nuclear emer-

gencies of any type and scale, globally. NNSA also has a significant role in the international arena as a leader in nuclear and radiological emergency response, including as a party to the IAEA's Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, which sets out an international framework for cooperation to facilitate prompt assistance in the event of nuclear accidents or radiological emergencies. In addition, where American national security, public health and safety, and economic interests are at stake, NNSA may also embark on providing direct bilateral or multilateral assistance to international partners to respond to nuclear or radiological emergencies that arise. NNSA forensics capabilities can support law enforcement investigations and attribution internationally. Domestically, NNSA has responsibility for the Department's Emergency Operation Center and 24/7 Watch Office. This includes providing watch and warning, situational awareness, and decision support capabilities for both domestic and international incidents, to include radiological events.

*Question.* Do you believe NNSA is adequately resourced and staffed to fulfill its existing emergency response responsibilities?

*Answer.* In my current capacity, I am not privy to specific data about emergency response staffing and resources, but domestic and international emergency response are critical components of NNSA's mission. If confirmed, I look forward to evaluating the teams and Administration resources that perform this important work.

*Question.* In your view, how would you characterize the allocation of roles and responsibilities across the interagency, particularly with regard to the DOD and the Department of Homeland Security?

*Answer.* NNSA maintains robust engagement with interagency partners, particularly DOD and DHS, on international and domestic, respectively, nuclear and radiological emergency response. If confirmed, I commit to engaging with my counterparts to ensure a shared understanding of roles and responsibilities. Ultimately, my goal would be to implement efficiencies and optimize NNSA's operational readiness by streamlining response roles and reducing unnecessary Federal bureaucracy and redundant interagency oversight. NNSA's unique scientific expertise—defined by seventy years of expertise on nuclear fuel cycle and weapons development—is essential to U.S. nuclear and radiological response processes. NNSA ensures the United States is prepared to prevent, counter, and respond to weapons of mass destruction (WMD) crises. NNSA's unmatched technical expertise and response capabilities keep America safe, secure, and prosperous. From public health and safety to countering nuclear terrorism, these capabilities are integral to the U.S. WMD nuclear and radiological emergency response. NNSA and its national laboratories are uniquely capable of applying technical nuclear weapons program expertise to assess foreign nuclear weapons programs.

*Question.* If confirmed, are there any adjustments to the allocation of interagency responsibilities you would expect to recommend or pursue?

*Answer.* It is my understanding that the NNSA brings technical expertise and technical resources that are unique in our country if not the world. If confirmed, I will make every effort to streamline emergency response processes and implement efficiencies to ensure that NNSA provides timely, actionable and credible support to Federal, State and local partners during crises. I will also support NNSA's efforts to strengthen State and local response capabilities to enhance domestic resiliency.

#### PERSONNEL MANAGEMENT

*Question.* In your judgment, what is the biggest challenge facing the NNSA in effectively and efficiently managing its workforce?

The most significant workforce challenges facing NNSA are recruitment and retention of highly skilled technical employees. Factors contributing to this challenge include an aging workforce, remote duty stations with high cost of living (e.g., Los Alamos, NM and Livermore, CA), and the requirement for high level security clearances. Finally, NNSA often competes with salaries with private sector jobs.

*Question.* What recommendations do you have to improve NNSA's management of its workforce?

*Answer.* While I am not privy to the details of NNSA's workforce management, I believe that mitigating the challenges of recruitment and retention requires that NNSA emphasize the unique benefits of public service, including emphasis on unique career paths.

*Question.* In your judgment, how effective is the Department of Energy and the NNSA at identifying, promoting, and rewarding top performers?

*Answer.* I have not been briefed on the Department's policies and practices related to personnel. However, the success of NNSA depends primarily on the quality and

motivation of its people. If confirmed, I look forward to strengthening NNSA's ability to recognize and reward top performers.

*Question.* Similarly, how effective is the Department of Energy and the NNSA at identifying and removing underperforming or counterproductive personnel?

*Answer.* In my current capacity, I am not privy to personnel matters at NNSA. However, if confirmed, I will be committed to facilitating a culture of accountability and performance.

*Question.* If confirmed, what would you recommend be done to improve NNSA talent management?

*Answer.* There is no question that talent management is a critical factor for NNSA's success. If confirmed, I would adopt a holistic approach to talent management, ensuring these efforts are aligned with agency goals. In my experience in the Navy and in the private sector giving employees clear objectives and frequent feedback results in better performance across an organization. Also, providing opportunities for skills training and certifications that lead to increased opportunities and remuneration while meeting the strategic workforce needs of NNSA may prove useful.

*Question.* Do you believe that NNSA has the appropriate number of civilian employees to perform its mission?

*Answer.* If confirmed, I intend to review if NNSA is appropriately staffed.

*Question.* If not, what would be the appropriate size of the NNSA civilian workforce and what, in your view, would the additional personnel accomplish that NNSA is not able to accomplish today? If confirmed, which specific components of the NNSA would you recommend growing?

*Answer.* I am not currently privy to details about NNSA's civilian workforce, but if confirmed, I look forward to assessing NNSA's current staffing levels and future needs. I am committed to ensuring that NNSA's urgent missions are properly resourced, including appropriate staffing.

*Question.* Do you believe that NNSA has the appropriate capabilities—in both its civilian employee and contractor workforces—to perform its mission?

*Answer.* NNSA has a unique mission in all of government or in the American economy in general. And therefore it has a unique workforce to meet the needs of the NNSA mission. If confirmed, I look forward to immersing myself in the details of the capabilities of both the Federal workforce at NNSA as well as those of the M&O contractors.

*Question.* If not, please explain what capabilities each such workforce requires to ensure that NNSA is fully mission capable?

*Answer.* I have not been briefed on the full extent of the NNSA Federal and M&O contractor capabilities. Based upon GAO, CRS, and Inspector General reports and hearing before the SASC committee, however, I suspect there are areas where either or both of the Federal and M&O contractor capabilities need to be enhanced or created. For example, these reports point to improved needs in project management as well as to emergent needs like artificial intelligence. I look forward, if confirmed, to rapidly assessing and addressing these issues at NNSA.

*Question.* If confirmed, what specific steps would you take to retain critical nuclear weapons expertise in both NNSA the civilian and the contractor workforces?

*Answer.* I understand that NNSA works to retain critical nuclear weapons expertise through a combination of strategic workforce planning, training, recruitment, and performance management actions. If confirmed, in this competitive workforce environment, I will work strategically with both the NNSA Federal and contractor workforce to foster and develop internal talent pipelines within each site and across the nuclear security enterprise in an effort to reduce attrition. I commit to supporting these initiatives to ensure that NNSA maintains the necessary talent pool to execute its mission. I also believe it is important for NNSA to continue to provide stability for the M&O contractor workforce through long term contracts. I will ensure that M&O contractors continue to have the wide range of flexibilities they currently have to offer market competitive pay and benefits to recruit and retain highly qualified personnel.

*Question.* What programs, policies, or tools does NNSA need to better attract the diverse range of skillsets required to support the missions of the Administration to national security focused careers?

*Answer.* While I have not yet had the opportunity to learn about NNSA's ongoing recruitment efforts, I understand that NNSA's use of direct hire authority, pay supplements, and hiring incentives offers competitive compensation packages along with opportunities for professional growth. I also know that NNSA makes incentive payments for candidates who meet certain criteria and agree to sign a service agreement for positions it determines are difficult to fill, such as contracting, cybersecurity, and information technology positions, among others. These supplements con-

tribute to the competitive demands of an ever-evolving workforce and fosters employee satisfaction and loyalty.

#### SEXUAL HARASSMENT

*Question.* What is your assessment of the current climate regarding sexual harassment and gender discrimination in the DOE and NNSA?

*Answer.* If confirmed, I will continue increasing awareness and emphasizing prevention and reporting of sexual harassment and sex discrimination at DOE and NNSA. To the extent there are sexual harassment and sex discrimination issues that are brought to my attention, I will take expeditious and appropriate action in consultation with the appropriate stakeholders in DOE and NNSA.

*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 or contractor of the DOE or NNSA?

*Answer.* I will not tolerate sexual harassment or discrimination among NNSA employees or among its contractor employees. I will ensure that complaints of this nature are taken seriously across the enterprise and will ensure that employees who raise such complaints are treated in accordance with all Federal laws on regulations.

#### RELATIONS WITH CONGRESS

*Question.* What are your views on the State of the relationship between the Administrator for Nuclear Security and the Senate Armed Services Committee in particular, and with Congress in general?

*Answer.* The Senate Armed Services Committee (SASC) is responsible for the oversight and authorization of NNSA. SASC's support on nuclear security issues and NNSA governance has continually been strong and bipartisan. As a former member of the House of Representatives myself, I believe support from Congress and this Committee in particular is critical to enabling NNSA mission success. If confirmed, I commit to maintaining a strong relationship with the Committee built on trust and transparency.

*Question.* If confirmed, what actions would you take to sustain a productive and mutually beneficial relationship between Congress and the Administrator for Nuclear Security?

*Answer.* Communication and transparency are foundational to a productive relationship with Congress. If confirmed, I will ensure that NNSA maintains strong and open channels of communication with Congress.

*Question.* The safety, security, and functionality of the United States nuclear weapons stockpile is of paramount importance to our Nation's national security, and any potential issues that could undermine confidence in the reliability of U.S. nuclear forces are of the highest interest to Congress.

If confirmed, will you commit, without qualification, that you will promptly notify this Committee of any significant issues in the safety, security, or reliability of the nuclear weapons stockpile?

*Answer.* Yes.

*Question.* In much the same manner as the Combatant Commanders within the Department of Defense, the Administrator for Nuclear Security is required by Section 4716 of the Atomic Energy Defense Act (50 U.S.C. 2756) to annually submit a list of priorities that were insufficiently funded by that year's budget request by the President. While unfunded requirements lists are invaluable tools in helping Congress understand executable funding opportunities, past Administrators have only sparingly fulfilled this requirement.

If confirmed, will you commit to fully complying with the statutory requirement to submit an annual unfunded priority list to Congress with the annual budget submission of the President?

*Answer.* If confirmed, I commit to following the law, including Section 4716 of the Atomic Energy Defense Act (50 U.S.C. 2756).

#### 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 without delay? 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, and their respective staffs 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.

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[Questions for the record with answers supplied follow:]

SENATOR TOM COTTON

NUCLEAR MODERNIZATION

1. Senator COTTON. Mr. Williams, the National Nuclear Security Administration's (NNSA) acquisition cycle to modernize the weapons in our stockpile can take around 20 years. This hardly seems responsive to the threat environment when our adversaries are developing new nuclear systems rapidly. Do you think there's a role for a rapid acquisition effort in the NNSA that is dedicated to delivering capabilities faster by tailoring requirements and prioritizing speed?

Mr. WILLIAMS. I agree with you that the modernization efforts for our nuclear weapons are progressing too slowly and do not reflect the urgency of the current threat environment. Should I be confirmed, I am committed to developing ways to increase the speed and efficiency with which NNSA can deliver capabilities to DOD. NNSA is 1) concurrently modernizing seven nuclear warhead programs within its Program of Record while 2) simultaneously sustaining the current stockpile and 3) recapitalizing the nuclear security enterprise industrial base. NNSA must continue to be responsive to DOD requirements while developing capabilities to meet deterrent gaps of any kind including emergent and possibly emergency capabilities. If confirmed, I look forward to working with you and the Committee on this topic.

2. Senator COTTON. Mr. Williams, the NNSA has proven it can do this with the W76-2 and the B61-13 programs, which were based on modifications to existing weapons that took years, not decades, to deliver. Should we use this type of approach more often to address some of our near-term deterrence challenges?

Mr. WILLIAMS. I agree the W76-2 and B61-13 are great examples of ways NNSA can quickly adapt to the changing threat environment and deliver additional capa-

bilities to address deterrence gaps. If confirmed, I look forward to reviewing the classified details of the weapon modernization programs with an eye toward determining if additional opportunities exist for similar modifications within the program of record.

PLUTONIUM PITS

3. Senator COTTON. Mr. Williams, under President Biden, the NNSA's deadline to produce 80 plutonium pits per year by 2030 slipped by several years. Current law requires the Nuclear Weapons Council to submit a plan to Congress to get this effort back on track should it fail to certify that it will meet the 2030 deadline. The Biden administration never submitted such a plan. If confirmed, would you commit to taking all steps necessary to accelerate plutonium pit production?

Mr. WILLIAMS. Reestablishing the ability to produce no fewer than 80 plutonium pits per year is a critical national security requirement. If confirmed, I will review the status of the required plan and work with the Committee on any identified opportunities to accelerate NNSA's ability to meet the 80 plutonium pits per year requirement.

4. Senator COTTON. Mr. Williams, given the growing nuclear threats and the need to increase the size of our arsenal, do you think 80 plutonium pits per year will even be enough to meet deterrence requirements?

Mr. WILLIAMS. I have not yet been briefed on the projected demands of the U.S. nuclear deterrent, however, in 2018, the Nuclear Weapons Council endorsed NNSA's two-site approach to supply no fewer than 80 war reserve plutonium pits per year in alignment with DOD requirements. If confirmed, I intend to work closely with NNSA laboratory, plant, and site leadership to achieve full rate production and continue to explore opportunities to accelerate the production capacity required to support the nuclear deterrent. I defer to the Nuclear Weapon Council, STRATCOM leadership, and the Department of Defense on the military requirements to meet deterrence needs.

OFFICE OF SECURE TRANSPORTATION

5. Senator COTTON. Mr. Williams, Fort Chaffee, Arkansas, is home to Training Command for the NNSA's Office of Secure Transportation, which transports nuclear weapons all around the country. As the NNSA progresses its modernization efforts, I suspect the demand for agents to transport weapons will grow. What is your plan to improve both recruiting and retention of these agents?

Mr. WILLIAMS. The Office of Secure Transportation (OST) serves a very important function for NNSA, transporting special nuclear materials that are in the custody of or returning to the custody of the Department of Energy. OST agents undergo rigorous testing and training, and I know that NNSA works hard to recruit quality personnel for these challenging, important positions. If confirmed, I look forward to learning about NNSA's ongoing recruitment and retention efforts in OST and finding opportunities to improve. I recognize that the training facility at Fort Chaffee is a critical component of recruitment and retention efforts. On a personal note, I have extended family members who were stationed at Fort Chaffee during the Vietnam War era and look forward to the opportunity to visit the site, should I be confirmed.

QUESTIONS SUBMITTED BY SENATOR TED BUDD

NUCLEAR ENERGY

6. Senator BUDD. Mr. Williams, can you please outline your perspective on mobile, modular micro-nuclear reactor technology and whether it has promise for expeditionary use?

Mr. WILLIAMS. As Chairman of the Energy Subcommittee of the House Science, Space and Technology Committee I was a strong advocate for advanced nuclear power solutions and expressed public and private support for DOD to adopt these systems for reliability and resilience of electrical power. From the perspective of NNSA, I believe that modular micro-nuclear reactor technology poses both opportunities and challenges, including for expeditionary use. If confirmed, I look forward to learning about the unique expertise and capabilities of the National Nuclear Administration and will support the DOE Office of Nuclear Energy on potential civilian applications of micro-nuclear reactor technology and to support the Department of Defense on potential military applications.

## QUESTIONS SUBMITTED BY SENATOR ELIZABETH WARREN

## ETHICS

7. Senator WARREN. Mr. Williams, if you are confirmed, will you commit to not seeking any employment with or compensation from a defense contractor, including through serving on a board, as a consultant, or as a lobbyist, for 4 years after leaving DOD?

Mr. WILLIAMS. Should I be confirmed, I will comply with all laws and regulations regarding future employment for executive branch officials.

8. Senator WARREN. Mr. Williams, if you are confirmed, will you commit to not engaging in any lobbying activities, including unregistered “shadow” or “behind-the-scenes” lobbying under the guise of consulting or advising on DOD-related matters, focused on DOD or any of its components for 4 years after leaving DOD?

Mr. WILLIAMS. Should I be confirmed, I will comply with all laws and regulations regarding future employment and lobbying restrictions for executive branch officials.

9. Senator WARREN. Mr. Williams, during your nomination process, did anyone on the Trump campaign, transition team, or other closely related entity approach you about your loyalty to President Trump?

Mr. WILLIAMS. No.

10. Senator WARREN. Mr. Williams, if you were approached about your loyalty to President Trump, did you sign a loyalty pledge or other similar oath? If so, please provide a copy of the text of that pledge or oath.

Mr. WILLIAMS. No.

11. Senator WARREN. Mr. Williams, if you were approached about your loyalty to President Trump, did you make any verbal representations of loyalty? If so, please describe this representation.

Mr. WILLIAMS. Not applicable.

12. Senator WARREN. Mr. Williams, in November 2024, the New York Times and other news outlets reported that Boris Epshteyn, a top adviser to President Trump, allegedly requested payment from prospective political appointees to promote their candidacies for top positions within the administration. Did you discuss the possibility of joining the Administration with Mr. Epshteyn at any time?

Mr. WILLIAMS. No.

13. Senator WARREN. Mr. Williams, if you did discuss the possibility of joining the administration with Mr. Epshteyn, did Mr. Epshteyn seek payment from you for promoting your candidacy for a position within the Administration?

Mr. WILLIAMS. No.

14. Senator WARREN. Mr. Williams, at any time, did lawyers for President Trump or members of President Trump’s team approach you regarding Mr. Epshteyn and the allegations cited above? If so, please explain the information that they provided you (including copies of documents), what was discussed during any calls, and any other information pertaining to this interaction.

Mr. WILLIAMS. No.

15. Senator WARREN. Mr. Williams, were you in contact with Mr. Elon Musk at any time during your nomination process? If so, please describe the nature of those points of contact.

Mr. WILLIAMS. No.

16. Senator WARREN. Mr. Williams, was Mr. Musk present or involved in any interviews you did related to your nomination? If so, please describe the nature of his involvement.

Mr. WILLIAMS. No.

17. Senator WARREN. Mr. Williams, was Mr. Musk involved in any way with your nomination, including but not limited to directly or indirectly contacting Senators regarding their position on your nomination?

Mr. WILLIAMS. Not to my knowledge.

18. Senator WARREN. Mr. Williams, who was in the room or participated in any of your interviews regarding your nomination?

Mr. WILLIAMS. During the nomination process, I spoke with several members of the Trump-Vance Presidential Transition team about my interest in serving in the Trump Administration.

19. Senator WARREN. Mr. Williams, if you own any defense contractor stock, will you divest it to avoid even the appearance of a conflict of interest?

Mr. WILLIAMS. I do not own stock in any defense contractors. If confirmed, I will follow the counsel of DOE ethics officials regarding any potential conflicts or perceived conflicts of interest.

20. Senator WARREN. Mr. Williams, what do you consider the role of the press in a democracy?

Mr. WILLIAMS. Freedom of the press is a clearly defined protection as stated in the First Amendment.

21. Senator WARREN. Mr. Williams, do you think it would be an appropriate use of taxpayer resources to “dig up dirt” on journalists who investigate or criticize you, your office, or the Trump administration?

Mr. WILLIAMS. As stated in my previous response, I believe the freedom of the press is clearly defined in the First Amendment.

22. Senator WARREN. Mr. Williams, will you commit not to retaliate, including by denying access to government officials or facilities, against news outlets or individual journalists who publish articles that are critical of you, your office, your agency, or the Trump administration?

Mr. WILLIAMS. If confirmed, I commit to following the law and upholding the duties of my office.

23. Senator WARREN. Mr. Williams, have you requested, or has anyone requested on your behalf, that any other person or third party sign a nondisclosure, confidentiality, non-disparagement, or similar agreement regarding your conduct in a personal or professional capacity?

Mr. WILLIAMS. No.

24. Senator WARREN. Mr. Williams, will you voluntarily release any individual from any such agreements before this committee votes on your nomination?

Mr. WILLIAMS. Not applicable.

25. Senator WARREN. Mr. Williams, have you ever paid or promised to pay, or has anyone paid or promised to pay on your behalf, an individual as part of any nondisclosure, confidentiality, non-disparagement, or similar agreement?

Mr. WILLIAMS. No.

26. Senator WARREN. Mr. Williams, if the answer to the previous question was yes, how much was promised, how much was paid, and what were the circumstances?

Mr. WILLIAMS. Not applicable.

27. Senator WARREN. Mr. Williams, will you commit to recuse yourself from all particular matters involving your former clients and employers for at least 4 years after you leave DOD?

Mr. WILLIAMS. Should I be confirmed, I will comply with all laws and regulations regarding future employment after service within the executive branch.

28. Senator WARREN. Mr. Williams, will you commit to not seeking employment, board membership with, or another form of compensation from a company that you regulated or otherwise interacted with while in government, for at least 4 years after leaving office?

Mr. WILLIAMS. Should I be confirmed, I will comply with all laws and regulations regarding future employment after service within the executive branch.

29. Senator WARREN. Mr. Williams, would it ever be appropriate to threaten or imply that you would withhold future contracts from a company if they filed a complaint, bid protest, or cooperated with an Inspector General, civil, or criminal investigation?

Mr. WILLIAMS. No, that would not be appropriate. congressional Oversight and Transparency

30. Senator WARREN. Mr. Williams, what is your understanding of the role of the Department of Energy Inspector General?

Mr. WILLIAMS. It is my understanding that, pursuant to the Inspector General Act, the Inspector General for the Department of Energy is charged with investigating and auditing department programs to combat waste, fraud, and abuse.

31. Senator WARREN. Mr. Williams, will you ensure your staff complies with any Inspector General deadlines established for requested communications, providing witnesses, providing documents, and that those witnesses will be protected from reprisal for their testimony?

Mr. WILLIAMS. If confirmed, I will comply with all laws and regulations related to service in the U.S. Government.

32. Senator WARREN. Mr. Williams, if you are not able to comply with any Inspector General requests and deadlines, will you notify the Republican and Democratic Members of this Committee regarding the basis for any good faith delay or denial?

Mr. WILLIAMS. If confirmed, I will work to comply with Inspector General requests in a timely manner. I would defer to the Office of the Inspector General to update Members of the Committee regarding the progress of the Inspector General's ongoing reviews.

33. Senator WARREN. Mr. Williams, if you are confirmed, will you commit to refusing to follow illegal orders from any individual, including the President?

Mr. WILLIAMS. I do not accept the premise that the President will issue me an unlawful order. If confirmed, I will comply with all laws and regulations related to service in the U.S. Government.

34. Senator WARREN. Mr. Williams, what actions would you take if you were given an illegal order from any individual, including the President?

Mr. WILLIAMS. I do not accept the premise that the President will issue me an unlawful order. If confirmed, I will comply with all laws and regulations related to service in the U.S. Government.

35. Senator WARREN. Mr. Williams, will you commit to testify or provide a deposition if you are called upon by Congress to provide a deposition voluntarily?

Mr. WILLIAMS. Yes.

36. Senator WARREN. Mr. Williams, will you commit to testify or provide a deposition to Congress if you are issued a subpoena to testify?

Mr. WILLIAMS. Should I be confirmed, if I am issued a subpoena, I will follow the advice of DOE and NNSA General Counsel regarding compliance with such subpoena.

37. Senator WARREN. Mr. Williams, will you commit to providing information or documents to Congress voluntarily if you are requested to do so?

Mr. WILLIAMS. Yes.

38. Senator WARREN. Mr. Williams, will you provide information or documents to Congress if you are issued a subpoena?

Mr. WILLIAMS. Should I be confirmed, if I am issued a subpoena, I will follow the advice of DOE and NNSA General Counsel regarding compliance with such subpoena.

39. Senator WARREN. Mr. Williams, will you commit to following current precedent for responding to information requests, briefings, and other inquiries from Congress, including the Senate and House Armed Services Committees and their minority Members?

Mr. WILLIAMS. Yes.

40. Senator WARREN. Mr. Williams, if confirmed, will you commit to posting your official calendar monthly?

Mr. WILLIAMS. Should I be confirmed, I intend to notice official engagements as needed. Given the sensitive nature of much of the work done at NNSA, I understand that not all official engagements may be made public due to their classified nature.

41. Senator WARREN. Mr. Williams, do you think DOD has an overclassification problem? If so, please provide this committee with an estimate of the number or percentage of documents that will be under your purview that are overclassified or other examples to illustrate this problem.

Mr. WILLIAMS. As a nominee for the position of Under Secretary of Energy for Nuclear Security at the Department of Energy, I am unable to postulate an estimation as to the number of documents that may be considered overclassified at the Department of Defense.

42. Senator WARREN. Mr. Williams, to the best of your knowledge, is your office or agency identifying records for proactive posting in compliance with the Freedom of Information Act? If not, please describe how you would ensure that they do so to comply with public records law.

Mr. WILLIAMS. Should I be confirmed, I will follow all DOE and NNSA General Counsel advice regarding compliance with Freedom of Information Act requests.

43. Senator WARREN. Mr. Williams, if confirmed, do you think your department should pursue strategic technology to support automated declassification?

Mr. WILLIAMS. Should I be confirmed, I will review potential efforts on the use of strategic technology that supports automated declassification that protects U.S. national security interests and State secrets.

#### PROJECT 2025

44. Senator WARREN. Mr. Williams, have you discussed Project 2025 with any officials associated with the Trump campaign, the Trump transition team, or other members of the Trump administration? If so, please explain what you discussed, when you discussed it, and with whom you discussed it.

Mr. WILLIAMS. No.

45. Senator WARREN. Mr. Williams, have you discussed Project 2025 with any officials associated with the Heritage Foundation? If so, please explain what you discussed, when you discussed it, and with whom you discussed it.

Mr. WILLIAMS. No.

#### FOREIGN INFLUENCE

46. Senator WARREN. Mr. Williams, have you received any payment from a foreign government or entity controlled by a foreign government within the past 5 years?

Mr. WILLIAMS. No.

47. Senator WARREN. Mr. Williams, have you communicated with any foreign government or entity controlled by a foreign government within the past 5 years?

Mr. WILLIAMS. I have disclosed all connections to foreign nationals as part of the U.S. Office of Personnel Management SF-86 form and the related background investigation that was previously conducted and required for my role as the Under Secretary for Nuclear Security and Administrator of the NNSA.

48. Senator WARREN. Mr. Williams, please disclose any communications or payments you have had with representatives of any foreign government or entity controlled by a foreign government within the past 5 years and describe the nature of the communication.

Mr. WILLIAMS. As discussed in my previous response, I have disclosed all connections to foreign nationals, and I have received no payments from any representatives of foreign governments or entities controlled by foreign governments.

#### RETALIATION AND PROTECTING WHISTLEBLOWERS

49. Senator WARREN. Mr. Williams, do you believe that servicemembers, civilians, grantees, and contractors should be protected from any form of retaliation for coming forward about an illegal order, sexual assault or harassment, negligence, misconduct, or any other concern that they wish to raise?

Mr. WILLIAMS. If confirmed, I will comply with all laws and regulations related to whistleblowers.

50. Senator WARREN. Mr. Williams, have you ever retaliated against any individual for coming forward about an illegal order, sexual assault or harassment, negligence, misconduct, or any other concern that they wish to raise?

Mr. WILLIAMS. No.

51. Senator WARREN. Mr. Williams, if you are confirmed, will you commit to protecting whistleblowers? If so, please specify how you will do so.

Mr. WILLIAMS. Should I be confirmed, I will comply with DOE's whistleblower protection policies and standards.

#### IMPOUNDMENT CONTROL ACT

52. Senator WARREN. Mr. Williams, on January 27, 2025, President Trump's Office of Management and Budget (OMB) issued a memo calling for the suspension of all Federal financial assistance programs (excluding "assistance provided directly to individuals"). Do you agree with OMB's decision to issue this memo?

Mr. WILLIAMS. I believe there is a standard for an incoming Administrations to review expenditures before payments are made to make sure they comply with the law. Currently, I am not aware of any direct impacts to program funding from agency reviews related to the National Nuclear Security Administration.

53. Senator WARREN. Mr. Williams, do you believe the Secretary of Defense has the legal authority to block the disbursement of funds appropriated by Congress?

Mr. WILLIAMS. As a nominee for the position of Under Secretary of Energy for Nuclear Security at the Department of Energy, I am not aware of legal authorities that the Secretary of Defense may have regarding disbursement of funds and I am not aware of DOD policy that has specifics on the matter.

54. Senator WARREN. Mr. Williams, what is your understanding of the Impoundment Control Act?

Mr. WILLIAMS. The Congressional Budget and Impoundment Control Act of 1974 governs the role of Congress in the U.S. Budget process.

55. Senator WARREN. Mr. Williams, do you commit to following the Impoundment Control Act?

Mr. WILLIAMS. If confirmed, I will comply with all laws and regulations related to service to the U.S. Government.

56. Senator WARREN. Mr. Williams, do you commit to notifying the Senate and House Armed Services Committees, including the majority and minority, if you are asked not to follow the Impoundment Control Act or not to expend the money that Congress appropriates or authorizes?

Mr. WILLIAMS. Should I be confirmed, I will comply with all applicable laws and statutes regarding the Federal budgetary process.

57. Senator WARREN. Mr. Williams, the Constitution's Spending Clause (Art. I, § 8, cl. 1) and Appropriations Clause (Art. I, § 9, cl. 7) give Congress, not the Executive, power of the purse. The Supreme Court has unanimously upheld this power. Do you believe that impoundments are constitutional?

Mr. WILLIAMS. I am not a Constitutional legal scholar, but should I be confirmed, I will follow all applicable laws and statutes.

58. Senator WARREN. Mr. Williams, the funding levels in appropriations bills passed into law are not targets or ceilings; instead, they are amounts the executive branch must spend, unless stated otherwise. Congress could—if it wanted the President to have discretion—write those amounts as ceilings. Do you agree?

Mr. WILLIAMS. I commit, if confirmed, to executing my responsibilities consistent with the Constitution and the law, to include appropriations legislation. I would ensure that my actions on this matter are informed by the administration's legal positions.

59. Senator WARREN. Mr. Williams, what is your understanding of the requirements for DOD to obligate funding that Congress authorizes and appropriates, in accordance with the time period that Congress deems it to do so?

Mr. WILLIAMS. While I am not nominated for a position at the Department of Defense, I will comply with all applicable laws and statues regarding the obligation of funds.

60. Senator WARREN. Mr. Williams, do you commit to expending the money that Congress appropriates and authorizes?

Mr. WILLIAMS. Should I be confirmed, I will follow the law.

61. Senator WARREN. Mr. Williams, do you commit to following and implementing every provision of the annual National Defense Authorization Act passed into law?  
Mr. WILLIAMS. Should I be confirmed, I will follow the law.

62. Senator WARREN. Mr. Williams, if you became aware of a potential violation of the Antideficiency Act, Impoundment Control Act, or other appropriations laws, what steps would you take?

Mr. WILLIAMS. Should I be confirmed, I will follow all applicable law and statutes.

#### ACQUISITION REFORM

63. Senator WARREN. Mr. Williams, what is your understanding of the Procurement Integrity Act and your obligations under that law?

Mr. WILLIAMS. The Procurement Integrity Act ("PIA") (as codified at 41 USC §§ 2101–2107) is intended to prohibit, and lay out consequences for, certain actions of Federal officials and others that would potentially compromise the integrity of Federal acquisitions.

Under the PIA, I would be obligated: (1) not to knowingly disclose contractor bid/proposal information or source selection information prior to the award of a Federal procurement to which the information relates (42 USC § 2102); (2) if I'm personally and substantially participating in a Federal procurement valued in excess of the Simplified Acquisition Threshold, to report any contact with offerors regarding non-Federal employment to designated officials, and either reject the offer or recuse myself from the procurement (42 USC § 2103); and (3) not to accept compensation from a contractor as an employee, officer, director, or consultant, for a period of 1 year after I have taken certain actions in excess of \$10 million, that have benefited the contractor (e.g., served as a Source Selection Authority or otherwise personally made a decision for NNSA to award a contract, subcontract, order, or modification thereto) (42 USC § 2104).

64. Senator WARREN. Mr. Williams, do you believe that it is important to be able to assess accurate cost and pricing data from contractors, especially for sole-or single-source contracts?

Mr. WILLIAMS. I believe it is important to be a responsible steward of taxpayer dollars, and I look forward to reviewing current contracts at NNSA, should I be confirmed.

65. Senator WARREN. Mr. Williams, how do you plan to obtain cost and pricing data from contractors to determine that the cost of Federal contracts is fair and reasonable?

Mr. WILLIAMS. I believe it is important to be a responsible steward of taxpayer dollars, and while not currently at DOE, I look forward to reviewing current contracts at NNSA, should I be confirmed.

66. Senator WARREN. Mr. Williams, how do you plan to do so in cases where contractors refuse or claim they are unable to turn over this data?

Mr. WILLIAMS. I believe it is important to be a responsible steward of taxpayer dollars, and while not currently at DOE, I look forward to reviewing current contracts at NNSA, should I be confirmed.

67. Senator WARREN. Mr. Williams, if you are confirmed, what steps will you take to ensure that contractors are not price gouging or overcharging the Federal Government?

Mr. WILLIAMS. I believe it is important to be a responsible steward of taxpayer dollars, and while not currently at DOE, I look forward to reviewing current contracts at NNSA, should I be confirmed.

68. Senator WARREN. Mr. Williams, if you are confirmed, will you commit to seeking refunds, including voluntary refunds, from contractors and companies that overcharge the Federal Government?

Mr. WILLIAMS. I believe it is important to be a responsible steward of taxpayer dollars, and while not currently at DOE, I look forward to reviewing current contracts at NNSA, should I be confirmed.

69. Senator WARREN. Mr. Williams, if so, how do you plan to do so?

Mr. WILLIAMS. I believe it is important to be a responsible steward of taxpayer dollars, and while not currently at DOE, I look forward to reviewing current contracts at NNSA, should I be confirmed.

## RESEARCH AND DEVELOPMENT

70. Senator WARREN. Mr. Williams, does the Federal Government benefit from partnering with colleges, universities, nonprofits, and federally funded research and development centers?

Mr. WILLIAMS. NNSA and the Department of Energy have a long history of collaboration with colleges, universities, nonprofits, and federally funded research and development centers, particularly at the DOE National Labs. Much of the work done at the National Labs is at the forefront of science and national security.

71. Senator WARREN. Mr. Williams, under your leadership, will your agencies continue to work with colleges, universities, nonprofits, and federally funded research and development centers to research and address our toughest national security challenges?

Mr. WILLIAMS. Should I be confirmed, I look forward to learning about the current collaborations between NNSA and colleges, universities, nonprofits, and federally funded research and development centers.

72. Senator WARREN. Mr. Williams, what should your agency's criteria for canceling grants be?

Mr. WILLIAMS. NNSA has an important national security mission, and is entrusted with the stewardship of taxpayer dollars. While I am not currently serving in the Department and have no knowledge of current practices, I believe any decisions regarding grant funding should uphold national security and yield a benefit to the American taxpayer.

73. Senator WARREN. Mr. Williams, who should be involved in decisions to cancel grants?

Mr. WILLIAMS. I am unaware of the current review process currently established at NNSA and the Department of Energy. Should I be confirmed, I intend to look into the decisionmaking process regarding grant rescissions.

## PROTECTING CLASSIFIED INFORMATION AND FEDERAL RECORDS

74. Senator WARREN. Mr. Williams, what is your understanding of the need to protect operational security, or OPSEC?

Mr. WILLIAMS. As a former military officer, I recognize that Operations Security (OPSEC) is a critically important national program that applies to all agencies and is designed to deny adversaries the ability to collect, analyze, and exploit information that might provide an advantage against the United States. OPSEC protects information against the inadvertent compromise through a process of continual assessment.

75. Senator WARREN. Mr. Williams, what are the national security risks of improperly disclosing classified information?

Mr. WILLIAMS. In addition to violating Federal laws/regulations, the improper disclosure of classified information may compromise sensitive national security information to adversaries, potentially endangering the United States and its allies and partners.

76. Senator WARREN. Mr. Williams, is it your opinion that information about imminent military targets is generally sensitive information that needs to be protected?

Mr. WILLIAMS. Military targets are not in the purview of the National Nuclear Security Administration. I defer to the Department of Defense on this matter.

77. Senator WARREN. Mr. Williams, what would you do if you learned an official had improperly disclosed classified information?

Mr. WILLIAMS. Any person who has knowledge that classified information has been or may have been lost, possibly compromised, or disclosed to an unauthorized person must immediately report the circumstances to those who have the authority and responsibility for conducting incidents of security concern inquiries at NNSA.

78. Senator WARREN. Mr. Williams, what is your understanding of Government officials' duties under the Federal Records Act?

Mr. WILLIAMS. The Federal Records Act of 1950 (P.L. 81-754) is a United States Federal law that provides the legal framework for Federal records management, including record creation, maintenance, and disposition.

79. Senator WARREN. Mr. Williams, should classified information be shared on unclassified commercial systems?

Mr. WILLIAMS. Should I be confirmed, I will follow the law and all records retention policies at the Department of Energy.

80. Senator WARREN. Mr. Williams, is it damaging to national security if the pilots flying a mission find out that the official who ordered them to perform that mission shared sensitive information that could have made it more likely that the mission would fail, or they would be killed?

Mr. WILLIAMS. Military targets are not in the purview of the National Nuclear Security Administration. I defer to the Department of Defense on this matter.

81. Senator WARREN. Mr. Williams, if you had information about the status of specific targets, weapons being used, and timing for imminent U.S. strikes against an adversary, under what circumstances would you feel comfortable receiving or sharing that information on an unclassified commercial application like Signal?

Mr. WILLIAMS. Military targets are not in the purview of the National Nuclear Security Administration. I defer to the Department of Defense on this matter.

#### NATIONAL NUCLEAR SECURITY ADMINISTRATION

82. Senator WARREN. Mr. Williams, what is your understanding of the purpose of title 42 U.S. Code § 7132?

Mr. WILLIAMS. The statute, 42 U.S.C. § 7132, is part of the DOE Organization Act and includes the Department's Principal Officers, which are the Deputy Secretary, three Under Secretaries and the Department's General Counsel. It was amended in 2000 to add the Under Secretary of Nuclear Security.

83. Senator WARREN. Mr. Williams, what criteria should be used to reduce NNSA's workforce?

Mr. WILLIAMS. As I said in my opening remarks, "the men and women of the NNSA comprise one of the greatest scientific and engineering organizations in human history" and they "ensure the safety, security, reliability, and effectiveness of our nuclear stockpile." The Government Accountability Office has previously noted that NNSA does not have a "sufficiently sized Federal workforce to carry out the agency's critical missions and oversee M&O contracts." I defer to the Office of Personnel Management to establish criteria regarding reductions-in-force.

84. Senator WARREN. Mr. Williams, how will you assess the impact of potential workforce reductions on stockpile sustainment, non-proliferation, and modernization programs?

Mr. WILLIAMS. The NNSA workforce is critical. If confirmed, I will stand up for NNSA's personnel to deliver on NNSA's critical national security mission. We are facing a moment in history where NNSA must perform, and the agency's success depends on its workforce.

85. Senator WARREN. Mr. Williams, the NNSA depends on a mix of Federal employees, contractors, and lab scientists to manage critical programs. If you determine that reductions in force have harmed NNSA's mission, what contingency plans would you implement to ensure continued oversight, safety, and security of the nuclear stockpile?

Mr. WILLIAMS. I am not aware of reductions-in-force that have been implemented at NNSA at this time. I intend to review the contingency plans currently in place and will follow my obligations in statute to ensure the oversight, safety, and security of the nuclear stockpile.

86. Senator WARREN. Mr. Williams, NNSA is undergoing the largest modernization programs in its history. Earlier this month the Government Accountability Office published a report that noted that NNSA's internal review "concluded that it wouldn't be able to meet this workload without changes". Are you familiar with NNSA's review and how would you address its recommendations?

Mr. WILLIAMS. In my current capacity, I am not privy to the information contained in NNSA's internal review. If confirmed, I will review the report's findings.

87. Senator WARREN. Mr. Williams, if you are not familiar with the review referenced in the question above, will you provide this committee with your plan to address its recommendations in 30 days?

Mr. WILLIAMS. If confirmed, I will review the report's findings and determine whether plans are needed to address its recommendations.

88. Senator WARREN. Mr. Williams, if confirmed, how will you address your technical management experience shortfalls?

Mr. WILLIAMS. I believe my background serving in the United States Navy, as CEO of a software company focused on modernizing and securing industrial controls for process manufacturing industries, and as a Member of Congress has equipped me with the experience and expertise needed to serve as Under Secretary for Nuclear Security and Administrator for NNSA. If confirmed, I will work closely with NNSA's leadership team to continue to build a stronger, more efficient, and mission-focused culture.

89. Senator WARREN. Mr. Williams, what is your plan to address NNSA's significant management challenges?

Mr. WILLIAMS. If confirmed, I will be looking for areas where we can adopt innovative strategies to more efficiently deliver NNSA's mission like streamlining project management requirements. I look forward to developing a culture of accountability, determining the optimal level of oversight, take decisive action, when necessary, implement lessons learned, and reinforce best practices for cost estimating.

90. Senator WARREN. Mr. Williams, do you think it is concerning for U.S. companies with U.S. user data to partner with companies either partially or completely controlled by the Chinese Government?

Mr. WILLIAMS. Yes, I believe that companies should remain vigilant in their dealings with companies either partially or completely controlled by the Chinese government.

91. Senator WARREN. Mr. Williams, do you currently have any dealings with businesses that have ties to the Chinese Government?

Mr. WILLIAMS. No.

92. Senator WARREN. Mr. Williams, have you ever conducted business with a foreign national?

Mr. WILLIAMS. Yes.

93. Senator WARREN. Mr. Williams, if confirmed, would you commit to not share information with any company that could use this information to undermine U.S. national security interests, including by supporting China's nuclear modernization efforts?

Mr. WILLIAMS. Yes.

94. Senator WARREN. Mr. Williams, in your advanced policy questions you said "NNSA's nonproliferation mission also helps ensure threats to the United States are minimized and, when applicable, nuclear agreements are verifiable to deter negotiating partners from abrogating them." Do you think it's important to advance and support NNSA's nonproliferation mission?

Mr. WILLIAMS. Yes.

95. Senator WARREN. Mr. Williams, would it be harmful for NNSA workforce reductions to weaken U.S. leadership in nonproliferation?

Mr. WILLIAMS. In my current capacity, I am not privy to the makeup of the workforce at NNSA. The NNSA workforce is unique and exceptional; they are essential to accomplishing the vital work entrusted to them. If confirmed, I will advocate for the men and women of NNSA so that we can accomplish that mission together.

96. Senator WARREN. Mr. Williams, how do you think increasing our nuclear weapons spending will impact our adversaries' interest in doing the same?

Mr. WILLIAMS. Our adversaries have already been accelerating their nuclear modernization efforts for years. The current U.S. stockpile remains safe, secure, reliable, and effective. NNSA must continue to be responsive to DOD requirements while developing capabilities to meet deterrent gaps of any kind that may emerge well into the future.

Above all, our nuclear modernization plan must deter the full range of threats posed by adversaries and ensure the United States has an enduring safe, secure, and effective nuclear stockpile.

97. Senator WARREN. Mr. Williams, how do you think our adversaries would interpret the United States resuming live fire nuclear weapons testing?

Mr. WILLIAMS. The United States continues to observe its 1992 nuclear test moratorium; and, since 1992, has assessed that the deployed nuclear stockpile remains safe, secure, and effective without nuclear explosive testing. Each year, the national security laboratory directors and the Commander of U.S. Strategic Command assess the stockpile and determine if there is anything that would require a return to underground nuclear explosive testing. If confirmed, I will continue to support the annual assessment process and will ensure NNSA continues to comply with readiness requirements while also supporting a robust Stockpile Stewardship Program. For questions regarding the views and actions of America's adversaries, I will need to defer to the Intelligence Community.

98. Senator WARREN. Mr. Williams, given the Pentagon's \$1.5 trillion nuclear modernization program and Donald Trump's commitment to examining every aspect of the Federal Government for wasteful spending, will you assess whether any nuclear modernization programs should be identified for possible re-evaluation to cut unnecessary costs for the American taxpayer?

Mr. WILLIAMS. NNSA's modernization of the U.S. nuclear arsenal is the backbone of our national defense, ensuring the United States fields modern, reliable, and effective weapons to deter our adversaries. NNSA is entrusted with stewardship of taxpayer dollars which requires appropriate scrutiny. Over the past few years, NNSA has made improvements to address project management challenges, but more work in this area is required. If confirmed, I will be looking for areas where we can adopt innovative strategies to more efficiently deliver NNSA's mission.

99. Senator WARREN. Mr. Williams, as an unratified signatory of the 1996 Comprehensive Test Ban Treaty, the United States has not tested a nuclear weapon since Operation Julin in 1992, relying instead on the Stockpile Stewardship Program to ensure the safety and reliability of the arsenal. Former National Security Advisor to Donald Trump, Robert O'Brien, recently suggested that the United States should restart nuclear weapons testing. Do you believe there is any technical or strategic justification for resuming explosive nuclear testing?

Mr. WILLIAMS. The United States continues to observe its 1992 nuclear test moratorium; and, since 1992, has assessed that the deployed nuclear stockpile remains safe, secure, and effective without nuclear explosive testing. Each year, the national security laboratory directors and the Commander of U.S. Strategic Command assess the stockpile and determine if there is anything that would require a need to return to underground nuclear explosive testing. If confirmed, I will continue to support the annual assessment process and will ensure NNSA continues to comply with readiness requirements while also supporting a robust Stockpile Stewardship Program.

100. Senator WARREN. Mr. Williams, some have argued that resuming explosive nuclear testing could provide marginal benefits for stockpile confidence, while others warn that it would have severe consequences for arms control, non-proliferation, and global security. If confirmed, will you commit to prioritizing scientific advancements in stockpile stewardship over unnecessary and destabilizing nuclear testing?

Mr. WILLIAMS. The United States continues to observe its 1992 nuclear test moratorium; and, since 1992, has assessed that the deployed nuclear stockpile remains safe, secure, and effective without nuclear explosive testing. Each year, the national security laboratory directors and the Commander of U.S. Strategic Command assess the stockpile and determine if there is anything that would require a need to return to underground nuclear explosive testing. If confirmed, I will continue to support the annual assessment process and will ensure NNSA continues to comply with readiness requirements while also supporting a robust Stockpile Stewardship Program.

101. Senator WARREN. Mr. Williams, the NNSA's Office of Defense Nuclear Non-proliferation (DNN) works globally to prevent State and non-State actors from developing nuclear weapons or acquiring weapons-usable nuclear or radiological materials, equipment, technology, and expertise. Given that \$185 million has been redirected from defense nuclear non-proliferation to weapons development, can you speak about the impact this shift will have on non-proliferation programs at NNSA and what you will do to ensure these programs get the funding they need?

Mr. WILLIAMS. In my current capacity, I am not privy to the details related to that funding nor the decisions behind its redirection. If confirmed, I am committed to protecting the United States from the threat of nuclear proliferation.

102. Senator WARREN. Mr. Williams, the success of the NNSA's non-proliferation mission relies on experienced personnel in national labs and international cooperation programs. What will you do if you determine that reductions that occurred before your confirmation have weakened U.S. leadership in non-proliferation and made the United States less safe?

Mr. WILLIAMS. If confirmed, I will work with the Secretary of Energy, the White House Office of Management and Budget, and the President to determine that NNSA's nonproliferation programs have the funding and staffing needed to execute their mission.

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QUESTIONS SUBMITTED BY SENATOR TAMMY DUCKWORTH

ACCOUNTABILITY

103. Senator DUCKWORTH. Mr. Williams, do you commit that your decisions will be communicated through official, secure channels and properly documented for both oversight and institutional memory?

Mr. WILLIAMS. Should I be confirmed, I will comply with all Department of Energy records retentions policies and applicable law.

104. Senator DUCKWORTH. Mr. Williams, would you follow an illegal, unlawful, or immoral order?

Mr. WILLIAMS. Should I be confirmed, I intend to comply with the law.

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[The nomination reference of The Honorable Brandon M. Williams follows:]

**NOMINATION REFERENCE AND REPORT**

**PN12-45**

AS IN EXECUTIVE SESSION,  
SENATE OF THE UNITED STATES,  
January 20, 2025.

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

Brandon Williams, of New York, to be Under Secretary for Nuclear Security, vice Jill Hruby, resigned.

\_\_\_\_\_, 2025.  
(Date)

Reported by Mr. Wicker \_\_\_\_\_  
(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 The Honorable Brandon M. Williams, which was transmitted by the Committee at the time of the nomination was referred, follows:]

## Biography | Former Congressman Brandon Williams

**Brandon Williams** is a former U.S. Congressman, Navy veteran, and entrepreneur with a distinguished career in national security, technology, and economic development.

In 1989, Williams witnessed the Tiananmen Square student protests firsthand, which inspired his lifetime commitment to service. Fifteen months later, he joined the U.S. Navy and served for six years as a nuclear submarine officer.



Williams is a graduate of Pepperdine University and the Navy Officer Candidate School in Newport, Rhode Island, and completed training at the prestigious Naval Nuclear Power School. During his military service, Williams completed six strategic deterrent patrols in the Pacific aboard the USS Georgia (SSBN 729), where he served as Electrical Officer and Strategic Missile Officer. He qualified on two separate naval reactor designs (S5W and S8G) and was responsible for the safety, security, and operational readiness of 24 Trident I C4 missiles, nuclear weapons security, radiological controls, and command codes.

Following his naval service, Williams earned an MBA from the Wharton School at the University of Pennsylvania, where he double-majored in Operations & Information Management and Finance. His career in both the military and private sector has taken him across the country, ultimately settling in Central New York in 2010. There, he and his wife, Stephanie McRee—daughter of Col. Marshall McRee, a decorated Vietnam War veteran (having earned three Bronze Stars with Valor)—established an agribusiness in the Finger Lakes region, contributing to local economic development and tourism. There, he was elected to represent the people of Central New York in the U.S. House of Representatives in 2022 and chaired the Energy Subcommittee for the House Science, Space, and Technology Committee.

Williams is also an innovator in industrial technology and cybersecurity. As the founder of a software company, he has led efforts to modernize large-scale manufacturing operations, enhance critical infrastructure security, and advance efficiency through cutting-edge solutions.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by The Honorable Brandon M. Williams in connection with his nomination follows:]

119<sup>th</sup> CONGRESS, 2025 -- 2026  
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):**  
Brandon McDonald Williams
2. **Position to which nominated:**  
Under Secretary of Nuclear Security and Administrator for Nuclear Security
3. **Date of nomination:**  
Announcement: January 16, 2025  
Nomination Sent to Senate: January 20, 2025
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):**

- Aug. 1981 – May 1985 Highland Park High School – Graduated (Dallas TX)
  - Aug. 1985 – May 1986 Baylor University – Undergraduate studies (Waco, TX)
  - Aug. 1986 – Apr. 1989 Pepperdine University – Undergraduate studies (Malibu, CA)
  - Sep. 1989 – May 1990 Harvard University – Visiting undergraduate student (Cambridge, MA)
  - Aug. 1990 – Dec. 1990 Pepperdine University – B.A. Liberal Arts (Malibu, CA)
  - Mar. 1991 – Jul. 1991 U.S. Navy Officer Candidate School – Commissioned as Navy Ensign July 7, 1991) (Newport, RI)
  - Sep. 1991 – Mar. 1992 Officer Advanced Nuclear Power School (Orlando, FL)
  - Mar. 1992 – Sep. 1992 U.S. Navy Officer Nuclear Propulsion Plant Operator (Goose Creek, SC)
  - Oct. 1992 – Jan. 1993 U.S. Navy Submarine Officer Basic Course (Groton, CT)
  - Aug. 1996 – May 1998 University of Pennsylvania Wharton School – M.B.A. in Finance and Operations & Information Management (Philadelphia, PA)
  - Jan. 2018 – Apr. 2018 Massachusetts Institute of Technology Sloan School – Artificial Intelligence: Implications for Business Strategy – Certificate (online)
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):**
- Jan. 2023 – Jan. 2025 United States House of Representatives, Member of Congress, representing New York's 22<sup>nd</sup> District (Washington D.C.)
  - Jun. 2019 – Dec. 2022 CPlane Networks Inc. VP of Business Development & Board Member (Sennett, NY)

- Jan. 2015 – Jun. 2015 CPlane Networks Inc. CEO & Chairman of the Board (San Mateo, CA)
6. **Have you ever received approval, pursuant to section 908 of title 37, United States Code, to accept civil employment (and compensation for that employment), payment for speeches, travel, meals, lodging, registration fees, or a non-cash award from a foreign government?**
- No
7. **Government experience (List any advisory, consultative, honorary, and other part-time service or positions with Federal, State, or local governments, other than those listed in response to question 5, above):**
- None
8. **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
9. **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 Radio Relay League – Current Member
  - Veterans of Foreign Wars – Current Member
  - National Rifle Association – Current Member
  - New York State Shooting Association – Current Member
  - American Legion – Current Member
  - United States Navy League – Current Member
  - Naval Submarine League – Current Member
  - Seattle Opera – Former Board Member
  - Licensing Executive Society – Former Member
  - Boy Scouts of America – Former Volunteer
  - Skaneateles Country Club – Former Member
  - Owasco Country Club – Former Member

- 10. 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):
    - a. Jan. 2022 – Nov. 2022 Republican Candidate for Congress in New York's 22<sup>nd</sup> District
    - b. Jan. 2023 – Jan. 2025 United States House of Representatives, Member of Congress, representing New York's 22<sup>nd</sup> District (Washington D.C.)
  - List all memberships and offices held in, and services rendered to, all political parties or election committees during the last 5 years:
    - Republican Party member
  - 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
- 11. Honors and awards (List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognition received for outstanding service or achievements):**
- Congressmember of the Year 2024 – The Association of New York State Young Republican Clubs
- 12. 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 "Machine Internet" Aqe, LinkedIn Post, July 20, 2018

- [Who Will Win the Industrial Edge?, EdgeIR.com Industrial Review, June 22, 2020](#)
- [Rebalancing America's Energy Investment Strategy, Daily Sentinel \(Rome, NY\), March 5, 2024](#)
- [The Reality of Radiation, American Nuclear Society website, February 28, 2024 \(co-author with Rep. Byron Donalds\)](#)

13. **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).**

- [Submitted separately](#)

**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.

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

- [Yes](#)

15. **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](#)

16. **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

17. 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

18. 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

19. 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

20. 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

#### FUTURE EMPLOYMENT RELATIONSHIPS

21. If you are confirmed by the Senate, will you sever all business connections with your present employers, business firms, business associations, and business organizations?

- Yes

22. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

- No

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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 26<sup>th</sup> day of FEBRUARY, 2025

[The nomination of The Honorable Brandon M. Williams was reported to the Senate by Chairman Wicker on May 1, 2025, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on September 18, 2025.]

[Prepared questions submitted to Mr. Bradley D. Hansell by Chairman Wicker prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES, QUALIFICATIONS, AND RELATIONSHIPS

*Question.* If confirmed as the Under Secretary of Defense for Intelligence and Security USD(I&S), what do you believe would be your most critical duties and responsibilities?

*Answer.* The primary responsibility of the Under Secretary of Defense for Intelligence and Security (USD(I&S)) is to support the Secretary of Defense by executing his intelligence and security responsibilities and authorities, including the authorities that are codified in Title 10 and Title 50 of the United States Code. Conducting this responsibility in support of the warfighter and our national defense will always be on the top of my mind. I am also particularly aware, if confirmed, of the responsibility of the USD(I&S), pursuant to section 137(c) of Title 10 United States Code, for the protection of privacy and civil liberties in accordance with Federal law and the regulations and directives of the Department of Defense.

I understand that the responsibilities of the USD(I&S) by statute and policy are contained in DOD Directive 5143.01 and include serving as the Principal Staff Assistant and advisor regarding intelligence, counterintelligence, security, sensitive activities, and other intelligence-related matters; exercising authority, direction, and control on behalf of the Secretary of Defense over the Defense Intelligence Agency (DIA), the National Geospatial-Intelligence Agency (NGA), the National Security Agency / Central Security Service (NSA / CSS), the National Reconnaissance Office (NRO), and the Defense Counterintelligence and Security Agency (DCSA); establishing policy and priorities for, and providing oversight of, the defense intelligence and security enterprises; exercising oversight of personnel policy to ensure that intelligence organizations in the Department of Defense are staffed, organized, trained, and equipped to support the missions of the Department; ensuring that the DOD intelligence components that are also elements of the Intelligence Community (IC) are responsive to the Director of National Intelligence (DNI) in the execution of the DNI's authorities; ensuring that the combatant commanders, the Joint Chiefs of Staff, and the civilian leadership of the Department are provided with appropriate intelligence support; ensuring that counterintelligence activities in the Department are conducted and managed efficiently and effectively; ensuring that certain sensitive activities which the Department conducts or supports are conducted and managed efficiently and effectively; overseeing the implementation of assigned DOD security policies and programs to ensure efficiency and effectiveness; and serving as the Program Executive for the Military Intelligence Program (MIP).

*Question.* What is your understanding of the differences between the Title 10 and Title 50 duties of the USD(I&S)?

*Answer.* My understanding is that the USD(I&S) supports the Secretary of Defense in fulfilling all the Secretary's statutory responsibilities in the areas of intelligence and security, whether codified in Title 10 or Title 50 of the United States Code, and that the duties of the USD(I&S) are prescribed in DOD Directive (DODD) 5143.01. This includes providing overall direction and supervision for policy, program planning and execution, and use of resources for DOD activities that are part of the Military Intelligence Program and for personnel security, physical security, industrial security, and the protection of classified information and controlled unclassified information-related activities. Of note, section 137(c) of Title 10 also states that it shall be a top priority of the USD(I&S) to protect privacy and civil liberties in accordance with Federal law and the regulations and directives of DOD. I also understand that the USD(I&S) supports the Secretary of Defense in fulfilling the responsibilities in subsection 3038(a) of Title 50, United States Code, in consultation with the Director of National Intelligence, to ensure: (1) that the budgets of the Intelligence Community (IC) elements within the Department of Defense (DOD) are adequately funded to the overall DOD intelligence needs; (2) the implementation of the policies and resource decisions of the Director of National Intelligence by DOD Components within the National Intelligence Program (NIP); (3) that DOD tactical intelligence activities complement and are compatible with intelligence activities funded by the NIP; (4) that the IC elements within DOD are responsive and timely with respect to satisfying the needs of operational military forces; (5) waste and unnecessary duplication among the DOD intelligence activities are eliminated; and (6) that DOD intelligence activities are conducted jointly where appropriate.

*Question.* What leadership and management experience do you possess that you would apply to your service as USD(I&S), if confirmed?

*Answer.* I am passionate about helping people and organizations realize their highest potential. Throughout my career, I have sought opportunities to be a student and a practitioner of leadership to enable that objective. If confirmed, I look forward to bringing my experience forward to be an effective servant leader within the Department of Defense and Defense Intelligence and Security Enterprise (DISE). I believe my experience in the United States Navy, the United States Army Special Forces, the National Security Council, and in the private sector working within both the commercial and government sectors have uniquely prepared me for this position.

After college, I initially chose to join the Navy's Surface Warfare Community, inspired by the responsibility of leadership and opportunity to serve our Nation. My early tours as a Naval Officer taught me many lessons about how to get things done in a large, matrixed enterprise. Seeking more impact, I entered Naval Special Warfare Training, which provided the foundation for the character and leadership principles I bring forward today. After leading my class through 'hell week' and a medical disqualification later in training, a transfer to the Army Special Forces provided the experiences that would deepen my commitment to these principles. I am honored that some of these experiences included leading America's finest in combat. These responsibilities prepared me to be a strong manager able to generate a vision, build consensus, and drive execution. Most importantly, my experiences have ingrained in me the value of servant leadership.

After my retirement from the military, I attended graduate school for an MBA to learn how to best apply these leadership lessons in the business world. I have twice worked at Boston Consulting Group, a management consulting firm that advises the world's largest organizations on how to address some of their most challenging leadership and management challenges. This experience furthered my ability to be a strategic thinker, capable of challenging the status quo, in search of innovative solutions. As a leader in the North American Public Sector practice, advising leaders within the Defense and Intelligence Community, and as a Senior Director at the National Security Council, I understand the leadership and managerial challenges required when attempting to drive impact in the unique government domain.

As a strategy consultant, operating partner, and independent consultant I have significant experience partnering with management teams to tackle their hardest challenges. Across a breadth of sectors and types of challenges, and despite often facing complex data driven problems, I have found that effective leadership is almost always the most impactful lever. My vast experience, and lessons learned along the way, has shaped a personal leadership approach which is mission focused, outcomes driven, people enabled, and an exacting focus on effective decisionmaking. If confirmed, my years of implementing business best practices will help effectively manage the enterprise, and I believe my leadership will serve the organization to reach its potential.

*Question.* Please provide an example of a situation in which you led and brought to conclusion a management improvement/change initiative in a complex organization.

As a Senior Director on the National Security Council staff, I helped lead efforts in furtherance of a directorate focused on transnational threats. Part of my mandate was to identify and seek to eliminate any bureaucratic silos that limited our collective capacity in areas of my portfolio. I believe this integration is critical in both policy and organizational design in order to address the sources of strength and support of our adversaries, including in a key area of focus at the time for the Administration, transnational organized crime (TOC).

On February 9, 2017, President Trump issued Executive Order (EO) 13773, which, inter alia, called for enhanced efforts to “maximize the extent to which all Federal agencies share information and coordinate with Federal law enforcement agencies, as permitted by law, in order to identify, interdict, and dismantle transnational criminal organizations and subsidiary organizations.” The first inter-agency report in response to EO 13773 confirmed that the Federal Government did not have the requisite structures in place to adequately coordinate activity and also lacked the capability to provide a comprehensive picture of the threat environment. Recognizing the importance of establishing an interagency framework that can both map and action the threat environment, my team began to build consensus for a permanent integrated effort to meet the intent similar to what National Counterterrorism Threat Center (NCTC) does for integrating CT intelligence and planning. Our effort sought to develop the basis for increased data integration and a national level planning process. In the process of standing up a new coordination mechanism, we encountered many of the barriers that had hardened bureaucratic silos in the past—such as competing policy priorities, legal authorities issues, and widely differing but well-established mindsets that fostered organizational resistance to change. Despite all these obstacles, we successfully navigated a path to consensus to establish a new whole-of-government framework for tackling TOC.

These efforts yielded, inter alia, better integration with the Department of the Treasury and the Department of Defense and a new interagency planning capability to address this critical issue. These additional capabilities and increased coordination among Federal agencies have established an integrated policy planning process with a permanent focus on improving the integration of available investigative, regulatory, and law enforcement information required to address TOC in a more holistic and comprehensive way.

*Question.* What is your experience across the domain of intelligence matters? Security matters?

*Answer.* My career as a national security professional, spanning more than 20 years, has provided me with significant experience in the domain of intelligence and security matters, ranging from the tactical to the strategic level. As a Green Beret, my team conducted the entire intelligence cycle on the battlefield, to include the development and utilization of intelligence sources as well as the integration of sensitive intelligence capabilities, which I then relied on when planning and leading combat missions. I know the value of getting it right and the human cost of getting it wrong. My military career also included assignments focused on harbor security, force protection, and physical security.

Serving as a Senior Director in the National Security Council, I saw the criticality of timely and accurate intelligence to inform policymakers. As part of my responsibility, I leveraged intelligence in the formulation of policy and ensured relevant strategy was informed by adequate and coordinated intelligence collection. I saw the importance not only of the content of the intelligence, but the context and credibility in its effect on policy formulation. This experience afforded me the opportunity to become familiar with intelligence processes at the national level.

Leading a functional directorate on the National Security Council gave me exposure to threats and policies globally and the intelligence and security issues that supported them. In my responsibility to align inter-agency policies and resources to a national problem set, part of my role within my portfolio included working with elements of the Intelligence Community to better integrate toward a unified objective. It also provided me with valuable experience with responsiveness issues of the Intelligence Community to national level priorities. If confirmed, these experiences would inform my view on the criticality of integration across our intelligence components and enhance my ability to be a valuable stakeholder in its execution.

Returning to Boston Consulting Group, after my nomination to be the Deputy Under Secretary for Intelligence, I helped to build a FOCI mitigated business that focused on bringing industry’s best practices to the unique government domain, as we partnered with leaders in both the DOD and the IC to address their challenges. I had the opportunity to work on strategy, organizational design, operational effi-

ciency, and acquisition challenges in the community. In the establishment of that business, I handled many of the security issues that are faced by non-traditional entrants as they try to serve customers in the Intelligence Community. As an Operating Partner at two investment firms and as an Independent Consultant, I had the opportunity to partner with businesses as they navigated growth strategies in these often-non-efficient markets. Most of my work in the investment sector has relied on my deep understanding of the national security challenges facing the USG, its reliance on the commercial sector to fulfill its requirements, and the security challenges involved in effectively doing so.

*Question.* Are there any actions you would take to enhance your ability to perform the duties and exercise the powers of the USD(I&S)?

*Answer.* If confirmed, leveraging the experience and wisdom of the professionals within the DISE and throughout DOD will be critical to my own and the organization's success. I believe in the value of seeking knowledge that can support the mission from every available source and will do so if confirmed. Furthermore, I would work to ensure an organization climate that encourages the best ideas to flow freely through the organization. My understanding is that the duties and authorities of the USD(I&S) in exercising the Secretary of Defense's authority, direction, and control over the DISE are significant when used to their full effect. As a nominee for USD(I&S), I have not yet had the opportunity to comprehensively assess whether the duties and authorities of the USD(I&S) over the DISE—as well as the financial resources and personnel talent within the DISE—are effectively matched to the Secretary of Defense's national security priorities in accordance with the Interim National Defense Strategy Guidance. If confirmed, I commit to making that assessment and will return to the Committee if I determine additional or revised authorities are necessary to successfully implement the National Defense Strategy.

*Question.* If confirmed, specifically what would you do to ensure that your tenure as USD(I&S) fulfills the fundamental requirement for civilian control of the Armed Forces embedded in the U.S. Constitution and other laws?

*Answer.* I am committed to upholding the fundamental requirement in the U.S. Constitution and other laws for civilian control of the Armed Forces, a key principle of American governance and enabler for our success as a Nation. This includes executing my responsibilities and duties established by law and policy to the President, Secretary of Defense, and to the U.S. Congress, and holding those who I manage and oversee accountable for the same.

*Question.* How do you view the relationship and division of responsibilities between the Office of the Under Secretary of Defense for Intelligence and Security (OUSD(I&S)) and the Office of the Director of National Intelligence (ODNI)?

*Answer.* The partnership between Office of the Under Secretary of Defense for Intelligence and Security (OUSD(I&S)) and Office of the Director of National Intelligence (ODNI) is essential to the success of the DISE. The OUSD(I&S) works closely with the ODNI to effectively integrate intelligence in support of U.S. national security interests. Through the effective partnership and integration between OUSD(I&S) and ODNI, the Intelligence Community delivers coordinated intelligence to policymakers and warfighters on crucial threats to our national security. If confirmed, I will seek to continue to strengthen the partnership between OUSD(I&S) and ODNI to maximize effects and return on investment of our combined efforts.

I am also aware that the USD(I&S) is dual-hatted as the Director of Defense Intelligence within the ODNI, and I believe that formal relationship offers great opportunities for enhancing our effective collaboration.

Last, as a principal member of the Suitability and Security Clearance Performance Accountability Council (PAC), the USD(I&S) works with the DNI, who is the Security Executive Agent and a principal member of the PAC.

*What is your understanding of the relationship and division of responsibilities between the OUSD(I&S) and the Office of the Under Secretary of Defense for Policy (OUSD(P)), particularly as regards policy and programs for information operations, including military deception and operations security (OPSEC)?*

*Answer.* My understanding is that the Under Secretary of Defense for Policy (USD(P)) is the Principal Staff Assistant for oversight of Information Operations (IO), and that the USD(I&S) is the Program Management Lead for DOD deception activities and operations security. In coordination with the USD(P), the USD(I&S) develops and oversees implementation of DOD policy, programs, and guidance for military deception and operations security; the coordination and deconfliction of DOD IO and intelligence activities; and develops and oversees the implementation of policy for intelligence support to IO. If confirmed, I will prioritize ensuring the Department has all available tools to effectively compete along the full continuum of conflict. A strong partnership between OUSD(I&S) and OUSD(P) is critical in the

development and effectiveness of DOD activities to counter adversary activities in the “gray zone”, which will enable our ability to deter adversaries short of armed conflict and re-establish deterrence.

*Question.* In your view, what would be the appropriate relationship between the USD(I&S) and the Chairman of the Joint Chiefs of Staff in regard to providing operational intelligence, counterintelligence, and security support to the warfighter?

*Answer.* I understand that the USD(I&S) is responsible for supporting the Secretary of Defense in discharging his intelligence and security responsibilities and authorities under Title 10 and Title 50 of the United States Code. This includes exercising authority, direction, and control on behalf of the Secretary of Defense over certain defense intelligence components of the Department of Defense and working closely with the Joint Staff, Combatant Commands, Service Components, and the ODNI to develop effective policy, plans, programs, and priorities. The optimal relationship between OUSD(I&S) and the Chairman of the Joint Chiefs of Staff is mutual support and consultation to ensure the defense intelligence enterprise (DIE) provides the warfighters with the best intelligence possible, to conduct their planning and operations and to provide the Secretary of Defense with the best defense intelligence and military advice.

*Question.* How are responsibilities for the oversight of the activities and programs of special operations forces delineated between the OUSD(I&S) and the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (ASD(SOLIC))?

*Answer.* I understand that USD(I&S), the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict (ASD(SO/LIC)), and the DOD Senior Intelligence Oversight Official (SIOO) acting together are the primary oversight officials for all U.S. Special Operations Forces intelligence and intelligence-related activities and programs. A strong partnership between OUSD(I&S) and ASD(SO/LIC) is critical in the development and effectiveness of many DOD activities in the “gray zone,” which will enable DOD’s ability to deter adversaries short of armed conflict and reestablish deterrence. I also intend to work closely with the SIOO who I understand provides independent oversight within the Department of intelligence and intelligence-related activities.” If confirmed, I will continue this close partnership to ensure that the United States is best postured to maximize effects. In doing so, I will ensure defense intelligence activities adhere to appropriate coordination processes within the Office of the Secretary of Defense.

*Question.* How do you view the relationship and division of responsibilities between OUSD(I&S) and the Office of the Under Secretary of Defense for Acquisition & Sustainment (OUSD(A&S)) in regard to both unclassified and classified contract efforts?

*Answer.* I understand the relationship between OUSD(I&S) and the Office of the Under Secretary of Defense for Acquisition & Sustainment (OUSD(A&S)) is one of cooperation and collaboration. I am aware of existing important efforts between both offices, to include an examination of DOD oversight of classified contracting, getting the National Background Investigation Services program back on track, and partnering to protect the National Security Innovation Base and Defense Industrial Base from adversary compromise. If confirmed, I look forward to learning more about these efforts and making my own assessment of their progress.

Also if confirmed, a priority of mine will be to better enable intelligence to inform Department investments, effectively matching capabilities with threats, along the entire acquisition life cycle. I will work closely with the USD(A&S) to best integrate intelligence efforts to effectively support decisionmakers amidst a rapidly evolving technological and threat environment.

*Question.* How do you view the relationship and division of responsibilities between the OUSD(I&S) and the DOD Chief Information Officer, particularly with respect to the cybersecurity mission; developing interoperability requirements applicable to information systems architectures for processing intelligence and counterintelligence information; and the certification of intelligence information systems?

*Answer.* I view the relationship between the OUSD(I&S) and the Department of Defense Chief Information Officer (DOD CIO) as one predicated on collaboration and partnership to align, secure, and modernize information security policies and DOD’s information system architectures to support our warfighters. I understand that the DOD CIO advises the Secretary of Defense on information technology, including National Security Systems and defense business systems, cybersecurity, and develops DOD strategy and policy for all DOD information technology. The partnership between OUSD(I&S) and DOD CIO is imperative for continuing cybersecurity efforts, such as implementing Zero Trust on all three DOD network fabrics to mitigate nefarious actors including insider threat.

If confirmed, I will work with the DOD CIO to advance the department's mission by ensuring an integrated, intelligence, and counterintelligence informed management of IT and network security that addresses the evolving cybersecurity threat.

*Question.* What is your understanding of the relationship and division of responsibilities between the OUSD(I&S) and the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) for the Defense Civilian Intelligence Personnel System (DCIPS)? For the identification of DOD language capability requirements?

*Answer.* I understand that the OUSD(I&S) establishes policy for the Defense Civilian Intelligence Personnel System (DCIPS) in partnership with the Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)). This is a critical relationship in support of the Secretary of Defense's assessment of the shape and size of the entire DOD workforce alignment to DOD and U.S. national security priorities. I also understand that OUSD(P&R) coordinates with OUSD(I&S) and the Intelligence Community to identify and prioritize DOD foreign language capability requirements. If confirmed, I will make it a priority to examine the relationship between OUSD(I&S) and OUSD(P&R), to include the process for identifying DOD language capability requirements.

*Question.* How do you view the relationship and division of responsibilities between the OUSD(I&S) and the heads of the Intelligence Components of the Military Departments?

*Answer.* I understand that the OUSD(I&S) staff works closely with the heads of the intelligence and counterintelligence components of the Military Departments. I understand that the USD(I&S) provides input to the Secretaries of the Military Departments on the performance of the senior intelligence officer within each Military Department.

The USD(I&S) is the Principal Staff Assistant to the Secretary of Defense with authority delegated from the Secretary of Defense to establish policy for DOD intelligence, counterintelligence, security, sensitive activities, and other intelligence-related matters. The Directors for Defense Intelligence within the OUSD(I&S) have specific programmatic responsibilities and support the USD(I&S) in carrying out his assigned responsibilities and exercising the authorities delegated to the USD(I&S) by the Secretary of Defense.

The Secretaries of the Military Departments exercise authority, direction, and control over all components within their respective Departments. The heads of the intelligence and counterintelligence components within the Military Departments are under the authority, direction, and control of the Secretary of the Military Department, and subject to the policy oversight of the USD(I&S).

*Question.* What do you perceive to be the role of the OUSD(I&S) with regard to the Reserve Component intelligence elements of Military Services?

*Answer.* I understand that DOD Directive 5143.01 outlines the responsibilities and functions, relationships, and authorities of the USD(I&S). In accordance with this Directive, OUSD(I&S) assists the USD(I&S) to develop and provide policy guidance, resource advocacy, and oversight for the integration of Reserve Component intelligence elements, and ensures the Department effectively employs and resources Reserve Component intelligence elements to best support the National Defense Strategy. The programmatic role of OUSD(I&S) is the same with respect to the Active and Reserve Components of the Military Services. Like the Active Components, the Reserve Components' intelligence elements are under the authority, direction, and control of the Secretary of the relevant Military Department in which they are located, and subject to the policy oversight of the OUSD(I&S).

*Question.* What is your understanding of the USD(I&S)'s responsibility and authority for the management and oversight of Military Intelligence Program (MIP) and National Intelligence Program (NIP) funding? How do the processes employed by the USD(I&S) in the execution of these responsibilities differ from the Planning, Programming, Budgeting, and Execution (PPBE) process applicable to all other DOD organizations and funding?

*Answer.* My understanding is that USD(I&S) executes the Secretary's statutory responsibilities regarding the budgets of the DOD components that comprise the Intelligence Community (IC), and specifically ensuring the budgets of DOD IC elements are adequate to satisfy the overall intelligence needs of the Department. Further, as the MIP Executive Agent, the USD(I&S) is responsible for the management and oversight of the Military Intelligence Program (MIP). The USD(I&S) executes the functions for the NIP of the Department, as delegated by the Secretary of Defense, and as the Director of Defense Intelligence for ODNI, has visibility into the NIP through participation in the ODNI PPBE decision forums. Additionally, I understand the DNI and the USD(I&S) jointly issue intelligence programming guidance to closely synchronize NIP and MIP-funded programs to ensure the Department's priorities are communicated to the IC. If confirmed, I will work closely with

the ODNI in ensuring DOD intelligence requirements are effectively supported within the NIP budget.

With respect to the DOD PPBE process, it is my understanding that the USD(I&S) is a full participant in the Department's PPBE process and that military intelligence requirements compete with the other DOD requirements.

*Question.* If confirmed, specifically what actions would you take to develop and sustain an open, transparent, and productive relationship between the Senate Armed Services Committee and the OUSD(I&S) and the Defense Agencies under the authority, direction, and control of the USD(I&S)?

*Answer.* I believe that collaborative congressional oversight provides an invaluable perspective on DOD activities that informs better decisions within both branches of government, ultimately making DOD more effective in achieving our common purpose of strengthening our national defense. If confirmed, I intend to maintain a routine, continuous, and transparent dialog with the defense oversight committees to discuss the Department's activities that are subject to their oversight, including defense intelligence, counterintelligence, security, sensitive activities, and other intelligence-related activities. I am committed to maintaining open lines of communication with Congress to ensure accurate and consistent information is shared from the OUSD(I&S) and the defense agencies under USD(I&S) authority. Through this approach, I will seek to facilitate effective oversight and build mutual trust between DOD and Congress, enabling DOD to obtain legislative authorities and resources necessary for mission success.

If confirmed, will you commit to ensure that this Committee is provided with the notifications required under law, and that any such notification is accurate, complete, and timely?

*Answer.* I am committed to keeping Congress fully and currently informed involving activities that fall under the USD(I&S)'s responsibility under DOD Directive 5143.01, including fulfilling the notification requirements in accordance with 10 U.S.C. 2723. If confirmed, I will ensure such notifications are accurate, complete, and timely.

#### CONFLICTS OF INTEREST

*Question.* Federal ethics laws, to include 18 U.S.C. § 208, prohibit government employees from participating in matters where they, or certain family members or organizations with which they have certain relationships, have a financial interest.

Do you agree, without qualification, if confirmed, to disclose any potential conflicts of interest, including investments, business ties, family relationships, or other connections that could be perceived as influencing your decisionmaking?

*Answer.* I agree to comply with all conflicts of interest disclosure requirements set forth in the Ethics in Government Act and implementing regulations.

*Question.* Do you agree, without qualification, if confirmed, that if a conflict of interest arises, you will recuse yourself from participating in any decisions regarding that specific matter?

*Answer.* I agree to comply with all recusal requirements under 18 U.S.C. § 208 and implementing regulations.

*Question.* Do you commit, without qualification, if confirmed, to decisionmaking on the merits and exclusively in the public interest, without regard to private gain or personal benefit?

*Answer.* I commit to deciding matters on the merits based on the public interest, without regard to any private gain or personal benefit

#### MAJOR CHALLENGES AND PRIORITIES

*Question.* What do you consider to be the most significant challenges you would face if confirmed as the USD(I&S) and what specific actions would you take to address each of these challenges?

*Answer.* The most significant challenge will be ensuring the DISE is most effectively supporting the Secretary of Defense's priorities: restoring a warrior ethos, rebuilding our military, and reestablishing deterrence in support of our national defense in a rapidly changing environment.

Effective management of the DISE is essential, and we must align efforts to maximize effects downrange and the return on our investment. This includes ensuring we have the right technology and organizational structure to enable our personnel—some of America's best—to increase their impact in today's operational environment, and to position the Enterprise for the rapidly changing landscape of the future. If confirmed, I would ensure the Enterprise has the culture, business best practices, and processes necessary to be agile, while remaining laser focused on the mission. Adapting the DISE at the speed of relevance will be difficult, but essential. From

my perspective, technology advancements in ubiquitous sensing, space control, and unmanned systems at scale are examples of the challenges we must adapt to.

We must better enable intelligence to inform Department investments, effectively matching capabilities with threats. With program costs incredibly high—and the cost of misallocation on the modern battlefield even higher—the premium on intelligence effectively informing the entire acquisition life cycle is at an all-time high. I believe the speed of the technology will require increased focus earlier in the development cycle, requiring an increased focus on scientific & technical intelligence.

Last, we must ensure the Department has all the tools required to most effectively compete along the full continuum of conflict. Our adversaries are increasingly conducting malign activity below a threshold that has traditionally triggered a military response. Enhancing DOD Irregular Warfare capabilities will allow us to provide leaders with risk-informed options to better compete short of armed conflict and re-establish deterrence. Similarly, I believe offensive cyber capabilities and an increased focus on Defense human intelligence are areas for opportunity. Finally, offensive counterintelligence efforts are essential in imposing a cost on our adversaries. These options may often carry additional risk; however, the DISE will strive to provide risk-informed options to the Secretary that support his and the President's national security objectives.

#### EXPANDING ROLES AND RESPONSIBILITIES

*Question.* In 2003, Congress established the position of Under Secretary of Defense for Intelligence with the intent to improve coordination of the Department of Defense's intelligence and security efforts in the aftermath of the terrorist attacks of September 11, 2001. The roles and responsibilities of the Under Secretary have expanded significantly since the creation of the position, particularly in the areas of security and law enforcement.

What is your understanding of the evolution and growth of the roles and responsibilities of the OUSD(I&S) since its establishment?

Answer. I understand that the evolution of the roles and responsibilities of the OUSD(I&S) since its establishment in 2003 have been strategic and responsive to the evolution and growth of requirements to support the Secretary of Defense in executing his intelligence and security responsibilities and authorities under Title 10 and Title 50 of the United States Code. The growth largely is largely attributed to the evolution of important security functions and programs that enable the Department to more effectively compete across the spectrum of conflict, to include the assumption of oversight for the DOD implementation of Trusted Workforce 2.0 and the designation of the Under Secretary as the Secretary's Principal Staff Assistant for Law Enforcement. I see these and other roles as necessary to support the Secretary in the successful implementation of the Interim National Defense Strategic Guidance.

*Question.* If confirmed, how do you intend to balance the significant and varied responsibilities of the OUSD(I&S)?

Answer. I understand that the USD(I&S) is the Principal Staff Assistant and advisor to the Secretary of Defense with authority delegated from the Secretary of Defense to establish policy and provide oversight for DOD intelligence, counterintelligence, security, sensitive activities, other intelligence-related matters, and law enforcement. If confirmed, I will ensure that I fulfill all responsibilities in a manner that supports the Interim National Defense Strategic Guidance. I would identify and leverage the extraordinary expertise and talent across OUSD(I&S) and Defense Intelligence and Security Enterprise to successfully accomplish this objective.

#### SUPERVISION, AND OVERSIGHT OF THE DEFENSE INTELLIGENCE AND SECURITY ENTERPRISE

*Question.* The USD(I&S) is vested with responsibility for the overall direction and supervision of the Defense Intelligence and Security Enterprise in the execution of intelligence, counterintelligence, security, sensitive activities, and other intelligence-related matters across DOD. Subject to USD(I&S) oversight, responsibility for executing policies and programs in these domains vests primarily in the Military Departments and Services, elements of the Office of the Secretary of Defense, and the Defense Agencies.

What is your understanding of the role of the OUSD(I&S) in coordinating the activities of the Defense Intelligence and Security Enterprise?

Answer. I see intelligence and security as mutually reinforcing mission areas. The Department must understand the intentions, capabilities, and activities of strategic competitors and other adversaries. Similarly, the security apparatus must safeguard our personnel, information, capabilities, and infrastructure against these adver-

saries. I understand that OUSD(I&S) works across the Department with the Military Services and defense agencies to identify requirements and capabilities to meet DOD priorities. They work closely with the ODNI to ensure the national intelligence priorities take into account Departmental requirements. These efforts ensure Enterprise alignment with all national and Department-level strategies, guidance, direction, and relevant priorities. The USD(I&S) also executes the Military Intelligence Program (MIP) and participates in the ODNI specified National Intelligence Program (NIP) process to ensure resources are aligned against DOD priorities.

#### NATIONAL DEFENSE STRATEGY

*Question.* What is your assessment of the current strategic environment, including your assessment of the critical and enduring threats to the national security of the United States and its allies and partners?

*Answer.* The United States faces one of the most dangerous strategic environments in our Nation's history, characterized by the vulnerability of the U.S. Homeland from years of unsecured borders, increasingly capable air and missile threats, and others; China's unprecedented military buildup and its intent to seize control of the Indo-Pacific; and a range of other persistent threats to the United States and its Allies and partners, including Russia, Iran, North Korea, and terrorists. In addition, growing cooperation between Russia, China, Iran, and North Korea must be monitored to safeguard our interests.

*Question.* How would you prioritize the efforts of the Defense Intelligence and Security Enterprise relative to the critical and enduring threats identified above?

*Answer.* If confirmed, I will ensure the DISE prioritizes intelligence support and effective security posture that is aligned to strategic priorities and the evolving threat environment. I will work across DOD and the Intelligence Community to prioritize capabilities that address critical and enduring threats while identifying and considering capability gaps and shortfalls throughout the Planning, Programming, Budgeting, and Execution process. In addition, I will partner closely with the Director of National Intelligence to align the Military Intelligence Program and National Intelligence Program to combine for greatest effect downrange and return on investment.

*Question.* In your view, what role(s) should the Defense Intelligence and Security Enterprise play in the implementation of the National Defense Strategy?

*Answer.* The DISE plays a vital role in implementation of an NDS promulgated by Secretary Hegseth. In support of the objectives of the next NDS, the DISE must support both warfighters and decisionmakers; provide decision advantage; reestablish deterrence; and safeguard personnel, information, operations, resources, technologies, and facilities against a wide range of threats and challenges. At the same time, the DISE must also maintain its ability to provide strategic warning globally.

*Question.* How would you assess the current readiness and capabilities of the Defense Intelligence and Security Enterprise to execute the NDS?

*Answer.* I believe the DISE is well-postured to support DOD's execution of the Department's strategic priorities. If confirmed, I will conduct my own assessment of the Enterprise's readiness and seek new and innovative ways to improve its ability to execute the next NDS promulgated by Secretary Hegseth.

#### STRENGTHENING ALLIANCES AND ATTRACTING NEW PARTNERS

*Question.* Mutually beneficial alliances and partnerships are crucial to U.S. success in competition and conflict against a great power.

If confirmed as USD(I&S), what would be your priorities to strengthen and synchronize existing intelligence and counterintelligence relationships with foreign governments and international organizations as well as to foster new relationships?

*Answer.* My time in the Army Special Forces taught me the immense value of close partnerships with foreign partners. Strong international relationships and intelligence sharing during my military service resulting in increased mission success and decreased risk to force, while shedding light on the fidelity of strategy, formed the foundation for my appreciation of their value at the national level. U.S. intelligence sharing relationships in many cases provide outstanding return on investment as we each leverage our respective placement, access, and capabilities while economizing resources. Allies and partners can be force multipliers that enable DOD to effectively execute the Secretary's next National Defense Strategy if they approach the relationship as true partners, willing to contribute as able and appropriate, not simply be recipients of our intelligence and information. If confirmed, I commit to strengthening defense intelligence and counterintelligence relationships with Allies and partners, including ensuring we have the intelligence sharing relationships needed to execute the next National Security and National Defense Strategie-

gies. I also commit to working with the Under Secretary of Defense for Policy and ODNI to ensure synchronization of existing U.S. partnerships and the appropriate prioritization of outreach to new partners.

*Question.* If confirmed, what factors would you consider in rendering decisions on the disclosure and release of intelligence to foreign governments and international organizations, including in support of combatant commanders' expressed desire for better intelligence and intelligence sharing to counter foreign malign activities?

*Answer.* I understand that the National Disclosure Policy (NDP) sets forth the factors that must be considered prior to the disclosure of classified military information, including military intelligence, to appropriate foreign partners. I also understand that the USD(I&S) is responsible for issuing policy for the sharing of military intelligence. If confirmed, I will support the release of military intelligence and coordinate with the Director of National Intelligence to enable the release of national intelligence to Allies and partners to support combatant command requirements in accordance with the NDP when in support of the National Security and National Defense Strategies and aligned with United States policy.

#### OVERSIGHT OF SENSITIVE ACTIVITIES

*Question.* The Department of Defense defines sensitive activities as "operations, actions, activities, or programs that, if compromised, could have enduring adverse effects on U.S. foreign policy, DOD activities, or military operations or cause significant embarrassment to the U.S., its allies, or the DOD."

What is the role of the USD(I&S) in providing oversight of DOD sensitive activities?

*Answer.* The USD(I&S) is the Principal Staff Assistant and advisor to the Secretary of Defense and Deputy Secretary of Defense regarding intelligence, counter-intelligence, law enforcement, security, sensitive activities, tradecraft, and other intelligence-related matters.

The USD(I&S) establishes policy and provides oversight and direction for the coordination, assessment, reporting, and conduct of DOD intelligence and intelligence-related sensitive activities, the Defense Cover Program, special communications, technical collection support to intelligence activities, defense sensitive support, and the clandestine use of technology.

If confirmed, I would work closely with relevant defense and interagency stakeholders to ensure DOD sensitive activities are conducted consistent with law and DOD policy.

*Question.* If confirmed, what factors would you consider in assessing risks associated with proposed DOD sensitive activities?

*Answer.* I believe that if DOD is to provide the Secretary of Defense with all necessary options to effectively compete and deter adversaries short of armed conflict, DOD must be prepared to take greater risks in the conduct of the sensitive activities necessary to reestablish deterrence. However, I strongly believe that these risks must be informed risks. OUSD(I&S) should play a critical role in strengthening the oversight of DOD sensitive activities, providing the Secretary and other decision-makers with a deeper understanding of the intelligence, the threat environment, potential impact assessments, and other critical information available to DOD's interagency and international partners. If confirmed, I will work with the team to look at these and other factors and determine the extent to which our current risk assessment methodologies are adequate for the current environment to provide the most valuable risk informed decisions.

*Question.* Do you believe the USD(I&S) has a responsibility to keep the congressional defense committees fully and currently informed of DOD sensitive activities? If so, how would you seek to fulfill that responsibility?

*Answer.* Yes, I believe that the USD(I&S) has this responsibility under law, policy, and precedent. If confirmed, I intend to maintain a routine, continuous, and transparent dialog with the congressional defense committees on all Defense Intelligence and Security Enterprise activities, to include DOD sensitive activities. I believe that collaborative congressional oversight provides an invaluable perspective on DOD activities that informs better decisions within both branches of government, ultimately making DOD more effective in achieving our common purpose of strengthening national defense.

#### DEFENSE DEPARTMENT AND THE INTELLIGENCE COMMUNITY COLLABORATION

*Question.* Since September 11, 2001, collaboration—both analytical and operational—between the Department of Defense and the Intelligence Community has grown increasingly close. Seamless collaboration is vital to effective and rapid responses to non-traditional threats and bringing together the strengths of the full

spectrum of defense and intelligence capabilities can generate more effective solutions to complex problems. However, absent effective management and oversight, such collaboration risks blurring distinct agency missions, authorities, and funding, as well as creating redundant lines of effort.

In your view, are there aspects of the current relationship between the Department and the Intelligence Community that should be re-examined or modified?

Answer. I am aware that the OUSD(I&S) works closely with both the Office of the Director of National Intelligence (ODNI) and the Central Intelligence Agency to ensure that the Intelligence Community (IC) is able to deliver both national and military intelligence support to policymakers and warfighters. OUSD(I&S) also helps to enable the rest of the DOD and the IC to appropriately coordinate and deconflict their intelligence and sensitive activities. If confirmed, I will seek to strengthen the relationship between OUSD(I&S) and the IC so that we can work together to enhance Defense Intelligence and Security Enterprise capabilities and enable DOD operations.

#### ECONOMIC COMPETITION

*Question.* Adversarial economic competition is increasingly an issue that DOD needs to factor into its planning process as it intersects with military and national security challenges. Adversaries like China are using economic competition as a gray zone tactic to out-manuever the U.S. by operating in the interstitial spaces between traditional agencies “lanes in the road” and stove-piped authorities. Increasingly, geographic combatant commands are having to consider in their planning process and theater security cooperation plans how to combat adversarial economic competition techniques.

How is DOD postured from an intelligence perspective to understand and analyze the intersection of economic and national security to better prepare DOD to contribute to economic competition?

Answer. Economic security is national security—the U.S. military is only as powerful as the underlying strength of the U.S. industrial base. While the President and the Secretary have made clear the expectation that the Department aligns its resources to support the warfighter, DOD can play a significant role in coordinated operations across the economic and military domains to support national security objectives. I understand that DOD has pockets of excellence that contribute heavily to this mission space, but there is certainly room—and a requirement—for increasing depth in relevant areas of expertise to ensure DOD is optimally postured to leverage commercial, financial, economic, and military tools to reinforce the United States’ military advantage. This includes an increased focus on China’s efforts to gain an economic advantage against the United States and its Allies and partners as well as how their specific economic tradecraft is affecting our competition in order to inform leadership decisions.

*Question.* What expertise and capabilities does DOD have to support the collection and analytic needs for economic competition?

Answer. While I have not been fully briefed on current capabilities, I am generally aware that the Defense Intelligence Enterprise has expertise in several relevant fields, ranging from economics and political science to engineering and biosciences. If confirmed, I will seek to identify gaps in our expertise and capabilities in order to optimize the Enterprise against the economic competition problem set.

*Question.* How will you prioritize intelligence support for the geographic and functional combatant commands, as well as senior leadership in the Department, with regards to adversarial economic competition needs?

Answer. Given the complex and multidisciplinary nature of economic competition, I believe that it is critical that support provided to the combatant commands aligns with the vision and priorities of DOD senior leadership. That said, the President and the Secretary have made clear the expectation that the Department aligns its resources to support the warfighter. We must ensure we have modern structures that appropriately align to the threat, using obsolete organizational structures and outmoded approaches to address new types of threats will not work. If confirmed, I will work with the Defense Intelligence Enterprise (DIE) in collaboration with the Intelligence Community and the broader U.S. Government to ensure the DIE’s support is appropriately distributed with—and aligned between—these key customers to maximize effects.

#### JOINT REQUIREMENTS OVERSIGHT COUNCIL (JROC) AND THE JOINT CAPABILITIES INTEGRATION AND DEVELOPMENT SYSTEMS (JCIDS)

*Question.* Per section 181 of Title 10, U.S. Code, the JROC is vested with the responsibility to assess joint military capabilities; establish and approve joint perform-

ance requirements that ensure interoperability between military capabilities; and identify new joint military capabilities based on advances in technology and concepts of operation. The JCIDS process was established to address overlap and duplication in Military Services' programs by providing the information the JROC needs to identify the capabilities and associated operational performance requirements needed by the joint warfighter.

What is your understanding of the role of the JROC and JCIDS in identifying and establishing joint warfighter capability requirements in the domains of military intelligence, counterintelligence, and security?

Answer. I understand that military intelligence, counterintelligence, and security requirements generated from DOD Components, including the combatant commands, are accounted for among the other Joint Capability Areas in the Joint Requirements Oversight Council's (JROC) subordinate Functional Capabilities Boards (FCB). These FCBs process "bottom up" deliberate and urgent requirements and provide "top down" portfolio reviews that evaluate specific enterprise capability areas. The Joint Capabilities Integration and Development Systems (JCIDS) process is also informed by a yearly JROC-led Capability Gap Assessment that validates and prioritizes Combatant Command capability gaps expressed in their Integrated Priority Lists.

The USD(I&S), as a statutory advisor to the JROC and its subordinate boards, provides advice that supports JCIDS throughout all stages of requirements generation and validation processes and plays a central role in bridging DOD and IC requirements by directly facilitating the common gatekeeping function between the Joint JCIDS and the Intelligence Community Capability Requirements Process.

*Question.* What is your understanding of the role of the defense intelligence enterprise to provide support and insight in the process of informing requirements for the broader acquisition system, especially related to understanding threat systems and illuminating supply chain issues? Are there sufficient people and resources to support acquisition intelligence for the Department?

Answer. I have real concerns about the ability of the existing DOD acquisition integration structure with the intelligence enterprise to effectively match the speed of the technology cycle, the increasing scope of acquisitions challenges, and the criticality of the defense supply chain resiliency in the face of adversary threats. The Defense Intelligence and Security Enterprise (DISE) is a vital component of the acquisition process, providing intelligence throughout the requirements development and acquisition lifecycle on current and future adversary capabilities and threats to DOD supply chains. Ensuring that intelligence is incorporated throughout the requirements development and acquisition lifecycle is necessary to deliver effective, affordable, and resilient capabilities that are matched to the threat environment and free from adversary compromise. If confirmed, I will make it a priority to improve the incorporation of accurate intelligence into the full acquisition lifecycle, to include more robust integration at the earlier stages of the process, to better inform DOD investments.

*Question.* What is your understanding of the role of the USD(I&S) in identifying and establishing requirements for rapid or urgent operational needs, or other acquisition capabilities (like middle tier acquisitions) not tied to major acquisition programs?

Answer. I understand that, as part of statutory responsibilities to support JCIDS urgent and emergent operational needs processes, the USD(I&S) assists in validating requirements from an intelligence perspective, and further supports solution analysis by identifying emerging technologies and capabilities in the Defense Intelligence Enterprise or National Intelligence Community. When necessary, the USD(I&S) may also facilitate Military or National Intelligence Program funding to accelerate the fielding of a necessary and promising intelligence capability. The analysis performed by USD(I&S) for urgent needs is not limited to major acquisition programs, but may also include science, technology, research, and development capabilities that are of sufficient Technical Readiness Level to be eligible for consideration as a solution to a requirement. From my current perspective, I am concerned that intelligence inputs into the DOD acquisition process are inordinately focused on major acquisitions versus rapid acquisitions, and even then, intelligence inputs often arrive too late in the cycle to fully inform the first and most critical decisions on which programs to develop and purchase. If DOD leaders are to successfully make these hard choices, OUSD(I&S) must improve how the DISE delivers accurate and relevant intelligence to inform DOD's earliest acquisitions decisions, as well as the entire program lifecycle. If confirmed, I intend to leverage all DOD authorities available to accelerate these processes to act at the speed of operational need.

## INTELLIGENCE SUPPORT TO THE WARFIGHTER

*Question.* If confirmed, how would you balance the need for the combat support Defense intelligence agencies to provide intelligence support to the warfighter with the need to provide intelligence support to policymakers?

*Answer.* My understanding and belief are that balancing these needs is one of the OUSD(I&S)'s primary responsibilities. In today's environment of global and regional threats, most issues are relevant to both warfighting commands and policymakers. Where there remains tactical and operational differences, if confirmed, I would work to ensure the DISE continues to satisfy requirements for operationally—relevant intelligence that directly enable warfighter success, and I would work collaboratively across DOD and with interagency partners to inform policy and military decision-making by our national leaders.

*Question.* In your view, what opportunities exist across the Intelligence Community to improve intelligence support to the warfighter? If confirmed, what would you do to leverage these opportunities?

*Answer.* My experience both in uniform and serving on the National Security Council staff underpins my belief in the importance of and the continued opportunity to improve collaboration across the Intelligence Community to better support the warfighter.

If confirmed, I would engage early and often with the combatant commanders to improve my understanding of their needs, and I would frequently engage leaders within the national Intelligence Community to obtain support to meet those warfighter needs. I am particularly interested in applying greater attention to faster, more agile, and adaptive processing, exploitation, and dissemination of intelligence data to better support the warfighter and others that engage our adversaries at the tactical edge—especially as DOD warfighters increasingly rely on resilient and survivable sensors further removed from the battlefield to inform their tactical decisions.

*Question.* If confirmed, what steps would you take to ensure that the geographic combatant commands are adequately assessing and prioritizing their intelligence needs?

*Answer.* I understand that OUSD(I&S) conducts multiple engagements with the combatant commands to include regular meetings with all combatant command J2s on a variety of issues in order to maintain a current understanding of regional risks and intelligence priorities. If confirmed, I will promptly establish my own relationships with the Combatant Commanders and ensure that they're able to prioritize and receive the intelligence support they require.

*Question.* In your view, what are the shortfalls in providing the functional combatant commands and combat support agencies adequate intelligence support, and ensuring that their intelligence needs are prioritized?

*Answer.* As I am not yet in the position, I do not have a completely informed perspective on this matter. If confirmed, I would work to ensure that MIP budgets are adequate to satisfy the intelligence needs of the Combatant Commands, Combat Support Agencies, Defense Agencies, and Services. I would also strengthen relationships with the Joint Staff to assess capability gaps, prioritize needs, and ensure strategic alignment of MIP funding against the highest intelligence needs of the warfighter in a manner that maximizes our return on our investments. Last, I would work with the DNI to closely synchronize NIP and MIP investments to ensure synergy in maximizing effects for the warfighter.

*Question.* In your view, how are intelligence operations carried out by special operations forces different from those carried out by the Intelligence Community?

*Answer.* I understand that Special Operations Forces (SOF) intelligence operations are focused on DOD requirements and priorities. These priorities may differ from those of the IC in that they are sometimes more tactical, focused on support to military operations or preparation of military operations. This intelligence enables a commander to make decisions that reduces risk to force and can create opportunities for further collection and exploitation. SOF missions require accurate, detailed, and timely intelligence that only integrated, multi-disciplinary collection and analysis can provide. It is essential that SOF intelligence operations are conducted pursuant to applicable law and policy, and subject to the requisite intelligence oversight rules, consistent with all DOD intelligence activities.

## INNOVATIVE TECHNOLOGIES

*Question.* What role do you see for AI in supporting national and economic security? If confirmed, what priority would you assign to ensuring that the Defense intelligence enterprise invests in AI applications, as well as training and business process reengineering to ensure effective use of such applications by the workforce?

*Answer.* We must thoughtfully consider how the current AI paradigm will impact national security and transform defense missions. The magnitude of its impact necessitates a prioritized focus. I see AI playing an increasingly larger role in improving the speed, accuracy, and effectiveness of the Defense Intelligence and Security Enterprise (DISE) support to national security. If confirmed, I will ensure that AI is effectively adopted to improve DISE capabilities, to include improving the processes, infrastructure, and skills necessary to accomplish this objective.

This transformation, however, is larger than just the use cases, and we must coordinate across government to leverage its potential in shaping our operating environment and driving future advantages.

*Question.* What role do you envision for AI in bringing greater efficiencies, timeliness, and accuracy to intelligence collection, analysis, dissemination, and military decisionmaking?

*Answer.* I believe that AI can automate large portions of the intelligence cycle to improve efficiency, timeliness, and accuracy. AI can also be used to create new ways of generating and responding to intelligence requirements. By adopting effective AI across the intelligence cycle, the Defense Intelligence and Security Enterprise can obtain and disseminate more relevant, accurate, and actionable intelligence into the hands of the warfighter at greater speed and volume, thereby enabling better and faster military decisionmaking.

*Question.* Are there other technology areas that you view as promising as they relate to the intelligence and security functions of OUSD(I&S)?

*Answer.* I believe that to accomplish the Secretary's objective of rebuilding our military capabilities, we must be flexible and aggressive in our approach to innovation. Critical to success will be closer integration between DOD and the commercial sector in order to identify and exploit new capabilities that can be leveraged against the US or be used to maintain an advantage against our adversaries at the speed of relevance.

Additionally, I believe there are a number of promising areas that, if confirmed, I intend to further explore with the OUSD(I&S) and Defense Intelligence and Security Enterprise to support regaining decision advantage in today's contested environment. Among these areas are: the exploitation of, and our defense against, exquisite intelligence collection technologies, such as ubiquitous sensing and space ISR; expanding virtual domain operations that disrupt adversary intelligence, the use of advanced computing and software to improve the efficiency of intelligence collection management; survivable cloud compute and data transport to the tactical edge; and modernizing and standardizing DOD information security capabilities, policies, and practices to reduce risks in the modern operating environment.

*Question.* Does DOD have sufficient numbers and expertise in the Intelligence Community to monitor and analyze technological advances in industry, academia and our adversaries research establishments that will impact DOD missions and national security?

*Answer.* As I am not yet in the position, I am unable to provide a comprehensive assessment to answer this question. However, from my outside perspective, I am concerned that the DOD may lack sufficient quantity and specialization of Science and Technology Intelligence (S&TI) personnel that are necessary to remain competitive with our adversaries. The sheer volume of information in open-source research alone presents challenges for the capability and capacity of human analysts, even when paired with Artificial Intelligence tools. Additionally, many emerging technologies require highly specialized expertise that are either in short supply or not currently available within the U.S. Government, which would potentially require massive changes to DOD authorities to fully address. Even with improvements, DOD will increasingly be reliant on outside expertise for cutting edge technology, particularly in niche fields such as quantum computing, synthetic biology, and advanced materials. I do not believe that we can rely on traditional organizational structures and approaches to solve these new challenges DOD must effectively leverage commercial sector innovation to help us close these gaps. If confirmed, I will work with the USD(R&E), ODNI, the private sector, and others to develop options to ensure that the DISE has access to the expertise needed to stay ahead of adversary technological advancements.

*Question.* In your view, what areas of emerging technology should we be prioritizing collection and analysis to better prepare DOD for future conflicts?

*Answer.* As I am not yet in the position and briefed on classified information, if confirmed, I will conduct a full assessment on which emerging technologies we must improve collection and analysis against. From my perspective as an outside observer, however, there are several areas that I believe merit particular attention. Artificial Intelligence and Machine Learning technologies, such as those deployed in the National Geospatial-Intelligence Agency's MAVEN program, are transforming

sense-making and decisionmaking, and we must keep a close watch on adversary developments in the AI/ML space. We must also understand how our adversaries seek to develop and deploy autonomous systems, enabling our own capabilities while denying those of the adversary.

Additionally, quantum technologies are beginning to revolutionize cryptography. The ability to understand the progress of adversaries in this field and developing countermeasures will be crucial to our national security.

Finally, I believe space-based technologies, including space-based surveillance, satellite communications, and space control, are areas where we may need to prioritize collection and analysis. Space is a contested domain, and our mission is to preserve the U.S. advantage.

#### COUNTERINTELLIGENCE, LAW ENFORCEMENT, AND SECURITY

*Question.* What is your assessment of current and anticipated counterintelligence threats to DOD? Which threats do you assess to be the most concerning and why?

*Answer.* As I am not yet in the position and briefed on classified information, if confirmed, I will seek to understand the counterintelligence threat environment at the classified level in order to develop informed recommendations to counter threats to our intelligence advantage.

I am aware that the advent of ubiquitous sensing, artificial intelligence-powered exploitation of big data, and similar technological advancements may make it increasingly challenging for U.S. intelligence to operate with the same effectiveness and agility against our adversaries without the appropriate modernization of our efforts. Additionally, as DOD increasingly relies on space-based capabilities for intelligence, surveillance, and reconnaissance support to warfighters, protecting U.S. space superiority from foreign denial and deception grows more essential.

*Question.* What is your understanding of the roles and responsibilities of the OUSD(I&S) to provide strategic direction and oversight of implementation of counterintelligence policy, programs, guidance, and training to ensure they are responsive to validated DOD and national counterintelligence priorities? What changes, if any, in these roles and responsibilities would you recommend, if confirmed?

*Answer.* I understand the USD(I&S) has broad responsibility for oversight of DOD counterintelligence (CI). Further, although I do not yet have access to classified information, I understand that the Department is implementing its DOD CI Strategy, “Confronting Threats to America’s Military Advantage, 2021–2031,” and has recently completed a year-long, end-to-end review to identify CI capability requirements, gaps, and solutions to implement that strategy.

I also understand the USD(I&S) along with the Director of the Defense Intelligence Agency is a standing member of the National CI and Security Center’s National CI Policy Board. In addition, DOD participates with the FBI in the National CI Task Force and local CI Task Forces under a formal memorandum of understanding. Through this and other forums the USD(I&S) provides policy, oversight, advocacy, guidance and direction to DOD CI activities conducted, oftentimes, in cooperation or in partnership with other Departments and Agencies across the U.S. Government.

One of my major priorities, if confirmed, is to assist the Secretary in reestablishing deterrence by presenting him with risk informed options to impose costs on our adversaries short of armed conflict. Among these options is a greater focus on counterintelligence, and in particular, offensive counterintelligence, to disrupt foreign intelligence services before they can act with malign intent against the United States.

#### PERSONNEL SECURITY AND INSIDER THREAT

*Question.* The USD(I&S) is accountable for managing and overseeing DOD’s insider threat, personnel security, security clearance process, and the National Industrial Security programs. DOD has experienced devastating attacks from insider threats—attacks that have led to the death and injury of DOD personnel, as well as to the loss of highly classified information critical to national security. Recent delays have exacerbated backlogs in processing security clearances and reinvestigations for DOD personnel.

Most of these very challenging new and enhanced requirements have been assigned to the Defense Counterintelligence and Security Agency (DCSA). What is your current assessment of the ability of DCSA to transform itself to meet these objectives?

*Answer.* I understand that after President Trump transferred the background investigation and security clearance function to DCSA in 2019, DCSA vetting services have proved essential to national-level efforts to modernize personnel vetting and

uniformly execute the National Industrial Security Program. DCSA services establish the foundation for execution of various subsequent security requirements and procedures which enable the essential concept of security in-depth. Additionally, in accordance with section 847 of the National Defense Authorization Act of Fiscal Year 2020, DCSA has been charged to prepare to conduct assessments of Foreign Ownership, Control, and Influence (FOCI) not only for cleared defense contractors, but also all DOD contracts over \$5 million—an effort that, if confirmed, I intend to assess closely to determine how best to support the FOCI mission in an effort to protect the Defense Industrial Base from compromise. Ultimately, to effectively and efficiently serve the DOD and other Federal agencies, I believe that DCSA requires cutting-edge technology, adaptable processes, the capacity to operate at scale, and perhaps most significantly—the best talent available with the skills needed to pursue these objectives.

Although I do not yet have enough information to make a full assessment at this time, the criticality of these efforts and the State of our capabilities relative to the timing of these mandates is concerning. If confirmed, I look forward to working with DCSA to fully assess the State of play.

*Question.* There has been a backlog in processing security clearances that has been growing since 2023, after many years of steady progress in improving the security clearance process timelines. What is your understanding of the current issues causing the backlog and the status of efforts within DCSA to reduce that backlog?

*Answer.* I am dismayed at the continuing challenges to delivering timely security clearances, and if confirmed, it would be a top priority to avoid further delay in meeting the requirements of Trusted Workforce 2.0. Our national security depends on recruiting and retaining highly qualified individuals serving in critical positions across the Federal Government and industry, and delay in the security clearance process hinders our ability to fill these roles at the speed of mission requirements. People are our most important asset, but an inefficient and lengthy background investigation and security clearance process prevents the DOD from attracting and competing for top-tier talent. Every day a scientist, engineer, or analyst waits on their clearance to begin Federal work is 1 day closer to taking a job elsewhere—or never even applying to the U.S. Government at all.

If confirmed, I will fully engage with DCSA to understand the factors contributing to timeliness concerns and will hold them accountable for their performance. I commit to modernizing and accelerating the clearance process through rigorous oversight and dedication to business transformation, advanced technology, and data-driven solutions.

*Question.* Specifically, if confirmed, how would you ensure that DCSA is highly responsive to the needs of the USD(A&S) for vetting DOD contractors in responsibility determinations?

*Answer.* I understand that DCSA provides end-to-end vetting of contractor personnel and companies for eligibility to access classified information in accordance with regulatory requirements for the National Industrial Security Program. This vetting assesses alignment of eligibility decisions with national security interests. This is one piece of a security apparatus that must work in concert with and at the speed of the acquisitions decision-making process to enable uncompromised delivery of supplies and technologies to properly equip our warfighters.

If confirmed, I will ensure OUSD(I&S) prioritizes collaboration with OUSD(A&S) to optimize security in acquisitions, including vetting people and companies within a certain timeframe and under conditions that allow the Department to acquire critical supplies, services, and technologies at the speed of mission requirements.

*Question.* What is your understanding of the status of development, approval, and implementation of the Trusted Workforce 2.0 initiative?

*Answer.* I recognize that Trusted Workforce (TW) 2.0, originally launched in 2018 under President Trump, is a national-level reform effort aimed at improving overall efficacy of vetting for clearances and suitability. While I understand that TW 2.0 may have demonstrated some relative progress at times over the last few years, there clearly remains unacceptable challenges to full implementation of its objective.

If confirmed, I will work with my ODNI, OPM, and OMB colleagues to evaluate and take appropriate action to ensure that DOD fulfills its TW 2.0 responsibilities. Furthermore, I commit to keeping DOD's interagency and private industry partners fully and regularly informed of DCSA's progress in implementing TW 2.0, and identifying to them—as well as the Congress—any indications of additional delays or cost overruns in meeting the performance and timeliness standards set for the vetting enterprise. Specifically, I will work to ensure Department leaders know the impact of failing to meet these standards, so efforts can be appropriately prioritized in support of Department objectives.

*Question.* What is your understanding of the status of development, approval, and implementation of continuous vetting initiative?

*Answer.* It is my understanding that continuous vetting (CV), including the adjudication of CV information, is a key element of Trusted Workforce 2.0. As DOD further implements CV, I believe its implementation must prioritize advanced technology, capacity, and cost-effectiveness. Without an effective and timely continuous vetting architecture, DOD will be unable to optimize its workforce in a secure manner, jeopardizing mission success.

If confirmed, I will push OUSD(I&S) and DCSA to incorporate modern technology, maximize efficiency, and continuously improve the ability to identify and assess risk to our Nation's trusted workforce. Specifically, I will work to ensure Department leaders know the impact of failing to meet these standards set for the vetting enterprise, so efforts can be appropriately prioritized in support of Department objectives.

*Question.* What is your understanding of the remaining challenges in achieving reciprocity of clearances and access to classified information across government components and their contractors?

*Answer.* I am aware of concerns about reciprocity between Federal components, particularly with IC agencies. My understanding is that reciprocity between DOD components has been significantly improved, but the delays in reciprocity that remain are generally related to differences between IC agencies in their individual enhanced eligibility requirements for access to especially sensitive information, such as polygraph requirements.

If confirmed, I will ensure DOD personnel vetting policies and processes are aligned to Trusted Workforce 2.0 initiatives and tracked through a performance management system to ensure effective and efficient transfer of trust and the mobility of the Federal workforce, as well as our contractors and others in private industry who are granted clearances.

*Question.* In your view, how should DCSA posture the Department to deter, detect, and mitigate insider threats before they harm national security?

*Answer.* Over the course of my military service, I learned time and again the importance of empowering leadership and accountability at all mission levels. I understand that USD(I&S) is responsible for policy and oversight of the Department's Insider Threat program, ensuring DOD components have the necessary guidance, resources, and capabilities to empower leaders at all levels to manage insider risk to readiness, resources, and national security information. I understand that DCSA's role in the Insider Threat program is to be a data and system provider, enabling information sharing and decentralized program implementation so DOD commanders at all levels effectively manage their own risks.

If confirmed, I will work with DCSA, the Military Departments, and other DOD components to ensure component and subordinate level insider threat program interoperability with enterprise data and systems.

*Question.* How would you characterize the threat posed by foreign nations to the integrity of the National Security Innovation Base? Which threats do you assess as most concerning, and why?

*Answer.* The threat posed by foreign nations to the integrity of the National Security Innovation Base is persistent and significant. While I am not currently briefed on classified information, from open-source reporting I appreciate that the National Security Innovation Base is being exploited in sustained attempts to erode U.S. technology superiority critical to maintaining a military advantage over adversaries and the economic well-being of U.S. industry. Threat actors increasingly seek to weaponize the open and collaborative nature of the strong partnerships and relationships DOD has cultivated with U.S. academic institutions. Additionally, foreign threats don't just include outright theft of information through espionage and other illicit means, but also rely on more subtle approaches such as foreign acquisition of critical nodes within the U.S. supply chain.

If confirmed, I look forward to further strengthening DOD efforts to protect the National Security Innovation Base—to include an emphasis on robust intelligence support to Foreign Ownership, Control, and Influence mitigation and support to the Committee on Foreign Investment in the United States—to thwart our adversaries while continuing to support the vital and enabling aspects of innovation. In addition to FOCI and CFIUS efforts, I believe a key component of this effort will be not only enhancing our defensive posture here at home but taking action to impose costs on adversaries and reestablish deterrence.

*Question.* How would you propose to improve the support provided by the DCSA, the DOD counterintelligence organizations, and the national Intelligence Community to better protect the National Security Innovation Base, and enhance the Department's innovation strategy, especially with respect to technology companies that are non-traditional DOD contractors?

Answer. The Defense Counterintelligence and Security Agency (DCSA) plays a vital role in safeguarding national security by conducting background investigations and granting security clearances for DOD personnel and contractors. DCSA also oversees the National Industrial Security Program (NISP), which protects classified information within the Defense Industrial Base.

Although the core security principles of the NISP remain valid for all companies and contractors, as I have seen from my own business experience, the NISP's administrative requirements lack the agility needed to facilitate effective acquisition decisions and ensure supply chain integrity in today's landscape, especially for classified programs. Furthermore, I am concerned that these regulations do not adequately address the needs of the National Security Innovation Base, a significant portion of which operates outside of the traditional NISP framework. It is these non-traditional DOD contractors that increasingly drive national security innovation, presenting DOD with the greatest opportunities for leap-ahead technologies, but meanwhile posing unique vulnerabilities to our adversaries.

*Question.* How is DCSA postured to better leverage artificial intelligence and other automation tools to improve due diligence vetting, as well as security clearance processes and suitability determinations?

Answer. I recognize the immense potential of artificial intelligence and machine learning to revolutionize personnel vetting and due diligence. Through automating routine tasks and analyzing vast datasets, I believe we could significantly improve the speed and accuracy of these vetting processes. If confirmed, I will prioritize development and adoption of these technologies across the DOD, working closely with DCSA to ensure responsible and effective implementation and return on investment.

*Question.* According to the "Fork in the Road" memo from the Office of Personnel Management, "Employees will be subject to enhanced standards of suitability and conduct as we move forward," but no further guidance has been issued on what that means. What is your current understanding of the current definition for "suitability" being used by DOD, the process for those suitability determinations, and how that might change?

Answer. I understand USD(P&R) is the Department's lead for suitability based on guidance issued by the Office of Personnel Management. If confirmed, I look forward to working with the USD(P&R) to ensure the appropriate intelligence and security inputs are incorporated into their guidance.

#### COLLECTION & SPECIAL PROGRAMS

*Question.* In light of the rapidly evolving nature of the national security environment, to include significant advances by adversarial nations in the development and fielding of capabilities that could challenge DOD tradecraft, technologies, methodologies, and processes, what do you see as the most pressing challenges to DOD's ability to conduct technical and human intelligence collection activities?

Answer. Adversary investment in advanced technologies such as artificial intelligence, quantum computing, and encrypted communications, as well as the dispersion of sophisticated capabilities across the globe, have complicated the information environment and reduced our national security advantage. Additionally, the emergence of ubiquitous sensing and the increasing volume of commercially available data on individuals and their activity pose novel counterintelligence challenges to DOD human intelligence collection activities, operational security, force protection, and many other areas of potential vulnerability.

Meanwhile, our own foundational vulnerabilities such as fragmented infrastructure, limited interoperability, and outdated network architectures amplify the threat from these advanced capabilities. Therefore, we must invest in innovation to stay ahead of these advanced technologies while building a secure, efficient foundation to move our information from sensors to decisionmakers securely and faster than our adversaries.

If confirmed, I will work to smartly allocate and realign resources to close the seams that adversaries exploit, raising the barrier and cost of conducting intelligence against the U.S., and ensuring our intelligence enterprise can securely navigate an era defined by relentless digital exposure and ubiquitous technical surveillance. This will include DISE efforts to address the reality of global ubiquitous sensing, the proliferation of networked, correlated, and automated systems, and the algorithms that can exploit gathered information.

*Question.* If confirmed, how do you intend to approach these challenges to ensure that the DOD intelligence enterprise is postured to operate in an increasingly contested security and intelligence environment?

Answer. DOD operates within an increasingly contested security and intelligence environment. Embracing new technology and investing in innovative solutions is

vital to the Department's ability to grasp collection opportunities in the physical and digital domains.

If confirmed, I will lead the continuous review of processes and policies to support warfighters and decisionmakers in this changing environment. This may require changes in how DOD personnel train and use tradecraft, technologies, and methodologies, as well as process adjustments for collection analysis. Aggressive efforts to ensure DOD is leveraging the best commercial technologies will remain essential, as will our ability to rapidly field technologies where required. As we adapt our efforts, we must ensure the DOD's intelligence collection activities are lawful and conducted in accordance with the United States Constitution.

Alignment across mission and technology needs, modernization of planning doctrine in this new landscape, and reducing barrier of entry for DOD elements and personnel to access best-in-class capabilities in a resource efficient manner is essential in 2025 and beyond.

#### INFORMATION OPERATIONS

*Question.* What are your views on the roles, responsibilities, and preparedness of the Defense Intelligence and Security Enterprise to conduct operations in the information environment, as well as deter and defend against such operations by adversaries?

*Answer.* I believe that for DOD to compete effectively in the information environment, the Defense Intelligence and Security Enterprise must inform activities that shape the perceptions of specific foreign audiences to gain or maintain a competitive advantage. Our efforts to deter and defend against adversary information operations should be prioritized with appropriate resources and must include more robust coordination and collaboration across the Department, including with the Under Secretary of Defense for Policy as the Secretary of Defense's Principal Information Operations Advisor, as well as the interagency.

*Question.* In your view, how can the Defense Intelligence and Security Enterprise better support the requirements of the combatant commanders for intelligence to enable their information operations?

*Answer.* I believe that the Defense Intelligence and Security Enterprise (DISE) should enhance its ability to support Combatant Commanders by focusing on three key areas: understanding adversary goals, enabling maneuver in the information environment, and identifying proxies and influence networks. First, the DISE must improve its intelligence collection and analysis to fully understand adversary goals in the information space—what they seek to achieve, how they measure success, and where vulnerabilities exist. Second, intelligence must be aligned with warfighter requirements to facilitate maneuver in the information environment, ensuring that commanders can shape narratives, counter adversary information operations, and integrate influence activities into broader operational planning to support American objectives. Finally, the DISE should increase its focus on tracking adversary use of proxies and influence mechanisms—whether state-sponsored media, cyber actors, or third-party enablers—to provide a clearer picture of the information battlespace. If confirmed, I look forward to assessing and improving the Enterprise's support to information operations in these areas.

#### IMPERATIVE FOR INDEPENDENT INTELLIGENCE ANALYSIS

*Question.* If confirmed, specifically what would you do to ensure that DOD intelligence analysts, including those seconded to offices that are not part of the defense intelligence structure, are independent and free of pressure from influence from their chain of command to reach a certain conclusion, including a conclusion that fits a particular policy preference?

*Answer.* I am deeply committed to ensuring that all defense intelligence assessments remain unbiased, objective, and free from political interference. An absolute focus on the mission and support of the warfighter demands it. The credibility of intelligence assessments—and the willingness of our leaders to accept and act on those assessments—is predicated on apolitical, non-partisan analytical judgments. We cannot support the warfighter or policymaker without the best thinking from all of our people in support of our national security.

If confirmed, I will work across the OUSD(I&S) staff and the Defense Intelligence Enterprise (DIE) to ensure that all DOD intelligence analysts adhere to Intelligence Community analytic standards promulgated in Intelligence Community Directive 203, which mandates that all-source intelligence analysis must be objective and independent of political considerations.

## THE DEFENSE INTELLIGENCE WORKFORCE

*Question.* The USD(I&S) exercises policy oversight of the Defense Civilian Intelligence Personnel System (DCIPS) to ensure that defense intelligence, counterintelligence, and security components are structured; manned; trained—including joint intelligence training, certification, education, and professional development; and equipped to execute their missions.

Is the DOD civilian intelligence workforce properly sized with the appropriate capabilities, in your view? Please explain your answer.

*Answer.* As I am not yet in the position, I have not yet had an opportunity to comprehensively assess the size or capabilities of the Defense Intelligence and Security Enterprise (DISE) workforce. I am aware that the Secretary has directed reductions within the civilian defense workforce to more effectively align with the Administration's national security priorities, and I fully support this critical effort. If confirmed, I will immediately review the work that has been done to date across the DISE workforce and provide recommendations for how to most effectively meet the requirements of the DISE in support of national security.

## SPACE

*Question.* If confirmed, what would be your approach to enhancing the interface and synchronization of space-based capabilities resident in the Intelligence Community with military space organizations?

*Answer.* If confirmed, I will work with the Assistant Secretary of Defense for Space Policy, the United States Space Force, the Office of the Director of National Intelligence, and DOD title 50 agencies to ensure roles, responsibilities, and requirements amongst the various stakeholder organizations are aligned and mutually support IC and military space-based intelligence, surveillance, reconnaissance (ISR) needs. I would also ensure that DOD and IC space architectures remain integrated to maximize ISR support to the Joint Force to achieve our national security objectives.

*Question.* How would you recommend deconflicting tasking requirements in the space warfighting domain across DOD with tasking requirements from Intelligence Community customers?

*Answer.* If confirmed, I would first work with the Office of the Under Secretary of Defense Policy, the Joint Staff, the Combatant Commanders, and the Military Departments to understand their gaps and concerns with existing tasking processes and procedures. I will then work alongside OUSD Policy to support the development of new processes, tools, and concepts of employment to assure Combatant Commanders and Warfighters access to the space-based intelligence, surveillance, and reconnaissance necessary to support military operational requirements. New architectures must be responsive to the warfighter.

*Question.* The Space Force has been assigned the mission of space-based ISR. To ensure the timely presentation of forces and effects to the combatant commander by the Space Force, Congress enacted into law section 1684 of National Defense Authorization Act for Fiscal Year 2024 (P.L. 118–31), further amended by section 1654 of the National Defense Authorization Act for Fiscal Year 2025 (P.L. 118–366) which stated that:

“The Secretary of the Air Force shall be responsible for presenting space-based ground and airborne moving target indication systems to the combatant commands to accomplish missions assigned to such commands under the Unified Command Plan that—(1) are primarily or fully funded by the Department of Defense; and (2) provide near real-time, direct support to satisfy the operational requirements of such commands.”

If confirmed, will you adhere to this provision of law?

*Answer.* Yes, if confirmed, I would ensure that OUSD(I&S) and the Defense Intelligence Enterprise partner with the leads of the MTI Working Group established by the FY2024 NDAA to identify the most cost-effective delivery mechanisms to improve lethality.

## UNIDENTIFIED ANOMALOUS PHENOMENA (UAP)

*Question.* What is your understanding of the current congressional concerns regarding transparency and reporting on UAP issues with Congress?

*Answer.* I am aware of the tremendous public and congressional interest in understanding both historical and contemporary UAP observations. If confirmed, I am committed to enabling the Department of Defense, the Intelligence Community, and National Archives and Records Administration to declassify and share information related to UAP with the American public to the greatest extent possible, while also

protecting sensitive sources and methods information to ensure that gaps potentially revealed by declassification of information to the public—and therefore to our adversaries—is a risk-informed decision. When UAP information is unable to be safely and responsibly declassified, I am committed to providing all such information, at all levels of classification, to the appropriate congressional committees of jurisdiction.

*Question.* What do you see as the Intelligence Communities' level of effort and focus on the UAP challenge?

*Answer.* I understand the Department enjoys strong support from the Intelligence Community (IC) and the whole of the Defense Intelligence and Security Enterprise for its UAP mission. In line with statute, AARO reports to both DOD and the Office of the Director of National Intelligence (ODNI) and regularly convenes a group of IC partners to share information and expertise relating to UAP. IC partners routinely support AARO in the analysis and resolution of UAP reports. If confirmed, I will ensure this strong partnership is sustained.

*Question.* The All-Domain Anomalous Resolution Office, or AARO, was established to be the central clearinghouse for reporting and analysis of UAP incidents.

Do you believe AARO is adequately staffed and resourced to carry out its mission? What areas do you believe AARO should be focusing on?

*Answer.* Yes. I understand that AARO is adequately staffed and resourced to meet its mission. I believe that AARO should focus on fully leveraging partnerships and capabilities across the U.S. Government to close gaps in domain awareness and minimize technological and intelligence surprise. If confirmed, I will continue to ensure AARO has the support it needs to succeed, and that its efforts—and that of the DISE—are complementary and synchronized with other DOD efforts to address Unmanned Vehicles (UXS) in an effective manner.

*Question.* How will you improve the integration of Intelligence Community technical collection assets, such as signals intelligence and measurement and signatures intelligence systems, into UAP reporting?

*Answer.* I understand that DOD enjoys strong support from the IC in this regard. AARO convenes multiple UAP Communities of Interest that engage IC partners to draw on their expertise, resources, and capabilities. If confirmed, I will ensure continued DOD collaboration with our IC partners to expand and improve technical collection relating to UAP detected in the air, sea, or space.

#### 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 employees indicated that they had experienced sexual harassment and/or gender discrimination by “someone at work” in the 12 months prior to completing the survey.

If confirmed, what actions would you take were you to receive or otherwise become aware of a complaint of sexual harassment or discrimination from an employee of the OUSD(I&S)?

*Answer.* Every civilian employee and military member within the Defense Intelligence and Security Enterprise workforce is entitled to work in an environment free of harassment or discrimination of any type. If confirmed, I will ensure that leaders across the Defense Intelligence and Security Enterprise are acting to ensure that our workplace is free of harmful sexual or other harassment or discrimination and will take immediate action to correct and hold accountable those responsible for actions counter to law and policy.

#### DETAINEE TREATMENT

*Question.* Do you support the standards for detainee treatment specified in the revised Army Field Manual on Interrogations, FM 2–22.3, issued in September 2006, and in DOD Directive 2310.01E, The Department of Defense Detainee Program, dated August 19, 2014?

*Answer.* Yes, I support the standards for detainee treatment specified in Army Field Manual 2–22.3, Human Intelligence Collector Operations and DOD Directive 2310.01E, Department of Defense Detainee Program.

*Question.* Section 2441 of Title 18, U.S. Code, defines grave breaches of common Article 3 of the Geneva Conventions, including torture and cruel and inhuman treatment.

In your view, does section 2441 define these terms in a way that provides U.S. detainees in the custody of other nations, as well as foreign detainees in U.S. custody appropriate protections from abusive treatment?

*Answer.* Yes.

## WHISTLEBLOWER PROTECTION

*Question.* Section 1034 of Title 10, U.S. Code, prohibits taking or threatening to take an unfavorable personnel action against a member of the armed forces in retaliation for making a protected communication. Section 2302 of Title 5, U.S. Code, provides similar protections to Federal civilian employees. By definition, protected communications include communications to certain individuals and organizations outside of the chain of command, including the Congress.

If confirmed, what actions would you take to ensure that military and civilian members of the Defense Intelligence and Security Enterprise who report fraud, waste, and abuse, or gross mismanagement—including in classified programs—to appropriate authorities within or outside the chain of command—are protected from reprisal and retaliation, including from the very highest levels of DOD and the broader Intelligence Community?

*Answer.* If confirmed, I commit to ensuring protections are afforded to DISE employees who report fraud, waste, and abuse, or gross mismanagement, in a manner consistent with law, regulation, and policy. Additionally, I will ensure that personnel who pursue retaliatory actions upon protected personnel are addressed appropriately, as established by law, regulation, and policy.

*Question.* If confirmed, what role would you play in ensuring consistency in the application and interpretation of whistleblower protections across the Defense Intelligence and Security Enterprise?

*Answer.* If confirmed, I commit to ensuring DOD policy implementing such protections is applied consistently and uniformly in accordance with law.

## 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:]

SENATOR TOM COTTON

DIRECTOR OF NATIONAL INTELLIGENCE AND UNDER SECRETARY OF DEFENSE FOR  
INTELLIGENCE AND SECURITY COORDINATION

1. Senator COTTON. Mr. Hansell, the Under Secretary of Defense for Intelligence and Security Coordination (USD(I&S)) was dual-hatted as the Director of Defense Intelligence and principal advisor to the Director of National Intelligence (DNI) because Congress recognized the urgent need for a single proponent to ensure the broader national Intelligence Community meets critical defense requirements. Yet there are no documented processes or procedures for ensuring that collaboration; I judge the interaction between DNI and USD(I&S) to be wholly inadequate. Will you commit to improving this relationship and ensuring you are best advocating for defense intelligence needs?

Mr. HANSELL. Subject to the direction of the Secretary of Defense, the USD(I&S) accomplishes the Secretary's responsibilities pertaining to the National Intelligence Program as described in 50 U.S.C. § 3038, in consultation with the DNI. To fulfill those responsibilities, close collaboration between the USD(I&S), DNI, and their respective offices is essential to ensure that the Intelligence Community is responsive to U.S. military and defense requirements. If confirmed, I will prioritize my role as the DNI's Director for Defense Intelligence. In doing so, I will engage regularly with the DNI to advocate for IC investments, capabilities, and activities to address DOD requirements in accordance with 50 U.S.C. § 3038.

DEFENSE INTELLIGENCE ENTERPRISE GOVERNANCE

2. Senator COTTON. Mr. Hansell, USD(I&S) should be the central advocate for DOD's intelligence priorities. Yet despite possessing authority, direction, and control over agencies like the Defense Intelligence Agency (DIA) and National Geospatial-Intelligence Agency (NGA), USD(I&S) is not viewed as that advocate, and each agency appears to act largely on its own accord. Will you commit to working with me to improve USD(I&S)'s enterprise governance to ensure defense intelligence agencies are providing the intelligence our warfighters need?

Mr. HANSELL. Yes. I take seriously the USD(I&S) responsibility in 10 U.S.C. § 137 to perform such duties and exercise such powers as the Secretary of Defense may prescribe in the area of intelligence, including to exercise the Secretary of Defense's authority, direction, and control over DIA, NGA, NSA, NRO, and the Defense Counterintelligence and Security Agency (DCSA). If confirmed, I commit to taking an active oversight and advocacy role for the enterprise while I explore, in coordination with the ODNI and with transparency to Congress, improvements to the USD(I&S) governance of the Defense Intelligence and Security Enterprise to ensure it is effectively collectively supporting warfighter's needs

3. Senator COTTON. Mr. Hansell, do you have any ideas right now on what steps you need to take to improve USD(I&S) operations?

Mr. HANSELL. I am committed to improving how OUSD(I&S) operates to make the best use of taxpayer dollars and to ensure that its oversight of the Defense Intelligence and Security Enterprise is focused on the Secretary of Defense's priorities. If confirmed, I intend to undertake a review of OUSD(I&S)'s mission and organization to align the office's resources, manning, and activities with its mission critical functions. I will also seek to accelerate the adoption of advanced technology to improve OUSD(I&S) workflows, enhance the Office's capability to exercise effective governance and oversight of the Enterprise, and advance critical intelligence and security programs.

4. Senator COTTON. Mr. Hansell, USD(I&S)'s charter is out of date, duplicative, and does not accurately reflect its enterprise governance roles. An updated charter is critical to properly aligning USD(I&S)'s roles and missions. Will you commit to understanding where the latest draft of the charter is in the staffing process and to ensuring it is updated in a timely manner?

Mr. HANSELL. I understand that the DOD Performance Improvement Officer/Director of Administration and Management (PIO/DA&M) is responsible for overseeing

the DOD issuances program and for establishing the DOD policy for developing, processing, coordinating, approving, and publishing issuances, including DOD Directive 5143.01, the USD(I&S) charter. I understand that DOD is currently in the process of updating the Charter. If confirmed, I commit to making a full assessment and working with the DOD PIO/DA&M to complete approval and delivery of the USD(I&S) Charter.

CLASSIFIED FACILITIES

5. Senator COTTON. Mr. Hansell, Arkansas is home to a growing and diverse defense industrial base, including small businesses and academic institutions eager to support national security missions. However, limited access to classified facilities remains a significant barrier to entry. The program for shared commercial classified spaces authorized in last year's National Defense Authorization Act (NDAA) has generated strong national interest, including from companies in Arkansas. If confirmed, how will you ensure that this program is implemented in a way that supports regional defense ecosystems like Arkansas and helps integrate new entrants into the national security enterprise?

Mr. HANSELL. During my confirmation hearing, I shared that overclassification impedes innovation and competition. Similarly, I'm aware how challenges with accessing secure spaces and equipment needed to work on classified contracts in a timely and cost-efficient manner delay delivery of essential supplies, services, and technologies, ultimately reducing capability and competition. In order to increase competition and capture the best capabilities for the Department we must have policies which reduce the red tape and barriers to entry that disproportionately affect non-traditional defense players, such as the small businesses and academic institutions mentioned in Section 874, while securing the enterprise.

I am aware that OUSD(I&S) has put out a Request for Information (RFI) to industry to solicit input on commercial solutions responsive to the pilot program required by section 874 of the FY25 NDAA. If confirmed, I will make it a priority to implement this provision, consistent with the Secretary's priorities, while simultaneously strengthening our safeguards for protecting sensitive defense information. Receiving and incorporating feedback from industry to ensure policies are having the intended consequences should be a critical component of the implementation plan.

QUESTIONS SUBMITTED BY SENATOR M. MICHAEL ROUNDS

MACHINE-ASSISTED ANALYTIC RAPID-REPOSITORY SYSTEM

6. Senator ROUNDS. Mr. Hansell, we have been told for years that Defense Intelligence Agency's (DIA) main repository for all foundational military intelligence—a system known as MARS [Machine-Assisted Analytic Rapid-Repository System]—will transform the way the Intelligence Community approaches and generates foundational military intelligence. It has been 7 years since DIA began this effort, and close to a \$1 billion has been spent on MARS, but the system has only recently achieved initial operational capability. I understand there has recently been a new solicitation for an additional \$1 billion for MARS. If confirmed, will you look into the issue of how this program is being funded and developed, and investigate how we can avoid acquisition issues like this in the future?

Mr. HANSELL. It is my understanding that MARS replaces the Modernized Integrated Data base (MIDB) to provide authoritative, all-source foundation military intelligence to the Joint Force, coalition partners, and key decisionmakers. The MARS program will support intelligence mission data, cyber, and space/counterspace mission areas to satisfy the U.S. military's increasing demand for information. MARS will also take advantage of artificial intelligence and lean automation technologies to enhance strategic indications and warning, improve operational intelligence, and support agile acquisition and modern system testing. If confirmed, I will review MARS to determine whether it meets the cost, schedule, and performance milestones set for the program to inform future DOD decisions. It is equally important that DOD use lessons learned from the development of the MARS program so as to avoid similar cost overruns, schedule delays, and mission impact in its future defense intelligence acquisitions.

SOFTWARE ACQUISITION PATHWAY

7. Senator ROUNDS. Mr. Hansell, in his March 6, 2025, memo, Secretary of Defense Pete Hegseth directed all Department of Defense components to adopt the software acquisition pathway, also called SWP, as well as flexible contracting tools

like commercial solutions openings, and he directed that the Department submit an implementation plan within 30 days. If confirmed, how will you make sure Intelligence & Security implements this guidance throughout and across the defense intelligence enterprise?

Mr. HANSELL. It is my understanding that the SWP enables speed and agility while maintaining the necessary decision points to deliver innovative capabilities that are combat worthy in alignment with Secretary of Defense priorities. If confirmed, I will ensure the warfighter has the best available intelligence capabilities to complete their missions. I will further seek ways to modernize the Defense Intelligence and Security Enterprise's defense acquisition workforce to fully execute SWP and similarly innovative contracting tools where most valuable. As we pursue these acquisition reform efforts to unlock the full potential of American innovation and support our national defense, we must also ensure robust security measures to safeguard sensitive defense information are effectively integrated.

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QUESTIONS SUBMITTED BY SENATOR JONI K. ERNST

UBIQUITOUS TECHNICAL SURVEILLANCE

8. Senator ERNST. Mr. Hansell, as you are aware of the threat of Ubiquitous Technical Surveillance (UTS), from your standpoint, are we executing a coordinated strategy to deal with such a threat?

Mr. HANSELL. Ubiquitous Technical Surveillance (UTS) and Ubiquitous Data Collection (UDC) are two components of what I refer to as "Ubiquitous Sensing." I believe that the emerging operating environment presents both threats and opportunities for DOD. It is my understanding that U.S. adversaries and many non-State actors have proven particularly adept at leveraging Ubiquitous Sensing to imperil or even defeat legacy U.S. security practices. I understand the Department has developed and promulgated training and educational opportunities to those mission areas most impacted within intelligence, security, and sensitive activities—these must be expanded where it makes sense to inform the entire Joint Force. If confirmed, I will work with DOD and Intelligence Community partners to develop an adaptive strategic framework that addresses both the risks and opportunities posed by Ubiquitous Sensing and coordinate across the Department to inform our collective efforts accordingly.

9. Senator ERNST. Mr. Hansell, in your opinion, who owns or should own that strategy?

Mr. HANSELL. Ultimately, I see Ubiquitous Sensing as a challenge to the entire Joint Force, and even the Federal Government. DOD needs a strategy that drives the requirements process to develop and deliver improved capabilities, tactics, training, and procedures for the Joint Force to succeed in the Ubiquitous Sensing environment, both to protect our own forces, and to take advantage of opportunities against our adversaries. I believe it is incumbent on the Defense Intelligence and Security Enterprise to play a leading role in a DOD-wide strategy to address Ubiquitous Sensing, and if confirmed, I intend to contribute to any such effort.

10. Senator ERNST. Mr. Hansell, what measures will you implement to conduct thorough digital risk assessments aimed at identifying and mitigating vulnerabilities exploited through UTS?

Mr. HANSELL. If confirmed, integrated training and education will be a key component of my efforts to inform DOD components regarding the risk within the Ubiquitous Sensing environment. To accomplish this, I would work with the Joint Staff, military services, and combatant commands to prioritize programs and capabilities that require digital risk assessments and insights from Intelligence Community partners to mitigate threats and exploit opportunities. Furthermore, I believe it will be critical to expand our commercial and scientific partnerships if we are to keep pace with cutting-edge technology.

11. Senator ERNST. Mr. Hansell, China has deployed one of the most sophisticated UTS ecosystems in the world, leveraging artificial intelligence (AI)-powered surveillance, mass data aggregation, and biometrics to monitor its citizens and foreign individuals operating in China and beyond. The Chinese Communist Party's (CCP) use of commercial technology for intelligence gathering extends to U.S. military personnel, business executives, and government officials traveling abroad. Given this reality, what immediate steps will you take to ensure the Department is proactively

identifying and countering UTS threats posed by adversarial State actors like China?

Mr. HANSELL. If confirmed, I would support appropriate training and awareness programs across the spectrum of the Defense Intelligence and Security Enterprise, as well as those DOD components conducting sensitive activities. As I am not yet briefed on classified information, I am unable to detail the immediate steps that DOD should take to defend against or exploit Ubiquitous Sensing. If confirmed, I look forward to getting all the information required for a fully informed approach that enables effective DISE efforts and informs DOD strategy on this important challenge.

#### DIGITAL SIGNATURE MANAGEMENT

12. Senator ERNST. Mr. Hansell, the Chinese Government has developed an extensive system to monitor individuals' digital footprints, leveraging location data, app metadata, and online behavior to track both its own citizens and foreigners. Reports indicate that Beijing exploits personal devices to map military installations, intercept communications, and track patterns of life of U.S. personnel in strategic areas like the Indo-Pacific and Africa. Given these developments, how do you plan to improve training programs focused on digital signature management to ensure our warfighters, intelligence professionals, and diplomatic personnel can operate securely in environments saturated with technical surveillance?

Mr. HANSELL. As I am not yet briefed on classified information, I am unable to detail the immediate steps DOD may take to improve training programs specific to digital signature management. However, if confirmed, I would empower, advocate, and promote appropriate training and awareness programs across the spectrum of the Defense Intelligence and Security Enterprise, as well as those DOD components conducting sensitive activities.

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#### QUESTIONS SUBMITTED BY SENATOR TED BUDD

##### COUNTER-UNMANNED AERIAL SYSTEMS

13. Senator BUDD. Mr. Hansell, can you describe some the challenges that the Intelligence Community faces in countering drones on U.S. soil, and if confirmed, how you would act to improve the Department's posture to mitigate this threat?

Mr. HANSELL. Protecting the Homeland from the threats of unmanned drones is a top priority for the DOD. My understanding is the OUSD(I&S) team works with partners across DOD, the Intelligence Community, and the Interagency to improve DOD's posture to mitigate these threats.

The commercial nature of drones offers our adversaries very capable, very affordable systems—as evidenced by their proliferation and success in the ongoing conflict in Ukraine—for both intelligence, surveillance, and reconnaissance and strike missions. I fear that the accelerating evolution of drone technology—particularly for commercial drones—is outpacing the development of countermeasures. The potential lack of attribution is an important component of this threat. I also believe that events involving unidentified drones operating within the United States highlight the need for the U.S. Government to have better means of rapidly characterizing unidentified drones in order to make an accurate attribution as to who is operating them.

If confirmed, I will foster DOD and Intelligence Community collaboration with law enforcement and civil aviation authorities to address these technology challenges. Furthermore, we must collectively review existing policy and authorities to ensure seams between Federal, State, and local agencies do not hinder effective, coordinated responses to counter drones within the United States.

##### INTELLIGENCE COOPERATION

14. Senator BUDD. Mr. Hansell, can you articulate your vision for how title 10 and title 50 agencies should operate in the space and cyber domain?

Mr. HANSELL. To support DOD's continued leadership in the space domain, I envision seamless operations between agencies to safely operate and de-orbit satellites. To achieve this vision, if confirmed, I would work to ensure Defense and Intelligence Community agencies have clearer understanding of roles and responsibilities, robust information sharing mechanisms, unified command structures, and a commitment to transparency and accountability. Additionally, it is vital to enhance our ability to operationally deconflict space activities, given the rapid acceleration and access to the space domain, including from commercial operators, other government agencies, our Allies and partners, and our adversaries. I will help ensure the closer co-

ordination of defense and intelligence space activities to avoid ineffective duplication of effort, the potential for inadvertent interference, or operations that could needlessly imperil our space assets.

For the cyber domain, I believe it is essential that DOD deliver to the Secretary more options to compete with adversaries short of armed conflict. I envision working to ensure the Defense Intelligence and Security Enterprise components operating in cyberspace, in coordination with the ODNI and other Intelligence Community partners, have a clearer understanding of their roles and responsibilities, robustly share information, and act with transparency and accountability. The cyber domain is consistently evolving through expanded access and technological advancements, including from commercial operators, other government agencies, our Allies and partners, and our adversaries. If confirmed, I will work to ensure coordinated defense intelligence and security support to DOD cyber operations and activities to avoid ineffective duplicative efforts and, equally as important, inadvertent interference or operations that could jeopardize our most critical assets.

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QUESTIONS SUBMITTED BY SENATOR MAZIE K. HIRONO

SIGNAL CHAT LEAK

15. Senator HIRONO. Mr. Hansell, the recent security breach involving Signal chat, which could have resulted in the deaths of American servicemembers, highlights this Administration's reckless disregard for operational security. Have you ever discussed classified information on an unclassified medium?

Mr. HANSELL. No, I have not.

16. Senator HIRONO. Mr. Hansell, what would be the consequences for discussing classified information on an unclassified server or medium?

Mr. HANSELL. Classified information on unclassified systems is a breach of security. It is my understanding that each instance is handled based on the specific circumstances, and the DOD Information Security Program empowers leaders at each level to remediate unauthorized disclosure based on those circumstances. Commanders and supervisors are aided in determining how best to remedy each situation by security personnel. When consequences are deemed appropriate it may include administrative actions, removal from access, loss of security clearance, and/or criminal prosecution.

17. Senator HIRONO. Mr. Hansell, do you think it is wise to discuss classified war planning on Signal?

Mr. HANSELL. If confirmed, I will be responsible for DOD security practices in accordance with the laws and policies governing the DOD Information Security Program, reinforcing to the Joint Force the importance of using authorized and secure channels for all classified communications. Furthermore, in coordination with the DOD Chief Information Officer, I intend to conduct a review of the policies and regulations related to the DOD Information Security Program to ensure they are modernized and standardized to give clear guidance to the Joint Force. We must ensure that DOD has the policies and technologies available to safeguard information while enabling communication at the speed of operations.

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QUESTIONS SUBMITTED BY SENATOR ELIZABETH WARREN

ETHICS

18. Senator WARREN. Mr. Hansell, if you are confirmed, will you commit to not seeking any employment with or compensation from a defense contractor, including through serving on a board, as a consultant, or as a lobbyist, for 4 years after leaving DOD?

Mr. HANSELL. I will abide by the extensive post-government employment ethics rules required by Federal law as well as the terms of my Ethics Agreement. These 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 my office honorably, and I will seek any post-government employment in full compliance with the applicable ethics rules.

19. Senator WARREN. Mr. Hansell, if you are confirmed, will you commit to not engaging in any lobbying activities, including unregistered “shadow” or “behind-the-scenes” lobbying under the guise of consulting or advising on DOD-related matters, focused on DOD or any of its components for 4 years after leaving DOD?

Mr. HANSELL. I will abide by the extensive post-government employment ethics rules required by Federal law as well as the terms of my Ethics Agreement. These 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 my office honorably, and I will seek any post-government employment in full compliance with the applicable ethics rules.

20. Senator WARREN. Mr. Hansell, during your nomination process, did anyone on the Trump campaign, transition team, or other closely related entity approach you about your loyalty to President Trump?

Mr. HANSELL. No.

21. Senator WARREN. Mr. Hansell, if you were approached about your loyalty to President Trump, did you sign a loyalty pledge or other similar oath? If so, please provide a copy of the text of that pledge or oath.

Mr. HANSELL. No, I was not approached.

22. Senator WARREN. Mr. Hansell, if you were approached about your loyalty to President Trump, did you make any verbal representations of loyalty? If so, please describe this representation.

Mr. HANSELL. No, I was not approached.

23. Senator WARREN. Mr. Hansell, in November 2024, the New York Times and other news outlets reported that Boris Epshteyn, a top adviser to President Trump, allegedly requested payment from prospective political appointees to promote their candidacies for top positions within the administration. Did you discuss the possibility of joining the Administration with Mr. Epshteyn at any time?

Mr. HANSELL. No.

24. Senator WARREN. Mr. Hansell, if you did discuss the possibility of joining the administration with Mr. Epshteyn, did Mr. Epshteyn seek payment from you for promoting your candidacy for a position within the Administration?

Mr. HANSELL. No.

25. Senator WARREN. Mr. Hansell, at any time, did lawyers for President Trump or members of President Trump’s team approach you regarding Mr. Epshteyn and the allegations cited above? If so, please explain the information that they provided you (including copies of documents), what was discussed during any calls, and any other information pertaining to this interaction.

Mr. HANSELL. No.

26. Senator WARREN. Mr. Hansell, were you in contact with Mr. Elon Musk at any time during your nomination process? If so, please describe the nature of those points of contact.

Mr. HANSELL. No.

27. Senator WARREN. Mr. Hansell, was Mr. Musk present or involved in any interviews you did related to your nomination? If so, please describe the nature of his involvement.

Mr. HANSELL. No.

28. Senator WARREN. Mr. Hansell, was Mr. Musk involved in any way with your nomination, including but not limited to directly or indirectly contacting Senators regarding their position on your nomination?

Mr. HANSELL. No.

29. Senator WARREN. Mr. Hansell, who was in the room or participated in any of your interviews regarding your nomination?

Mr. HANSELL. I met with members of the President’s team during my selection process, but it was the President who made the decision to nominate me for this position.

30. Senator WARREN. Mr. Hansell, if you own any defense contractor stock, will you divest it to avoid even the appearance of a conflict of interest?

Mr. HANSELL. The Ethics Agreement I signed on March 20, 2025, which was previously provided to the Committee, sets forth my ethics commitments, if confirmed.

31. Senator WARREN. Mr. Hansell, what do you consider the role of the press in a democracy?

Mr. HANSELL. A free press is protected by the U.S. Constitution and is a critical part of our democracy.

32. Senator WARREN. Mr. Hansell, do you think it would be an appropriate use of taxpayer resources to “dig up dirt” on journalists who investigate or criticize you, your office, or the Trump administration?

Mr. HANSELL. No, it would be a completely inappropriate use of resources.

33. Senator WARREN. Mr. Hansell, will you commit not to retaliate, including by denying access to government officials or facilities, against news outlets or individual journalists who publish articles that are critical of you, your office, your agency, or the Trump administration?

Mr. HANSELL. Yes.

34. Senator WARREN. Mr. Hansell, have you requested, or has anyone requested on your behalf, that any other person or third party sign a nondisclosure, confidentiality, non-disparagement, or similar agreement regarding your conduct in a personal or professional capacity?

Mr. HANSELL. No.

35. Senator WARREN. Mr. Hansell, will you voluntarily release any individual from any such agreements before this committee votes on your nomination?

Mr. HANSELL. Not applicable.

36. Senator WARREN. Mr. Hansell, have you ever paid or promised to pay, or has anyone paid or promised to pay on your behalf, an individual as part of any nondisclosure, confidentiality, non-disparagement, or similar agreement?

Mr. HANSELL. No.

37. Senator WARREN. Mr. Hansell, if the answer to the previous question was yes, how much was promised, how much was paid, and what were the circumstances?

Mr. HANSELL. Not applicable.

38. Senator WARREN. Mr. Hansell, will you commit to recuse yourself from all particular matters involving your former clients and employers for at least 4 years after you leave DOD?

Mr. HANSELL. I will abide by the extensive post-government employment ethics rules required by Federal law as well as the terms of my Ethics Agreement. These 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 my office honorably, and I will seek any post-government employment in full compliance with the applicable ethics rules.

39. Senator WARREN. Mr. Hansell, will you commit to not seeking employment, board membership with, or another form of compensation from a company that you regulated or otherwise interacted with while in government, for at least 4 years after leaving office?

Mr. HANSELL. I will abide by the extensive post-government employment ethics rules required by Federal law as well as the terms of my Ethics Agreement. These 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 my office honorably, and I will seek any post-government employment in full compliance with the applicable ethics rules.

40. Senator WARREN. Mr. Hansell, would it ever be appropriate to threaten or imply that you would withhold future contracts from a company if they filed a com-

plaint, bid protest, or cooperated with an Inspector General, civil, or criminal investigation?

Mr. HANSELL. No, that would not be appropriate. congressional Oversight and Transparency

41. Senator WARREN. Mr. Hansell, what is your understanding of the role of the Department of Defense Inspector General and service Inspectors General?

Mr. HANSELL. It is my understanding that the role of the Department of Defense Inspector General is to conduct independent audits and investigations relating to DOD's programs and operations to promote economy, efficiency, and effectiveness and to prevent and detect fraud and abuse. Relevant to the role of the Under Secretary of Defense for Intelligence and Security, the DOD IG and USD(I&S) partner in providing oversight and direction to DOD law enforcement functions.

42. Senator WARREN. Mr. Hansell, will you ensure your staff complies with any Inspector General deadlines established for requested communications, providing witnesses, providing documents, and that those witnesses will be protected from reprisal for their testimony?

Mr. HANSELL. If confirmed, I will work to comply with Inspector General requests in a timely manner.

43. Senator WARREN. Mr. Hansell, if you are not able to comply with any Inspector General requests and deadlines, will you notify the Republican and Democratic Members of this Committee regarding the basis for any good faith delay or denial?

Mr. HANSELL. If confirmed, I will work to comply with Inspector General requests in a timely manner. I would defer to the Office of the Inspector General to update Members of the Committee regarding the progress of the Inspector General's ongoing reviews.

44. Senator WARREN. Mr. Hansell, if you are confirmed, will you commit to refusing to follow illegal orders from any individual, including the President?

Mr. HANSELL. I do not accept the premise that the President will issue me an unlawful order. If confirmed, I will follow the Constitution and the law of the United States.

45. Senator WARREN. Mr. Hansell, what actions would you take if you were given an illegal order from any individual, including the President?

Mr. HANSELL. I do not accept the premise that the President will issue me an unlawful order. If confirmed, I will follow the Constitution and the law of the United States.

46. Senator WARREN. Mr. Hansell, will you commit to testify or provide a deposition if you are called upon by Congress to provide a deposition voluntarily?

Mr. HANSELL. I will work to comply with Congress's requests in a timely and responsible manner.

47. Senator WARREN. Mr. Hansell, will you commit to testify or provide a deposition to Congress if you are issued a subpoena to testify?

Mr. HANSELL. I will work to comply with Congress's requests in a timely and responsible manner.

48. Senator WARREN. Mr. Hansell, will you commit to providing information or documents to Congress voluntarily if you are requested to do so?

Mr. HANSELL. I will work to comply with Congress's requests in a timely and responsible manner.

49. Senator WARREN. Mr. Hansell, will you provide information or documents to Congress if you are issued a subpoena?

Mr. HANSELL. I will work to comply with Congress's requests in a timely and responsible manner.

50. Senator WARREN. Mr. Hansell, will you commit to following current precedent for responding to information requests, briefings, and other inquiries from Congress, including the Senate and House Armed Services Committees and their minority members?

Mr. HANSELL. I will work to comply with Congress's requests in a timely and responsible manner.

51. Senator WARREN. Mr. Hansell, if confirmed, will you commit to posting your official calendar monthly?

Mr. HANSELL. If confirmed I will commit to transparency consistent with the law. For example, if my official calendar is requested pursuant to a Freedom of Information Act (FOIA) request, I will commit to releasing responsive agency records subject to any withholding under applicable FOIA exemptions.

52. Senator WARREN. Mr. Hansell, do you think DOD has an overclassification problem? If so, please provide this committee with an estimate of the number or percentage of documents that will be under your purview that are overclassified or other examples to illustrate this problem.

Mr. HANSELL. Yes, I do believe that the entire Federal Government, to include the DOD, has a problem with the overclassification of information. Proper classification enables effective sharing of classified information across government and industry and expedites that information's eventual declassification. While I am not yet in the role of Under Secretary and am unable to provide an estimate of the depth of this problem, if confirmed, I will champion a culture of responsible classification, ensuring information is protected appropriately while balancing the need for efficient information flow.

53. Senator WARREN. Mr. Hansell, to the best of your knowledge, is your office or agency identifying records for proactive posting in compliance with the Freedom of Information Act? If not, please describe how you would ensure that they do so to comply with public records law.

Mr. HANSELL. I have not been briefed on the organization's compliance posture with the Freedom of Information Act. However, I fully support complying with all public records laws and would ensure the OUSD(I&S) follows these laws.

54. Senator WARREN. Mr. Hansell, if confirmed, do you think your department should pursue strategic technology to support automated declassification?

Mr. HANSELL. Yes, I believe that existing strategic technology has great potential for improving the efficiency of the declassification process—indeed, automation is necessary if the Federal Government is to tackle this problem, which can unnecessarily obscure government action at times. If confirmed, I am committed to getting briefed on the State of technical solutions to automate declassification, and advocate for significant progress in this area. Increasing transparency, in a responsible manner, ultimately fulfills the President's pledge for a more open and accountable government.

#### PROJECT 2025

55. Senator WARREN. Mr. Hansell, have you discussed Project 2025 with any officials associated with the Trump campaign, the Trump transition team, or other members of the Trump administration? If so, please explain what you discussed, when you discussed it, and with whom you discussed it.

Mr. HANSELL. No, I have not.

56. Senator WARREN. Mr. Hansell, have you discussed Project 2025 with any officials associated with the Heritage Foundation? If so, please explain what you discussed, when you discussed it, and with whom you discussed it.

Mr. HANSELL. No, I have not.

#### FOREIGN INFLUENCE

57. Senator WARREN. Mr. Hansell, have you received any payment from a foreign government or entity controlled by a foreign government within the past 5 years?

Mr. HANSELL. No, I have not.

58. Senator WARREN. Mr. Hansell, have you communicated with any foreign government or entity controlled by a foreign government within the past 5 years?

Mr. HANSELL. No, I have not.

59. Senator WARREN. Mr. Hansell, please disclose any communications or payments you have had with representatives of any foreign government or entity controlled by a foreign government within the past 5 years and describe the nature of the communication.

Mr. HANSELL. Not applicable.

## RETALIATION AND PROTECTING WHISTLEBLOWERS

60. Senator WARREN. Mr. Hansell, do you believe that servicemembers, civilians, grantees, and contractors should be protected from any form of retaliation for coming forward about an illegal order, sexual assault or harassment, negligence, misconduct, or any other concern that they wish to raise?

Mr. HANSELL. Yes, I do.

61. Senator WARREN. Mr. Hansell, have you ever retaliated against any individual for coming forward about an illegal order, sexual assault or harassment, negligence, misconduct, or any other concern that they wish to raise?

Mr. HANSELL. No.

62. Senator WARREN. Mr. Hansell, if you are confirmed, will you commit to protecting whistleblowers? If so, please specify how you will do so.

Mr. HANSELL. Yes, if confirmed, I will commit to protecting whistleblowers in accordance with applicable law. I will foster a culture where the organization understands that doing so supports the mission.

## IMPOUNDMENT CONTROL ACT

63. Senator WARREN. Mr. Hansell, on January 27, 2025, President Trump's Office of Management and Budget (OMB) issued a memo calling for the suspension of all Federal financial assistance programs (excluding "assistance provided directly to individuals"). Do you agree with OMB's decision to issue this memo?

Mr. HANSELL. I support the President's efforts to streamline the Federal Government and ensure that it is carrying out Federal programs in an efficient and economical manner. That said, I am not aware of how this memorandum would impact DOD. If confirmed, I will review the memo and work to implement the President's direction.

64. Senator WARREN. Mr. Hansell, do you believe the Secretary of Defense has the legal authority to block the disbursement of funds appropriated by Congress?

Mr. HANSELL. I fully acknowledge and respect Congress' constitutional role in appropriating funds to be carried out by the executive branch for designated purposes. I commit, if confirmed, to executing my responsibilities consistent with the Constitution and the law. I would ensure that my actions and advice to the Secretary of Defense on this matter are informed by the administration's legal positions and advice from the Department's General Counsel's office.

65. Senator WARREN. Mr. Hansell, what is your understanding of the Impoundment Control Act?

Mr. HANSELL. My understanding is that Congress passed the Impoundment Control Act in 1974. This Act provides a framework for handling circumstances in which the President seeks to defer or cancel execution of appropriated funds. I commit, if confirmed, to executing my responsibilities consistent with the Constitution and the law on this matter as on all others. I would ensure that my actions and advice to the Secretary of Defense on this matter are informed by the administration's legal positions and advice from the Department's General Counsel's office.

66. Senator WARREN. Mr. Hansell, do you commit to following the Impoundment Control Act?

Mr. HANSELL. I commit, if confirmed, to executing my responsibilities consistent with the Constitution and the law on this matter as on all others. I would ensure that my actions and advice to the Secretary of Defense on this matter are informed by the administration's legal positions and advice from the Department's General Counsel's office.

67. Senator WARREN. Mr. Hansell, do you commit to notifying the Senate and House Armed Services Committees, including the majority and minority, if you are asked not to follow the Impoundment Control Act or not to expend the money that Congress appropriates or authorizes?

Mr. HANSELL. I commit, if confirmed, to executing my responsibilities consistent with the Constitution and the law on this matter as on all others. I would ensure that my actions and advice to the Secretary of Defense on this matter are informed by the administration's legal positions and advice from the Department's General Counsel's office.

68. Senator WARREN. Mr. Hansell, the Constitution's Spending Clause (Art. I, § 8, cl. 1) and Appropriations Clause (Art. I, § 9, cl. 7) give Congress, not the Executive, power of the purse. The Supreme Court has unanimously upheld this power. Do you believe that impoundments are constitutional?

Mr. HANSELL. I commit, if confirmed, to executing my responsibilities consistent with the Constitution and the law on this matter as on all others. I would ensure that my actions and advice to the Secretary of Defense on this matter are informed by the administration's legal positions and advice from the Department's General Counsel's office.

69. Senator WARREN. Mr. Hansell, the funding levels in appropriations bills passed into law are not targets or ceilings; instead, they are amounts the executive branch must spend, unless stated otherwise. Congress could—if it wanted the President to have discretion—write those amounts as ceilings. Do you agree?

Mr. HANSELL. I commit, if confirmed, to executing my responsibilities consistent with the Constitution and the law, to include appropriations legislation. I would ensure that my actions and advice to the Secretary of Defense on this matter are informed by the administration's legal positions and advice from the Department's General Counsel's office.

70. Senator WARREN. Mr. Hansell, what is your understanding of the requirements for DOD to obligate funding that Congress authorizes and appropriates, in accordance with the time period that Congress deems it to do so?

Mr. HANSELL. I commit, if confirmed, to executing my responsibilities consistent with the Constitution and the law, to include authorization and appropriations legislation. I would ensure that my actions and advice to the Secretary of Defense on this matter are informed by the administration's legal positions and advice from the Department's General Counsel's office.

71. Senator WARREN. Mr. Hansell, do you commit to expending the money that Congress appropriates and authorizes?

Mr. HANSELL. If confirmed, I commit to expending resources in accordance with congressional appropriations and authorizations for those programs delegated to me. I would ensure that my actions and advice to the Secretary of Defense on this matter are informed by the administration's legal positions and advice from the Department's General Counsel's office.

72. Senator WARREN. Mr. Hansell, do you commit to following and implementing every provision of the annual National Defense Authorization Act passed into law?

Mr. HANSELL. I commit, if confirmed, to executing my responsibilities consistent with the Constitution and the law, including the National Defense Authorization Act. I would ensure that my actions and advice to the Secretary of Defense on this matter are informed by the administration's legal positions and advice from the Department's General Counsel's office.

73. Senator WARREN. Mr. Hansell, if you became aware of a potential violation of the Antideficiency Act, Impoundment Control Act, or other appropriations laws, what steps would you take?

Mr. HANSELL. If confirmed, were I to become aware of any violation of the Antideficiency Act, Impoundment Control Act, or other appropriations laws, I would abide by the Department's procedures to report such violations to the appropriate authorities. I would further ensure that my actions and advice to the Secretary of Defense on any matters of violations are informed by the administration's legal positions and advice from the Department's General Counsel's office.

#### ACQUISITION REFORM

74. Senator WARREN. Mr. Hansell, what is your understanding of the Procurement Integrity Act and your obligations under that law?

Mr. HANSELL. My understanding of the Procurement Integrity Act is that, as a government official, I am obligated to protect competitive source selection information from unauthorized disclosure, including by complying with the DOD's Controlled Unclassified Information program. Safeguarding this sensitive information is essential to maintaining the integrity of the procurement process and ensures all prospective contractors have a fair opportunity to compete for Federal contracts. I understand the Procurement Integrity Act also restricts former Government officials from accepting compensation from contractors under certain conditions.

75. Senator WARREN. Mr. Hansell, do you believe that it is important to be able to assess accurate cost and pricing data from contractors, especially for sole-or single-source contracts?

Mr. HANSELL. Yes, I believe it is important to be able to assess accurate cost and pricing data from contractors to ensure the DOD is paying a fair price for critical services.

76. Senator WARREN. Mr. Hansell, how do you plan to obtain cost and pricing data from contractors to determine that the cost of Federal contracts is fair and reasonable?

Mr. HANSELL. If confirmed, I will work with Department stakeholders and the acquisition workforce to ensure the Department has access to accurate cost and pricing data as required by law.

77. Senator WARREN. Mr. Hansell, how do you plan to do so in cases where contractors refuse or claim they are unable to turn over this data?

Mr. HANSELL. If confirmed, I look forward to fully reviewing these types of issues with the OUSD(A&S) and have the DOD receive as much relevant data as possible to be efficient with taxpayer dollars. It is my understanding that there are statutory requirements to provide this data, and I would use existing authorities to resolve contractual issues.

78. Senator WARREN. Mr. Hansell, if you are confirmed, what steps will you take to ensure that contractors are not price gouging or overcharging the Federal Government?

Mr. HANSELL. If confirmed, I look forward to working with OUSD(A&S) to ensure that fair prices are being paid in exchange for critical services. I will ensure the Defense Intelligence and Security Enterprise uses all legal tools available to ensure that price gouging or overcharging are not taking place within the DISE.

79. Senator WARREN. Mr. Hansell, if you are confirmed, will you commit to seeking refunds, including voluntary refunds, from contractors and companies that overcharge the Federal Government?

Mr. HANSELL. If confirmed, I look forward to supporting OUSD(A&S) should it decide to review any current contracts in order to ensure that fair prices are being paid in exchange for critical services and any refunds due are collected.

80. Senator WARREN. Mr. Hansell, if so, how do you plan to do so?

Mr. HANSELL. If confirmed, I look forward to supporting OUSD(A&S) should it decide to review any current contracts in order to ensure that fair prices are being paid in exchange for critical services with all available DOD resources.

81. Senator WARREN. Mr. Hansell, during your hearing you expressed concerns that overclassification hurt DOD competition. Do you have any specific examples of when that may have been a factor?

Mr. HANSELL. From my experience, I understand concerns about overclassification hindering competition, having seen it from varying perspectives during my time in government and in business. Reflecting on this, a hypothetical situation where this could occur are government efforts to procure capability that in part has both a commercial and national security use case. Unnecessarily overclassifying portions of the requirement or similarly limiting solicitation to known entities, can exclude potentially capable partners, ultimately stifling competition and slowing our access to cutting-edge technology. I've spoken with companies about the challenges of navigating security requirements, particularly regarding classified facilities, which can often disadvantage nontraditional players, to include smaller businesses. We must always protect our security and seek the most effective ways to do so while encouraging competition and capturing the best innovative technology for our warfighters.

#### RESEARCH AND DEVELOPMENT

82. Senator WARREN. Mr. Hansell, does the Federal Government benefit from partnering with colleges, universities, nonprofits, and federally funded research and development centers?

Mr. HANSELL. Yes, it does. Specific to the defense intelligence and security portfolio, it is my understanding that OUSD(I&S) benefits from the research conducted by the University Affiliated Research Center (UARC) that it established in 2018, the Applied Research Lab for Intelligence and Security (ARLIS). Affiliated with the University of Maryland, I understand ARLIS is the only UARC conducting both classi-

fied and unclassified research to best address security and intelligence challenges, to include in areas such as advanced computing, emerging technologies, and the human domain. UARCs such as ARLIS are key players in addressing 21st century technology challenges to U.S. national security.

83. Senator WARREN. Mr. Hansell, under your leadership, will your agencies continue to work with colleges, universities, nonprofits, and federally funded research and development centers to research and address our toughest national security challenges?

Mr. HANSELL. If confirmed, I commit to continuing to work with colleges, universities, nonprofit organizations, and federally funded research and development centers to develop new and transformative capabilities for the warfighter consistent with the Administration's mission and priorities.

PROTECTING CLASSIFIED INFORMATION AND FEDERAL RECORDS

84. Senator WARREN. Mr. Hansell, what is your understanding of the need to protect operational security, or OPSEC?

Mr. HANSELL. If confirmed, as the DOD senior official responsible for the DOD Information Security Program, I will be responsible for establishing and overseeing the implementation of policies and procedures for the conduct of DOD operations security, or OPSEC. I understand firsthand that protecting OPSEC is critical for mission success. OPSEC is an important and required tool for commanders and leaders to employ at all levels to deny our adversaries the ability to collect, analyze, and exploit information that might provide an advantage against the United States. Effective OPSEC protects critical information about DOD activities, intentions, capabilities, or limitations that an adversary seeks to gain a military, political, diplomatic, economic, or technological advantage. Proper OPSEC is coupled with information security to form a culture of vigilance across DOD.

85. Senator WARREN. Mr. Hansell, what are the national security risks of improperly disclosing classified information?

Mr. HANSELL. It is generally accepted that the improper or unauthorized disclosure of classified information could be expected to cause identifiable or describable damage to national security. The describable damage and certainty of that damage would depend on the details of the information released, including the level of classification, as well as the extent and nature of the disclosure. Determining the extent of damage to national security is part of the unauthorized disclosure process as outlined in DOD policy. If confirmed as the DOD senior official responsible for the DOD Information Security Program, I will be unwavering in championing the DOD's information security, recognizing it as a cornerstone of meeting the Department's priorities for increased strength and lethality.

86. Senator WARREN. Mr. Hansell, is it your opinion that information about imminent military targets is generally sensitive information that needs to be protected?

Mr. HANSELL. The Department has robust policies and processes dedicated to determining the sensitivity of information related to military targets. If confirmed, in my role as the DOD senior official responsible for the DOD Information Security Program, I would ensure our commanders have clear and authoritative guidance for following these policies and processes.

87. Senator WARREN. Mr. Hansell, what would you do if you learned an official had improperly disclosed classified information?

Mr. HANSELL. If confirmed and in such a situation, I would immediately take steps to secure the information, assess the situation, and report the incident to the appropriate security officials for mitigation and appropriate action in accordance with law and policy. If confirmed, in my role as the DOD senior official responsible for the DOD Information Security Program, it will also be my role to set the standard for proper handling of classified information. Protecting classified information is paramount, and I would treat any potential breach with the utmost seriousness.

88. Senator WARREN. Mr. Hansell, what is your understanding of Government officials' duties under the Federal Records Act?

Mr. HANSELL. If confirmed, I will adhere to the Federal Records Act and the applicable DOD policies that implement it, which ensure that the Federal records I create or receive are appropriately maintained, and I will hold the personnel of the Defense Intelligence and Security Enterprise accountable for the same.

89. Senator WARREN. Mr. Hansell, should classified information be shared on unclassified commercial systems?

Mr. HANSELL. No.

90. Senator WARREN. Mr. Hansell, is it damaging to national security if the pilots flying a mission find out that the official who ordered them to perform that mission shared sensitive information that could have made it more likely that the mission would fail, or they would be killed?

Mr. HANSELL. The Department of Defense places the utmost importance on mission success and the safety of the men and women carrying out the mission, making it the finest fighting force in the world. I know firsthand the importance of safeguarding sensitive information. If confirmed, I will be responsible for the DOD Information Security Program, and in that role, I will make it a priority that DOD personnel have clear guidance for the proper safeguarding of sensitive information while enabling communication at the speed of operations.

91. Senator WARREN. Mr. Hansell, if you had information about the status of specific targets, weapons being used, and timing for imminent U.S. strikes against an adversary, under what circumstances would you feel comfortable receiving or sharing that information on an unclassified commercial application like Signal?

Mr. HANSELL. Without speaking to hypothetical circumstances, I believe we must ensure that DOD has the policies and technologies available to most effectively safeguard information while enabling secure communication at the speed of operations. If confirmed, I will be responsible for the DOD Information Security Program, and in that role I would, in coordination with the DOD Chief Information Officer, review the policies and regulations related to the DOD Information Security Program to ensure they are modernized and standardized to support that objective.

#### PERSONNEL SECURITY

92. Senator WARREN. Mr. Hansell, what factors should be considered in determining whether a former Government official needs protection?

Mr. HANSELL. While I understand the President and the Secretary of Defense have the inherent authority to provide protective services outside of the context of 10 U.S.C. § 714, the statute authorizes protection for a former or retired official who faces a serious and credible threat arising from duties performed while employed by DOD or for compelling operational considerations. The determination to provide such physical protection and personal security pursuant to this statute shall be based on a threat assessment by an appropriate law enforcement, security, or intelligence organization. In practice, such determinations are necessarily balanced against competing operational and resourcing requirements for the protection of other authorized personnel.

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#### QUESTIONS SUBMITTED BY SENATOR TAMMY DUCKWORTH

##### DISCLOSURE OF CLASSIFIED INFORMATION

93. Senator DUCKWORTH. Mr. Hansell, what is the normal process after the Department becomes aware of indications that classified or sensitive defense or intelligence information has been found in the public sphere?

Mr. HANSELL. I understand that DOD takes immediate action whenever there is credible information that classified or sensitive defense information has been found in the public sphere. This could involve initiating an inquiry or investigation to assess the scope of the potential compromise, secure any compromised information to the extent possible, and identify the source of the unauthorized disclosure. If circumstances warrant, DOD then pursues appropriate administrative, legal, or other remedial actions based on the findings of the inquiry or investigation.

94. Senator DUCKWORTH. Mr. Hansell, would you hold senior officials who violate protections of sensitive information to the same standard as junior soldiers and civilians?

Mr. HANSELL. Yes. All DOD personnel with access to classified information are responsible for protecting such information. If confirmed, as the DOD senior security official responsible for directing, administering, and overseeing the DOD Information Security Program, I will advocate for a culture of accountability at all levels, backed up by clear, modernized, and standardized guidance, to ensure that all DOD personnel support this shared obligation.

ACCOUNTABILITY

95. Senator DUCKWORTH. Mr. Hansell, do you commit that your decisions will be communicated through official, secure channels and properly documented for both oversight and institutional memory?

Mr. HANSELL. If confirmed, I will always comply with the Federal Records Act and all laws concerning the safeguarding of classified information.

96. Senator DUCKWORTH. Mr. Hansell, would you follow an illegal, unlawful, or immoral order?

Mr. HANSELL. If confirmed, I will follow the Constitution and laws of the United States.

[The nomination reference of Mr. Bradley D. Hansell follows:]

**NOMINATION REFERENCE AND REPORT**

**PN22-7**

AS IN EXECUTIVE SESSION,  
SENATE OF THE UNITED STATES,  
February 3, 2025.

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

Bradley Hansell, of Virginia, to be Under Secretary of Defense for Intelligence and Security, vice Ronald S. Moultrie, resigned.

\_\_\_\_\_, 2025.  
(Date)

Reported by Mr. Wicker \_\_\_\_\_  
(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. Bradley D. Hansell, which was transmitted by the Committee at the time of the nomination was referred, follows:]

**Bio**  
**Bradley David Hansell**

**Education:**

- Darden School of Business, University of Virginia
  - 2014-2016
  - Master of Business Administration
- Villanova University
  - 1998-2002
  - Bachelor of Arts in Political Science

**Employment Record:**

- Windage Partners Washington, D.C.
  - Partner/ Head of Strategy
  - January 2023 – October 2024
- Outlander VC Washington, D.C.
  - Partner/Chief of Staff
  - January 2022- August 2022
- Boston Consulting Group Bethesda, MD
  - Associate Director/ Principal
  - February 2019 – December 2021
- National Security Council, White House Washington D.C.
  - Senior Director; Special Assistant to the President
  - January 2017 – August 2018
- Boston Consulting Group Bethesda, MD
  - Consultant
  - July 2016 – January 2017
- United States Army Pensacola, FL
  - Special Forces Officer
  - August 2008 – April 2015
- United States Navy San Diego, CA
  - Naval Officer
  - July 2002 – August 2008

**Honors and Awards:**

- Military awards include the Purple Heart, Bronze Star, Meritorious Service Medal, Navy and Marine Corps Commendation Medals and the Combat Infantry Badge
- Featured in *One Hundred Victories: Special Ops and the Future of American Warfare*, by Linda Robinson
- Pat Tillman Scholarship; merit scholarship

[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. Bradley D. Hansell in connection with his nomination follows:]

119<sup>th</sup> CONGRESS, 2025 -- 2026  
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

QUESTIONNAIRE, PART A

BIOGRAPHICAL INFORMATION TO BE MADE PUBLIC

1. **Name (Include any former names you have used):** Bradley David Hansell
2. **Position to which nominated:** Under Secretary of Defense for Intelligence and Security
3. **Date of nomination:** February 3<sup>rd</sup>, 2025
4. **Education:**  
Darden School of Business, University of Virginia  
2014-2016, MBA, May 22<sup>nd</sup> 2016  
  
Villanova University  
1998-2002, BA, May 31<sup>st</sup>, 2002
5. **Employment record (List all jobs held since college, or in the last 10 years, whichever is less, including the title or description of the job, name of employer, location of work, and dates of employment. If the employment activity was military duty, show each change of military duty station as a separate period of employment):**  
  
Operating Partner/Head of Strategy  
Windage Partners  
Washington, DC  
January 2023 – October 2024

Sole Member/Consultant  
 Windward Horizon LLC  
 Washington, DC  
 August 2022 – March 2024

Chief of Staff/Operating Partner  
 Outlander VC  
 Washington, DC  
 January 2022 – August 2022

Principal/Associate Director  
 Boston Consulting Group  
 Bethesda, MD  
 February 2019 – December 2021

Special Assistant to the President, Senior Director National Security Council  
 Executive Office of the President  
 Washington D.C.  
 January 2017 – August 2018

Consultant  
 Boston Consulting Group  
 Bethesda, MD  
 July 2016 – January 2017

Army Special Forces Officer  
 7<sup>th</sup> Special Forces Group, United States Army  
 Eglin AFB, Florida  
 July 2011 – April 2015 (Wounded in action and medically retired)

6. **Have you ever received approval, pursuant to section 908 of title 37, United States Code, to accept civil employment (and compensation for that employment), payment for speeches, travel, meals, lodging, registration fees, or a non-cash award from a foreign government?** No.
7. **Government experience:** See Federal positions set forth in question 5
8. **Business relationships:** Windward Horizon LLC: Member (Inactive); Outlander GP 1, LLC.
9. **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):**

Pat Tillman Foundation  
 Special Forces Association  
 Global SOF Foundation  
 Surface Navy Association

10. **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, all political parties or election committees during the last 5 years:** None.
  - c. **Itemize all individual political contributions of \$100 or more to any individual, campaign organization, political party, political action committee, or similar entity during the past 5 years. List each individual contribution (not the total amount contributed to the person or entity) over this period:** Trump 47 Committee, Inc., \$500, 10/24; Never Surrender, Inc., \$500, 10/24 (JFC Transfer: Trump 47 Committee, Inc.); Michael Waltz for Congress, \$500, 9/24; Rogers for Senate, \$500, 6/24; Trump Save America Joint Fundraising Committee, \$1000, 2/24; Never Surrender, Inc., \$900, 2/24 (JFC Transfer: Trump Save America Joint Fundraising Committee); Georgians for Latham, Inc, \$200, 2/22; Texans for Morgan Luttrell, \$250, 2/22; Georgians for Latham, Inc, \$250, 4/21; Maverick PAC USA, \$750, 4/21; Egan for Congress, \$1000, 2/21; WinRed, \$100, 10/20
11. **Honors and awards:** Pat Tillman Scholarship; Military awards include Purple Heart, Bronze Star, and Meritorious Service Medal, Navy and Marine Corps Commendation Medals, and the Combat Infantry Badge
12. **Published writings:** None.
13. **Speeches:** 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.

14. Do you agree, if confirmed, and on request, to appear and testify before this Committee, its subcommittees, and other appropriate Committees of Congress? Yes.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.

FUTURE EMPLOYMENT RELATIONSHIPS

21. If you are confirmed by the Senate, will you sever all business connections with your present employers, business firms, business associations, and business organizations? Yes.
22. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain. No.

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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.]

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[The nomination of Mr. Bradley D. Hansell was reported to the Senate by Chairman Wicker on May 1, 2025, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 22, 2025.]

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 21<sup>st</sup> day of March, 2025

[Prepared questions submitted to Mr. Earl G. Matthews by Chairman Wicker prior to the hearing with answers supplied follow:]

## QUESTIONS AND RESPONSES

## DUTIES AND QUALIFICATIONS

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

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

*Answer.* I received my Juris Doctor degree from Harvard University in June 1998, took and passed both the Pennsylvania and New Jersey bar examinations in the summer of 1998 and have been a licensed attorney continually since October 1998. I additionally hold a Master of Laws degree in National Security Law from the Georgetown University Law Center, which I received in May 2013. Currently, I am a member in good standing only of the District of Columbia bar. I have served as an attorney within the Department of Defense in various capacities for over 25 years. I have served continuously as an Army Judge Advocate, either on active duty orders or in a part-time status, in the United States or in overseas operational environments. I have served as a uniformed lawyer in Bosnia-Herzegovina, Iraq during two separate tours, in Afghanistan and in the Horn of Africa. I have extensive Pentagon experience having served within the Office of the Judge Advocate General of the Army and the Office of Legal Counsel to the Chairman of the Joint Chiefs of Staff. I have been both a career civilian attorney within the Defense Intelligence Agency, where I advised on sensitive intelligence matters, and I have served as the Principal Deputy General Counsel and Acting General Counsel of the Department of the Army. In the latter role I was the Chief Legal Officer of the largest single component of the Department of Defense. Throughout my career, I have provided advice and counsel to Department of Defense personnel as disparate as staff non-commissioned officers and platoon leaders to the Chairman of the Joint Chiefs of Staff and the Secretary of the Army.

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

*Answer.* My most significant legal leadership role was as Principal Deputy General Counsel and Acting General Counsel of the Department of the Army from June 2017-July 2018 where I lead a 50-attorney office charged with advising the civilian and uniformed leadership of the Department of the Army. The Office of the General Counsel of the Army also provided legal oversight and guidance to the entire Army legal enterprise, to include over 5,000 attorneys, both uniformed and civilian. As an Army Judge Advocate, I have been privileged to serve on and lead legal teams at home and abroad, including serving as Staff Judge Advocate to the District of Columbia National Guard during significant periods of civil unrest. If confirmed, I will draw upon my leadership and management experiences to make me a better leader of the DOD legal enterprise.

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

*Answer.* It is my understanding that the General Counsel is the chief legal officer of the Department of Defense and the advisor to the Secretary of Defense for all legal matters and legal services performed within or involving the DOD Components. The breadth and scope of these duties and responsibilities are vast, aligned to the global mission of the Department of Defense to achieve Peace through Strength, deter war and if necessary, defeat our enemies. If I am confirmed, I expect that I will be responsible for overseeing the provision of timely and accurate legal advice on myriad DOD activities. This encompasses the full spectrum of legal issues, from international law, environmental law, contracting, and personnel matter. Most importantly, the General Counsel supports and empowers the legal professionals across the Department, in and out of uniform, to ensure we all provide sound legal advice and counsel to our clients and commanders in support of the mission.

*Question.* If confirmed, what additional duties and functions might you recommend the Secretary of the Defense prescribe for you?

*Answer.* The Department carries out unique military and national security functions, as well as a wide variety of activities ranging from providing health care to its military personnel and their families to working with and training important allies and partners, and all the activities required to support the Total Force, protect the Nation and project power across the globe. If I am confirmed, I eagerly anticipate the challenge of providing legal advice on a broad portfolio of subject areas essential to the combat readiness, lethality and effectiveness of our armed forces. If confirmed, I would have the opportunity to work with senior leaders in the Department and would have a better sense of what the Department's needs would be and what additional duties and functions the Secretary of Defense may prescribe, but I anticipate they would be aligned to ensuring we build and maintain an effective fighting force.

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

*Answer.* The American principle of civilian control of the military is foundational to our democracy, and I am committed to it. Having served in the Army, both in and out of uniform, I am acutely aware of the need to ensure civilian control of the military, and the legal structure established by our Constitution and the laws of the Nation to ensure it. I believe that large organizations reflect the principles and values of their leaders. Therefore, if confirmed, I will convey through my leadership, words and actions that civilian leadership of the Department is central and pre-eminent.

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

*Answer.* The Department of Defense and its senior leaders in their official capacities are the clients of the DOD General Counsel.

#### CONFLICTS OF INTEREST

*Question.* Federal ethics laws, to include 18 U.S.C. § 208, prohibit government employees from participating in matters where they, or certain family members or organizations with which they have certain relationships, have a financial interest.

Do you agree, without qualification, if confirmed, to disclose any potential conflicts of interest, including investments, business ties, family relationships, or other connections that could be perceived as influencing your decisionmaking?

*Answer.* I agree to comply with all conflicts of interest disclosure requirements set forth in the Ethics in Government Act and implementing regulations.

*Question.* Do you agree, without qualification, if confirmed, that if a conflict of interest arises, you will recuse yourself from participating in any decisions regarding that specific matter?

*Answer.* I agree to comply with all recusal requirements under 18 U.S.C. § 208 and implementing regulations.

*Question.* Do you commit, without qualification, if confirmed, to decide matters on the merits, and exclusively in the public interest, without regard to private gain or personal benefit?

*Answer.* I commit to deciding matters on the merits based on the public interest, without regard to any private gain or personal benefit.

#### EXERCISE OF INDEPENDENT PROFESSIONAL LEGAL JUDGMENT

*Question.* President Trump's February 18, 2025, Executive Order entitled "Ensuring Accountability for All Agencies" states in section 7 that "No employee of the executive branch acting in their official capacity may advance an interpretation of the

law as the position of the United States that contravenes the President or the Attorney General's opinion on a matter of law. . . .”

What is your understanding of the rules of professional responsibility that apply to civilian attorneys in the Department of Defense, including those that work within the DOD Office of the General Counsel?

Answer. DOD attorneys must be licensed in at least one U.S. State, commonwealth, territory, or the District of Columbia and are subject to the rules of professional conduct for their licensing jurisdiction. Additionally, DOD civilian attorneys are subject to the professional responsibility provisions set forth in DOD Instruction 1442.02.

*Question.* If confirmed, what rules of professional responsibility would apply to you personally in your practice of law?

Answer. I am currently licensed in the District of Columbia and would be subject to the District of Columbia Rules of Professional Conduct under the authority of the District of Columbia Court of Appeals, as well as DOD Instruction 1442.02.

*Question.* If confirmed, how will you implement section 7 of the above referenced Executive Order and enforce it throughout the Department?

Answer. The Attorney General, through DOJ's Office of Legal Counsel (OLC), interprets how the law applies to the executive branch, and that interpretation is binding on the Department of Defense. Section 7's articulation of the President's and Attorney General's authority and function as they pertain to interpretations of the law may be new, but the underlying principles described in Section 7 are consistent with my understanding of standard practices of the Department of Defense. Accordingly, for questions where I am unsure about the appropriate interpretation of law, I intend to authorize outreach to OLC for formal or informal guidance on the appropriate interpretation of law and apply OLC's advice to the activities of the Department.

*Question.* What is your view of the applicability of section 7 to you personally, if confirmed as the DOD General Counsel?

Answer. As an Executive Order that is currently in force, section 7 of EO 14215 would apply to my activities as General Counsel, if I am confirmed.

*Question.* If confirmed, how would you address a situation where your independent professional legal judgment differs from the opinion of the President?

Answer. If confirmed, I do not anticipate that my professional legal judgment would often differ from the opinion of the President or his legal advisors. If a difference were to emerge, I would seek further guidance from legal advisors at the White House and at the Department of Justice, and if appropriate, would request a review of my interpretation by the DOJ Office of Legal Counsel.

#### MAJOR CHALLENGES AND PRIORITIES

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

Answer. The major challenges confronting the next General Counsel of the Department of Defense mirror the major challenges facing the Department writ large. These include supporting the President's focus on the restoration of the Department of Defense as a race-blind, merit and values based, warfighting focused institution.

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

Answer. Based on my experience, DOD appears to have a culture that values legal input and appears to have robust processes in place to obtain that input on critical issues. If I am confirmed, I will lead the experienced attorneys in the Office of the DOD General Counsel and in the wider DOD legal community in their efforts to provide the best possible legal advice to decisionmakers throughout the Department of Defense as they implement the priorities of the President. I would work to ensure that I am consulted on any issues potentially impacting the execution of the Secretary's national defense strategic guidance, particularly matters with the potential for significant financial or litigation risk for the Department.

#### RELATIONS WITH CONGRESS

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

Answer. I believe the Office of General Counsel works collaboratively with both the Senate Armed Services Committee and with the Congress as a whole. Strong relationships with Congress are essential to mission success. If confirmed, I will con-

tinue to maintain and cultivate those strong relationships, especially those involving the Armed Services Committee.

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

Answer. If confirmed, I would encourage open, honest, and timely communications between the Committee and the Department. I am committed to building and maintaining open lines of communication. If confirmed, I will work closely with Members of this Committee, the Congress as a whole, as well as the professional staff of the Armed Services Committee.

*Question.* If confirmed, what factors would you consider in determining whether or not to recommend the invocation of Executive Privilege in regard to a request from the Senate Armed Services Committee for information under the cognizance of a component of the Department of Defense?

Answer. Executive Privilege is invoked by the Counsel to the President. If confirmed, I would work closely with interagency lawyers, to include the White House Counsel's office, regarding matters of privilege.

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

Answer. Executive Orders are issued by the President, and as such are White House documents. If confirmed, I commit to working with interagency lawyers to include the White House Counsel's office to resolve any matters of privilege on a timely basis.

#### LEGAL OPINIONS

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

Answer. The legal opinions of the DOD General Counsel generally are binding throughout the Department of Defense. Under 10 U.S.C. § 140, the DOD General Counsel is the "chief legal officer of the Department of Defense," and under DOD Directive 5145.01, the General Counsel is responsible for "[e]stablish[ing] DOD policy on general legal issues, determin[ing] the DOD position on specific legal problems, and resolv[ing] disagreements within the DOD on such matters." 10 U.S.C. § 140, however, does not apply to the General Counsel to the Inspector General. In addition, Title 10 prohibits any officer or employee of DOD from interfering with the independent legal advice of certain senior military lawyers.

*Question.* If confirmed, are there specific matters on which your predecessor General Counsels have issued legal opinions that you would expect to reconsider and possibly revise? If so, which opinions, in which practice areas, do you believe might merit reconsideration?

Answer. I am not presently aware of any current legal opinions that, if I am confirmed, I would expect to reconsider or revise. However, I expect that, if I am confirmed, I will have the occasion to revisit matters and welcome the opportunity to do so.

#### RELATIONSHIP WITH THE DEPARTMENT OF JUSTICE (DOJ)

*Question.* What is your understanding of the relationship between the Department of Defense and the Department of Justice with respect to litigation involving the Department of Defense?

Answer. The Department of Justice has the statutory responsibility to represent the United States and its officers, employees, and agencies, including the Department of Defense, in litigation. Attorneys from the Department of Defense work closely with Department of Justice lawyers on matters in which DOD, or one or more of its components or officials, is a party or has an interest.

*Question.* What role do you expect to play, if confirmed, in the development and consideration (or reconsideration) of legal opinions by the Office of Legal Counsel of the Department of Justice that directly affect the Department of Defense?

Answer. If I am confirmed, I expect to work closely with the Office of Legal Counsel of the Department of Justice (OLC) on the most complicated legal issues confronting the Department of Defense. By continuing to foster a close working relationship with OLC, I will strive to ensure that DOD and its officials have the benefit of the highest-caliber legal advice within the executive branch.

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

Answer. The Attorney General, usually acting through the Assistant Attorney General for OLC, sometimes is called on to issue legal opinions that are binding on the entire executive branch, including the Department of Defense. If I am confirmed, and in the event that OLC issues an opinion with which I disagree as a matter of law, I would express my opinion to the Assistant Attorney General or, if necessary and appropriate, the Attorney General and ask for reconsideration of the OLC opinion. I hope to have developed a sufficiently close working relationship with OLC that my input would be considered prior to issuance of the legal opinion.

#### INDEPENDENT LEGAL ADVICE BY JUDGE ADVOCATES

*Question.* What is your view of the requirement for the Judge Advocates General of the Services, the Staff Judge Advocate to the Commandant of the Marine Corps, and the legal advisor to the Chairman of the Joint Chiefs of Staff to provide independent legal advice to the Secretaries of the Military Departments, the Chairman of the Joint Chiefs, and the Service Chiefs?

Answer. I understand that the Judge Advocates General of the Services, the Staff Judge Advocate to the Commandant of the Marine Corps, and the legal advisor to the Chairman of the Joint Chiefs of Staff provide independent legal advice to the leadership of their respective Military Departments, and that under the law no officer or employee of DOD may interfere with that. If confirmed, I will respect and support the important role played by these officers and be clear with my expectation that we fully comply with the law in this regard. Having served as an Army Judge Advocate, I understand that the uniformed lawyers of the military play a critical role within the Department, and that due to their military training and background offer an important perspective.

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

Answer. I understand that that Judge Advocates in the field, in support of their Services or at joint commands, have a responsibility to provide independent legal advice to military commanders. Having served as an Army Judge Advocate, I understand that the uniformed lawyers of the military play a critical role within the Department, and that due to their military training and background offer an important perspective.

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

Answer. In my view, the role of the DOD Office of General Counsel is to provide legal advice to the Secretary of Defense and DOD stakeholders on policy, legislative, and programmatic initiatives intended to deter misconduct. If confirmed, I will work with the Judge Advocates General of the Military Departments and the Staff Judge Advocate to the Commandant of the Marine Corps, as well as the Lead Special Trial Counsel, to refine policies and seek additional authorities, as required, to promote justice, deter misconduct, and facilitate appropriate accountability.

The Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps play crucial roles in providing military justice personnel and training in their Military Services. However, decisions in the military justice system are made independently by certain personnel, including convening authorities, special trial counsel, defense counsel, military judges, and court-martial panel members (jurors). For the system to operate fairly—and be perceived as operating fairly—those servicemembers who exercise independent judgment in the system must perform discretionary duties free from improper influence by their superiors.

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

Answer. If confirmed, I expect to work closely with the General Counsels of the Military Departments. I would develop strong lines of communication to assist them in providing timely and accurate legal advice to the senior leadership of their respective military departments, and to ensure that legal matters are effectively coordinated across the Department.

#### AUTHORIZATION FOR THE USE OF MILITARY FORCE (AUMF)

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

Answer. While the President is chief executive and Commander in Chief, the Constitution assigns to the Congress an essential role in decisions to declare war. Further, the War Powers Resolution prescribes that the President “in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities.”

Consistent with the constitutional division of roles, the President may direct certain military action pursuant to Article II of the Constitution when that action serves an important national interest and the reasonably anticipated nature, scope, and duration of the operation and any possible responses would not rise to the level of “war” under the Constitution. I understand this has been the longstanding view of both Democratic and Republican administrations across several decades, as reflected in a series of opinions by the Department of Justice Office of Legal Counsel.

#### GENERAL AND FLAG OFFICER NOMINATIONS

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

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

*Answer.* It is my understanding that all reports of promotion selection boards are reviewed by the Office of the DOD General Counsel prior to final action on the report by the Secretary of Defense or the Under Secretary of Defense for Personnel and Readiness. This review comes after similar legal reviews have been conducted at the Military Service and Military Department levels. If the DOD General Counsel determines that a promotion selection board did not conform to law or policy, it would be the duty of the General Counsel to inform the Secretary of Defense or Under Secretary of Defense for Personnel and Readiness, as the case may be, of the irregularities and to recommend appropriate corrective action. I am also aware that the Office of the DOD General Counsel reviews the nomination package for each officer recommended for appointment to the grade of O-9 or O-10 while serving in a position of importance and responsibility, ensuring that any adverse or reportable information pertaining to an officer is accurately summarized. The Office of the DOD General Counsel also has a role in ensuring that officer promotion policies in DOD regulations accurately reflect the law in title 10, U.S. Code.

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

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

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

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

#### SEXUAL ASSAULT AND SEXUAL HARASSMENT PREVENTION AND RESPONSE

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

*Answer.* In my view, the role of the DOD Office of General Counsel is to provide legal advice to the Secretary of Defense and DOD stakeholders on policy, legislative, and programmatic initiatives intended to deter this misconduct. If confirmed, I will work with the Judge Advocates General of the Military Departments and the Staff Judge Advocate to the Commandant of the Marine Corps, as well as the Services’ Lead Special Trial Counsel, to refine policies and seek additional authorities, as required, to promote justice, deter misconduct, and facilitate appropriate accountability. I anticipate ensuring high-level focus on this issue.

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

*Answer.* I understand the Department has undertaken numerous initiatives to prevent and respond to sexual assault, including establishing the Offices of Special

Trial Counsel within the military Services. I expect that it will take time to assess the efficacy of this initiative and other legal and policy changes implemented by the Department.

Maintaining good order and discipline in the Armed Forces promotes efficiency and effectiveness in the military establishment and thereby strengthens the national security of the United States. If confirmed, I will work with DOD stakeholders to support these programs to ensure the readiness of the warfighter.

#### WHISTLEBLOWER PROTECTION

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

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

*Answer.* Whistleblowers perform an important service by reporting what they reasonably believe to be evidence of waste, fraud, and abuse or gross mismanagement. Whistleblower protection laws exist to ensure that whistleblowers may report freely concerning issues of fraud, waste, and abuse or gross mismanagement without fear of retaliation and/or reprisal. If confirmed, I will ensure that the Department of Defense provides all the protections to which whistleblowers are entitled under law and policy. Moreover, I will work to ensure that throughout DOD there is appropriate policy in place on whistleblower protection. Last, I believe that all senior defense officials have an obligation to emphasize, in both their words and actions, the importance of whistleblower protection and the benefits derived by DOD from investigations and reviews based on protected communications. If I am confirmed, this will be a personal point of emphasis for me.

#### SUPPORT TO THE DEPARTMENT OF DEFENSE INSPECTOR GENERAL

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

*Answer.* The DOD Inspector General has an independent statutory status as does the General Counsel to the DOD IG, which is established by law in an amendment to the Inspector General Act. The General Counsel to the IG, who is not under the supervision of the DOD General Counsel, is appointed by the Inspector General and serves as the chief legal officer of the Office of the Inspector General. It is my understanding that reviewing the legal sufficiency of Inspector General investigations, including whistleblower investigations, is performed by the General Counsel to the IG, not the DOD General Counsel. If confirmed, I will provide appropriate legal advice to the Department in conjunction with actions stemming from an investigation and will assist the Office of the Inspector General as requested and appropriate.

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

*Answer.* In accordance with 10 U.S.C. § 140, legal opinions of the DOD General Counsel generally are binding throughout the Department of Defense. The General Counsel to the Inspector General, however, is expressly exempted from the scope of 10 U.S.C. § 140 by virtue of Section 907 of the National Defense Authorization Act for fiscal year 2009 (5 U.S.C. App. § 408(h)).

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

*Answer.* It is my understanding that the DOD General Counsel does not review the legal sufficiency of Inspector General investigations and recommendations. This review is provided by the General Counsel to the Inspector General. It would be appropriate, however, for the DOD General Counsel to assist the Office of the Inspector General as requested by that office, including review of certain IG investigation and inspection reports prior to finalization and release.

#### CIVILIAN ATTORNEY RECRUITING AND RETENTION

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

*Answer.* While I am currently not able to assess this, if I am confirmed I would explore whether the Department has sufficient legal resources to meet the Department's needs in terms of quantity and quality of civilian attorneys.

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

*Answer.* While I am not currently able to assess this, if confirmed, I will collaborate with Department leaders to identify ways to strengthen our civilian attorney talent management efforts and implement modernized hiring practices that enhance workforce efficiency. I would determine whether the current civilian attorneys are provided sufficient opportunities for advancement and professional fulfillment. If not, I would take steps to improve these opportunities.

I am not currently aware of any incentives that are necessary, but if confirmed, I would take the necessary steps to evaluate and assess the situation to help make this determination. The civilian attorney workforce is a key part of the DOD team, and the Department must efficiently recruit and retain highly skilled civilian attorneys who contribute to the public interest.

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

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

*Answer.* If I am confirmed, I will lead the experienced attorneys in the Office of the DOD General Counsel and in the wider DOD legal community in their efforts to provide the best possible legal advice to decisionmakers throughout the Department of Defense. To do this effectively, I will seek SES attorneys who possess critical leadership skills and are capable of building multi-disciplinary and cohesive teams to accomplish the priorities of the President and the Secretary of Defense.

#### ACQUISITION

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

*Answer.* As the chief legal officer of the Department of Defense, the General Counsel has the critical role of advising clients throughout the Defense acquisition community on the requirements of law and regulation as they relate to the execution of DOD's acquisition programs, including especially some of the largest and most important programs of the Department. If I am confirmed, I would ensure my team of highly qualified acquisition attorneys is watchful that the Department conducts procurements fairly and openly, mindful of the need to be good stewards of the American taxpayers' dollars. Moreover, I would be very clear that the Department needs to comply with all statutory limitations and prohibitions and that the thought or ignoring them for the mere sake of business expediency is not to be tolerated.

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

*Answer.* I understand that over the past several years the Department has made strides in implementing the Adaptive Acquisition Framework, which provides multiple fit-to-purpose pathways for differing types of acquisitions and recast the former "one size fits all" approach. I imagine it would be overly optimistic to consider the job done. There must still be more to accomplish, and I look forward, if confirmed, to working with the Department's leadership and the team of acquisition attorneys at DOD to keep the ball rolling in this important effort.

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

*Answer.* The job of the DOD General Counsel is to apply the laws promulgated by Congress as they relate to the Department. I commit to you that, if I am confirmed, I would approach this task with the full understanding of the intent of Congress. In this context I would consider one of the primary functions of the job, and part of the duties of the acquisition attorneys on staff, to be tracking the enactment of new authorities and communicate with the client community to make sure it is aware of flexibilities that new enactments might provide. I would encourage greater use of any legislatively bestowed flexibility however, wherever, and whenever appropriate.

*Question.* If confirmed, how would you deal with contractors that improperly mark technical data, do not deliver technical data under the terms of the contract, or otherwise enforce technical data rights and ordering to ensure DOD is able to maintain competition and its core logistics capabilities?

Answer. This is a simple matter of contract enforcement, rooted in insistence on compliance with the terms of our written agreements. A lawyer's role here is no different than it would be in other business disputes: providing well-grounded advice and effective advocacy, especially after the point where matters have devolved to litigation.

#### RISK AVERSION

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

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

Answer. The need to foster a culture of innovation across the department is pressing. We ought not let an undue concern for risk frustrate meeting that need. My role, if confirmed, will be to see that attorneys within the DOD Office of the General Counsel understand the flexibilities as well as the limits provided in law and regulation and that they advise their clients accordingly. The mere presence of risk should not lead an attorney to withhold advising on possible options. Certainly, a DOD attorney should seek to make sure that his or her clients are aware of any legal risks associated with various options, but he or she should make it part of his or her job to find ways to mitigate those risks and, wherever possible, advise on alternate paths that present none of the identified risks. In the end, however, attorneys only advise. The business decisionmakers and policy clients need to settle on how best to proceed, after fully understanding a range of legally available options. The job of a lawyer is to present those legally available options.

#### ETHICS AND PROFESSIONAL RESPONSIBILITY

*Question.* Servicemember and DOD civilian employee conflicts of interest have long been a concern. What is the general prevalence in the armed forces, and in the DOD civilian workforce, of violations of criminal laws and executive branch and DOD ethics regulations relating to conflicts of interest?

Answer. I believe preventing conflicts of interest is critical to maintaining the public's trust and confidence in the Department's operations. Based on the most recent annual data reported on the Office of Government Ethics web site, I understand that there were only 2 statutory violations and 110 regulatory violations in a Department of over 1.7 million full-time personnel during CY 2023. That represents less than .5 percent of the total DOD workforce. As the Department of Defense Designated Agency Ethics Official, I will, if confirmed, carry out an effective ethics program to prevent and resolve conflicts of interest and the appearance of conflicts of interest.

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

Answer. The DOD General Counsel (GC) is responsible for establishing professional responsibility standards for the civilian attorneys under the GC's supervision and for overseeing adherence to these standards, in accordance with DOD Directive 5145.01 and DOD Instruction 1442.02. If confirmed, I will implement these rules to ensure legal services are provided with the highest degree of professionalism.

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

Answer. There is a long-standing framework of executive branch-wide ethics statutes and regulations that balance the interests of the public in preventing conflicts of interest with the employment rights of individual employees and the Government's interest in recruiting talent. I understand that a 2021 Government Accountability Office audit report concluded that DOD has strong post-government employment training, guidance, and practices for implementing these laws and made no findings of violations. Additionally, a congressionally mandated federally Funded Research & Development Center study finalized in 2024 concluded that the proliferation of ethics provisions that address the same or similar issues risks confusion that could undermine compliance and enforcement. The study further found that there was not a strong reason to treat DOD officials more stringently than officials

in other agencies. If confirmed, I would support clear, consistent, and balanced ethics laws, which are essential to maintaining the public's trust.

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

Answer. If I am confirmed and it were brought to my attention that an appointment potentially violated the Federal Vacancies Reform Act, I would obtain the facts pertaining to the appointment and provide my best legal advice to the Secretary regarding the appointment. If I believed the appointment would violate the Federal Vacancies Reform Act, I would provide that advice.

*Question.* If confirmed, what actions would you take if it were brought to your attention that a potential nominee, military or civilian, does not meet statutory prerequisites for the position for which the individual would be nominated?

Answer. If I am confirmed and it were brought to my attention that a potential nominee, military or civilian, does not meet statutory prerequisites for the position for which the individual would be nominated, I would obtain the facts pertaining to the appointment and provide my best legal advice to the Secretary regarding the nomination. If I believed the nomination did not meet statutory prerequisites for the position, I would provide that advice.

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

Answer. If I am confirmed and it were brought to my attention that an individual pending nomination or confirmation by the Senate, to a Presidentially appointed, Senate-confirmed office was potentially acting in contravention of the policies of the Senate Armed Services Committee regarding the presumption of confirmation, I would obtain the facts pertaining to the appointment and provide my best legal advice to the Secretary regarding the nomination. If I believed the individual pending nomination or confirmation was potentially acting in a manner inconsistent with the policies of the Senate Armed Services Committee regarding the presumption of confirmation, I would provide that advice.

#### ANNUAL DEPARTMENT OF DEFENSE LEGISLATIVE PROGRAM

*Question.* One of the responsibilities of the DOD General Counsel is to coordinate the Department's legislative program and to provide the Department's views on legislative proposals initiated from outside the Department.

If confirmed, what actions would you take to ensure that the Department's legislative proposals are submitted to the Armed Services Committees of the Senate and the House of Representatives in a timely manner, so as to ensure ample opportunity for consideration of such proposals by Congress and the public before markup of the annual NDAA?

Answer. I understand the need to provide fully coordinated draft legislation to the Armed Services Committees as early as possible after the President submits his budget to Congress. If confirmed, I will work with DOD components and the Office of Management and Budget to expedite review and coordination of draft legislation for inclusion in the annual NDAA. I fully appreciate that the earlier the Department submits its legislative proposals, the more likely the Armed Services Committees will consider the Department's proposals and recommend that they be enacted.

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

Answer. It is my understanding that the Office of the Assistant Secretary of Defense for Legislative Affairs manages the Department's response to congressional requests for informal views of specific pieces of legislation. If confirmed, I will work with that office to ensure timely responses to those requests.

#### 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.

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[Questions for the record with answers supplied follow:]

SENATOR TOM COTTON

LEGAL ISSUES

1. Senator COTTON. Mr. Matthews, the Department of Defense (DOD) lawyers have become known for becoming far too risk averse, always defaulting to “no” rather than helping the Secretary of Defense or the President find a way to accomplish a mission legally. If confirmed, would you commit to working with the Secretary to become an enabler—not an inhibitor—to meet his intent?

Mr. MATTHEWS. If confirmed, my lodestar will be to ensure that the military and policy objectives of the President and the Secretary of Defense are achieved in a manner consistent with the Constitution and laws of the United States. To that end, where legal issues may frustrate a proposed course of action, it would be my responsibility not just to identify those issues, but also to identify reasonable alternatives to accomplish the mission lawfully. I would also oversee legal services performed throughout DOD, and I would lead, encourage, and expect lawyers throughout the Department to take this same constructive approach when they provide legal advice to decisionmakers at all levels.

ENVIRONMENT

2. Senator COTTON. Mr. Matthews, environmental regulations are one of those mission areas in which the Secretary will need your legal support. Laws like the National Environmental Policy Act (NEPA) and the Endangered Species Act are drastically and unnecessarily delaying DOD projects, from facility expansions, to defense industrial base projects, to constructing runways in the Pacific. Often, it's other Federal agencies like the Fish and Wildlife Service that create the hold-ups. How would you use your role as legal counsel to ensure the services can move through environmental reviews as quickly and efficiently as possible?

Mr. MATTHEWS. If confirmed, I will work with my counterparts at other Federal agencies, and counsel for the Military Departments, to ensure we are all aligned on national security priorities and conducting environmental reviews as quickly and efficiently as possible. I will also work with my clients and the Military Departments on ways to streamline DOD processes and environmental reviews while continuing to comply with the law.

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QUESTIONS SUBMITTED BY SENATOR MAZIE K. HIRONO

LAWFUL ORDERS

3. Senator HIRONO. Mr. Matthews, the DOD General Counsel, serves as an important check to ensure the President, Secretary of Defense, and other senior military leaders are complying with U.S. and international law. In your view, what role do the senior uniformed Judge Advocates General (JAG) for each of the services play in the Department, and how will you ensure their voices are heard on major issues involving interpretations of U.S. and international law?

Mr. MATTHEWS. I proudly served as an Army Judge Advocate, and I respect the role played by our senior Judge Advocates in advising leadership both at headquarters and in the field. They play a critical role within the Department, bring an important perspective and have a voice that needs to be heard. They provide independent legal advice to the leadership of their respective Military Departments, and under the law no officer or employee of DOD may interfere with that. If confirmed, I will ensure that my organization follows the law and will advise all Department leadership to do the same.

RULE OF LAW

4. Senator HIRONO. Mr. Matthews, the DOD Law of War Manual is a cornerstone of U.S. military legal doctrine, reinforcing obligations under international law. Can you commit to upholding its principles, even when they may conflict with political or strategic pressures?

Mr. MATTHEWS. Yes.

5. Senator HIRONO. Mr. Matthews, how will you ensure that the U.S. military continues to adhere to international legal norms, including the Geneva Conventions, particularly in an era of evolving threats and unconventional warfare?

Mr. MATTHEWS. Commanders and, in particular, the President as the Commander-in-Chief and the Secretary of Defense, as the head of the Department of Defense, are responsible for ensuring that the U.S. military complies with international law, including the 1949 Geneva Conventions. If confirmed, I will work with other lawyers in DOD and in the U.S. Government to support the Secretary in that responsibility by advising him and other senior officials and, as DOD's Chief Legal Officer, by leading and encouraging DOD lawyers to provide timely and sound legal advice to decisionmakers at all levels. For example, if confirmed, I will perform the responsibilities of the General Counsel outlined in DOD Directive 2311.01, DOD Law of War Program, including exercising primary staff responsibility for the DOD Law of War Program and reviewing appropriate plans and policies for consistency with the law of war.

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QUESTIONS SUBMITTED BY SENATOR ELIZABETH WARREN

ETHICS

6. Senator WARREN. Mr. Matthews, if you are confirmed, will you commit to not seeking any employment with or compensation from a defense contractor, including through serving on a board, as a consultant, or as a lobbyist, for 4 years after leaving DOD?

Mr. MATTHEWS. I will abide by the extensive post-government employment ethics rules required by Federal law. These 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 my office honorably, and I will seek any post-government employment in full compliance with the applicable ethics rules.

7. Senator WARREN. Mr. Matthews, if you are confirmed, will you commit to not engaging in any lobbying activities, including unregistered “shadow” or “behind-the-scenes” lobbying under the guise of consulting or advising on DOD-related matters, focused on DOD or any of its components for 4 years after leaving DOD?

Mr. MATTHEWS. I will abide by the extensive post-government employment ethics rules required by Federal law. These 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 my office honorably, and I will seek any post-government employment in full compliance with the applicable ethics rules.

8. Senator WARREN. Mr. Matthews, during your nomination process, did anyone on the Trump campaign, transition team, or other closely related entity approach you about your loyalty to President Trump?

Mr. MATTHEWS. No.

9. Senator WARREN. Mr. Matthews, if you were approached about your loyalty to President Trump, did you sign a loyalty pledge or other similar oath? If so, please provide a copy of the text of that pledge or oath.

Mr. MATTHEWS. N/A

10. Senator WARREN. Mr. Matthews, if you were approached about your loyalty to President Trump, did you make any verbal representations of loyalty? If so, please describe this representation.

Mr. MATTHEWS. N/A

11. Senator WARREN. Mr. Matthews, in November 2024, the New York Times and other news outlets reported that Boris Epshteyn, a top adviser to President Trump, allegedly requested payment from prospective political appointees to promote their candidacies for top positions within the administration. Did you discuss the possibility of joining the Administration with Mr. Epshteyn at any time?

Mr. MATTHEWS. I have never met Mr. Epshteyn.

12. Senator WARREN. Mr. Matthews, if you did discuss the possibility of joining the Administration with Mr. Epshteyn, did Mr. Epshteyn seek payment from you for promoting your candidacy for a position within the Administration?

Mr. MATTHEWS. N/A

13. Senator WARREN. Mr. Matthews, at any time, did lawyers for President Trump or members of President Trump’s team approach you regarding Mr. Epshteyn and the allegations cited above? If so, please explain the information that they provided you (including copies of documents), what was discussed during any calls, and any other information pertaining to this interaction.

Mr. MATTHEWS. No.

14. Senator WARREN. Mr. Matthews, were you in contact with Mr. Elon Musk at any time during your nomination process? If so, please describe the nature of those points of contact.

Mr. MATTHEWS. No.

15. Senator WARREN. Mr. Matthews, present or involved in any interviews you did related to your nomination? If so, please describe the nature of his involvement.

Mr. MATTHEWS. No.

16. Senator WARREN. Mr. Matthews, was Mr. Musk involved in any way with your nomination, including but not limited to directly or indirectly contacting Senators regarding their position on your nomination?

Mr. MATTHEWS. No.

17. Senator WARREN. Mr. Matthews, who was in the room or participated in any of your interviews regarding your nomination?

Mr. MATTHEWS. I met with members of the President’s team during my selection process, but it was the President who made the decision to nominate me for this position.

18. Senator WARREN. Mr. Matthews, how should DOD prevent and mitigate conflicts of interest if a special government employee or other government advisor is also the recipient of DOD contracts and could stand to financially benefit from the advice they provide to DOD?

Mr. MATTHEWS. I understand that there is a robust framework of Federal ethics laws and regulations applicable to special government employees (SGEs). These provisions address requirements for identification and prevention of conflicts of interest, to include compliance with applicable ethics training and financial disclosure requirements. DOD SGEs receive training and guidance from Department ethics attorneys, usually as part of their appointment process.

19. Senator WARREN. Mr. Matthews, if you own any defense contractor stock, will you divest it to avoid even the appearance of a conflict of interest?

Mr. MATTHEWS. I will comply with applicable law and policy with respect to divestiture.

20. Senator WARREN. Mr. Matthews, what do you consider the role of the press in a democracy?

Mr. MATTHEWS. I consider the press to play an important role in a democracy, helping to ensure an informed electorate. This role is rightly reflected in the freedom of the press enshrined in the First Amendment, and its precise bounds are subject to interpretation by the courts.

21. Senator WARREN. Mr. Matthews, do you think it would be an appropriate use of taxpayer resources to “dig up dirt” on journalists who investigate or criticize you, your office, or the Trump administration?

Mr. MATTHEWS. I do not believe it appropriate to use taxpayer resources to “dig up dirt” on anyone.

22. Senator WARREN. Mr. Matthews, will you commit not to retaliate, including by denying access to government officials or facilities, against news outlets or individual journalists who publish articles that are critical of you, your office, your agency, or the Trump administration?

Mr. MATTHEWS. Yes.

23. Senator WARREN. Mr. Matthews, have you requested, or has anyone requested on your behalf, that any other person or third party sign a nondisclosure, confidentiality, non-disparagement, or similar agreement regarding your conduct in a personal or professional capacity?

Mr. MATTHEWS. No.

24. Senator WARREN. Mr. Matthews, will you voluntarily release any individual from any such agreements before this committee votes on your nomination?

Mr. MATTHEWS. Not applicable.

25. Senator WARREN. Mr. Matthews, have you ever paid or promised to pay, or has anyone paid or promised to pay on your behalf, an individual as part of any non-disclosure, confidentiality, non-disparagement, or similar agreement?

Mr. MATTHEWS. No.

26. Senator WARREN. Mr. Matthews, if the answer to the previous question was yes, how much was promised, how much was paid, and what were the circumstances?

Mr. MATTHEWS. N/A

27. Senator WARREN. Mr. Matthews, will you commit to recuse yourself from all particular matters involving your former clients and employers for at least 4 years after you leave DOD?

Mr. MATTHEWS. I will abide by the extensive post-government employment ethics rules required by Federal law. These 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 my office honorably, and I will seek any post-government employment in full compliance with the applicable ethics rules.

28. Senator WARREN. Mr. Matthews, will you commit to not seeking employment, board membership with, or another form of compensation from a company that you regulated or otherwise interacted with while in government, for at least 4 years after leaving office?

Mr. MATTHEWS. I will abide by the extensive post-government employment ethics rules required by Federal law. These 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 my office honorably, and I will seek any post-government employment in full compliance with the applicable ethics rules.

29. Senator WARREN. Mr. Matthews, what is your understanding of the Hatch Act?

Mr. MATTHEWS. The Hatch Act, a Federal law passed in 1939, limits certain political activity of Federal employees while they are on duty, in the Federal workplace, or acting in their official capacity. Political activity is activity directed toward the success or failure of a partisan candidate, political party, or partisan political group.

30. Senator WARREN. Mr. Matthews, what disciplinary actions are appropriate for violations of the Hatch Act?

Mr. MATTHEWS. I understand that the Office of Special Counsel has jurisdiction to enforce the Hatch Act before the Merit Systems Protection Board, and that the full range of disciplinary actions—from a reprimand to removal—are available options. I believe that the appropriate disciplinary action depends on the nature of the violation.

31. Senator WARREN. Mr. Matthews, would it ever be appropriate to threaten or imply that you would withhold future contracts from a company if they filed a complaint, bid protest, or cooperated with an Inspector General, civil, or criminal investigation?

Mr. MATTHEWS. No.

#### CONGRESSIONAL OVERSIGHT AND TRANSPARENCY

32. Senator WARREN. Mr. Matthews, what is your understanding of the role of the Department of Defense Inspector General and service Inspectors General?

Mr. MATTHEWS. The role and responsibilities of the DOD Inspector General and the Service Inspectors General are established by the Inspectors General Act of 1978 as amended, and DOD Directive 5106.01. The Department of Defense Inspector General conducts independent audits and investigations relating to DOD's programs and operations to promote economy, efficiency, and effectiveness and to prevent and detect fraud and abuse. It is my understanding that the Service Inspectors General perform similar functions, assessing for the Secretaries of the Military Departments matters such as economy, efficiency, and readiness.

33. Senator WARREN. Mr. Matthews, will you ensure your staff complies with any Inspector General deadlines established for requested communications, providing witnesses, providing documents, and that those witnesses will be protected from reprisal for their testimony?

Mr. MATTHEWS. If confirmed my touchstone will be adherence to the law. I will instruct, my staff to meet legal requirements including deadlines, and will hold myself and my staff accountable for those requirements including deadlines.

34. Senator WARREN. Mr. Matthews, if you are not able to comply with any Inspector General requests and deadlines, will you notify the Republican and Democratic Members of this Committee regarding the basis for any good faith delay or denial?

Mr. MATTHEWS. If confirmed, I will work with the Office of the Inspector General (OIG) to comply with requests in a timely manner. I will defer to OIG to keep Congress updated regarding its ongoing reviews.

35. Senator WARREN. Mr. Matthews, if you are confirmed, will you commit to refusing to follow illegal orders from any individual, including the President?

Mr. MATTHEWS. I do not accept the premise that the President will issue me an unlawful order. If confirmed, I will follow the Constitution and the law of the United States.

36. Senator WARREN. Mr. Matthews, what actions would you take if you were given an illegal order from any individual, including the President?

Mr. MATTHEWS. I do not accept the premise that the President will issue me an unlawful order. If confirmed, I will follow the Constitution and the law of the United States.

37. Senator WARREN. Mr. Matthews, will you commit to testify or provide a deposition if you are called upon by Congress to provide a deposition voluntarily?

Mr. MATTHEWS. I will work to comply with Congress's requests in a timely and responsible manner.

38. Senator WARREN. Mr. Matthews, will you commit to testify or provide a deposition to Congress if you are issued a subpoena to testify?

Mr. MATTHEWS. I will work to comply with Congress's requests in a timely and responsible manner.

39. Senator WARREN. Mr. Matthews, will you commit to providing information or documents to Congress voluntarily if you are requested to do so?

Mr. MATTHEWS. I will work to comply with Congress's requests in a timely and responsible manner.

40. Senator WARREN. Mr. Matthews, will you provide information or documents to Congress if you are issued a subpoena?

Mr. MATTHEWS. I will work to comply with Congress's requests in a timely and responsible manner.

41. Senator WARREN. Mr. Matthews, will you commit to following current precedent for responding to information requests, briefings, and other inquiries from Congress, including the Senate and House Armed Services Committees and their minority members?

Mr. MATTHEWS. I will work to comply with Congress's requests in a timely and responsible manner.

42. Senator WARREN. Mr. Matthews, if confirmed, will you commit to posting your official calendar monthly?

Mr. MATTHEWS. If confirmed, I commit to complying with Freedom of Information Act, which covers all agency records to include my official calendar.

43. Senator WARREN. Mr. Matthews, do you think DOD has an overclassification problem? If so, please provide this committee with an estimate of the number or percentage of documents that will be under your purview that are overclassified or other examples to illustrate this problem.

Mr. MATTHEWS. I understand the Department has been evaluating concerns related to the overclassification of information in conjunction with other relevant stakeholders, including the congressional defense and intelligence committees. If confirmed, I am committed to assessing the information under the Original Classification Authority of the DOD General Counsel to ensure it is appropriately classified.

44. Senator WARREN. Mr. Matthews, to the best of your knowledge, is your office or agency identifying records for proactive posting in compliance with the Freedom of Information Act? If not, please describe how you would ensure that they do so to comply with public records law.

Mr. MATTHEWS. To the best of my knowledge, DOD is committed to transparency consistent with the law and endeavors to comply with the requirement to proactively release records when appropriate under the Freedom of Information Act (FOIA).

45. Senator WARREN. Mr. Matthews, if confirmed, do you think your department should pursue strategic technology to support automated declassification?

Mr. MATTHEWS. If confirmed, I would support the assessment and appropriate use of strategic technology in a manner consistent with the law to enable automated declassification.

PROJECT 2025

46. Senator WARREN. Mr. Matthews, have you discussed Project 2025 with any officials associated with the Trump campaign, the Trump transition team, or other

members of the Trump administration? If so, please explain what you discussed, when you discussed it, and with whom you discussed it.

Mr. MATTHEWS. During the transition period and since the beginning of the Administration, I have followed standard protocol in conversations about my qualifications for this role.

47. Senator WARREN. Mr. Matthews, have you discussed Project 2025 with any officials associated with the Heritage Foundation? If so, please explain what you discussed, when you discussed it, and with whom you discussed it.

Mr. MATTHEWS. I have not discussed Project 2025 with any Heritage Foundation officials recently.

#### FOREIGN INFLUENCE

48. Senator WARREN. Mr. Matthews, have you received any payment from a foreign government or entity controlled by a foreign government within the past 5 years?

Mr. MATTHEWS. No.

49. Senator WARREN. Mr. Matthews, have you communicated with any foreign government or entity controlled by a foreign government within the past 5 years?

Mr. MATTHEWS. I have provided relevant information in connection with my security clearance background investigation.

50. Senator WARREN. Mr. Matthews, please disclose any communications or payments you have had with representatives of any foreign government or entity controlled by a foreign government within the past 5 years and describe the nature of the communication.

Mr. MATTHEWS. N/A.

#### RETALIATION AND PROTECTING WHISTLEBLOWERS

51. Senator WARREN. Mr. Matthews, do you believe that servicemembers, civilians, grantees, and contractors should be protected from any form of retaliation for coming forward about an illegal order, sexual assault or harassment, negligence, misconduct, or any other concern that they wish to raise?

Mr. MATTHEWS. Yes. I believe persons who report allegations of wrongdoing should be protected from retaliation.

52. Senator WARREN. Mr. Matthews, have you ever retaliated against any individual for coming forward about an illegal order, sexual assault or harassment, negligence, misconduct, or any other concern that they wish to raise?

Mr. MATTHEWS. No.

53. Senator WARREN. Mr. Matthews, if you are confirmed, will you commit to protecting whistleblowers? If so, please specify how you will do so.

Mr. MATTHEWS. Yes. If confirmed, I will commit to protecting whistleblowers. I will ensure that the Department of Defense provides all the protections to which whistleblowers are entitled under law and policy.

#### IMPOUNDMENT CONTROL ACT

54. Senator WARREN. Mr. Matthews, on January 27, 2025, President Trump's Office of Management and Budget (OMB) issued a memo calling for the suspension of all Federal financial assistance programs (excluding "assistance provided directly to individuals"). Do you agree with OMB's decision to issue this memo?

Mr. MATTHEWS. I support the President's efforts to streamline the Federal Government and ensure that it is carrying out Federal programs in an efficient and economical manner. This is vital given the fiscal constraints our country is facing that the President has pointed out, and thus to making our national security policies and organizations sustainably effective. That said, I am not aware of the how this memorandum has been interpreted and applied among the relevant executive branch agencies, including DOD. Therefore, I am not in a position to provide an informed assessment of the matter. If confirmed, however, I would look forward to learning more and helping to facilitate solutions that reflect the President's and the Secretary of Defense's priorities and are consistent with the law.

55. Senator WARREN. Mr. Matthews, do you believe the Secretary of Defense has the legal authority to block the disbursement of funds appropriated by Congress?

Mr. MATTHEWS. I fully acknowledge and respect Congress' constitutional role in appropriating funds to be carried out by the executive branch for designated purposes. I commit, if confirmed, to executing my responsibilities consistent with the Constitution and the law. I would ensure that my actions and advice to the Secretary of Defense on this matter are informed by the Administration's legal positions and the input from experts within my office.

56. Senator WARREN. Mr. Matthews, what is your understanding of the Impoundment Control Act?

Mr. MATTHEWS. My understanding is that Congress passed the Impoundment Control Act in 1974. This Act provides a framework for handling circumstances in which the President seeks to defer or cancel execution of appropriated funds. I commit, if confirmed, to executing my responsibilities consistent with the Constitution and the law on this matter as on all others. I would ensure that my actions and advice to the Secretary of Defense on this matter are informed by the Administration's legal positions and the input from experts within my office.

57. Senator WARREN. Mr. Matthews, do you commit to following the Impoundment Control Act?

Mr. MATTHEWS. I commit, if confirmed, to executing my responsibilities consistent with the Constitution and the law. I would ensure that my actions and advice to the Secretary of Defense on this matter are informed by the Administration's legal positions and the input from experts within my office.

58. Senator WARREN. Mr. Matthews, do you commit to notifying the Senate and House Armed Services Committees, including the majority and minority, if you are asked not to follow the Impoundment Control Act or not to expend the money that Congress appropriates or authorizes?

Mr. MATTHEWS. I commit, if confirmed, to executing my responsibilities consistent with the Constitution and the law. I would ensure that my actions and advice to the Secretary of Defense on this matter are informed by the Administration's legal positions and the input from experts within my office.

59. Senator WARREN. Mr. Matthews, the Constitution's Spending Clause (Art. I, § 8, cl. 1) and Appropriations Clause (Art. I, § 9, cl. 7) give Congress, not the Executive, power of the purse. The Supreme Court has unanimously upheld this power. Do you believe that impoundments are constitutional?

Mr. MATTHEWS. I commit, if confirmed, to executing my responsibilities consistent with the Constitution and the law. I would ensure that my actions and advice to the Secretary of Defense on this matter are informed by the Administration's legal positions and the input from experts within my office.

60. Senator WARREN. Mr. Matthews, the funding levels in appropriations bills passed into law are not targets or ceilings; instead, they are amounts the executive branch must spend, unless stated otherwise. Congress could-if it wanted the President to have discretion-write those amounts as ceilings. Do you agree?

Mr. MATTHEWS. I commit, if confirmed, to executing my responsibilities consistent with the Constitution and the law, to include appropriations legislation. I would ensure that my actions and advice to the Secretary of Defense on this matter are informed by the Administration's legal positions and advice from the Department's General Counsel's office.

61. Senator WARREN. Mr. Matthews, what is your understanding of the requirements for DOD to obligate funding that Congress authorizes and appropriates, in accordance with the time period that Congress deems it to do so?

Mr. MATTHEWS. I commit, if confirmed, to executing my responsibilities consistent with the Constitution and the law on this matter as on all others. I would ensure that my actions and advice to the Secretary of Defense on this matter are informed by the Administration's legal positions and the input from the experts in my office.

62. Senator WARREN. Mr. Matthews, do you commit to expending the money that Congress appropriates and authorizes?

Mr. MATTHEWS. I commit, if confirmed, to executing my responsibilities consistent with the Constitution and the law on this matter as on all others. I would ensure that my actions and advice to the Secretary of Defense on this matter are informed by the Administration's legal positions and the input from experts within my office.

63. Senator WARREN. Mr. Matthews, do you commit to following and implementing every provision of the annual National Defense Authorization Act passed into law?

Mr. MATTHEWS. I commit, if confirmed, to execute my responsibilities consistent with the Constitution and the law, including the National Defense Authorization Acts.

64. Senator WARREN. Mr. Matthews, if you became aware of a potential violation of the Antideficiency Act, Impoundment Control Act, or other appropriations laws, what steps would you take?

Mr. MATTHEWS. I commit, if confirmed, to executing my responsibilities consistent with the Constitution and the law on this matter as on all others. I would ensure that my actions and advice to the Secretary of Defense on this matter are informed by the Administration's legal positions and the input from experts within my office.

#### RIGHT-TO-REPAIR

65. Senator WARREN. Mr. Matthews, if you are confirmed, will you commit to ensuring services and components have guidance and necessary support to include right-to-repair/technical data rights clauses in acquisition contracts that DOD enters into?

Mr. MATTHEWS. Yes. Generally speaking, having access to the technical data necessary and the required level of accompanying data rights to support fielded systems further readiness. However, the Department acquires these things under contract with a value attached, and it would need to determine on a case-by-case basis whether the expense is merited. Ultimately, it is a business decision whether the benefits outweigh the costs in a particular acquisition.

66. Senator WARREN. Mr. Matthews, if you are confirmed, will you commit to ensuring contractors deliver technical data rights to DOD when their contract requires it, when DOD pays for it, or when a contract allows it?

Mr. MATTHEWS. I believe this is a simple matter of contract enforcement, rooted in insistence on compliance with the terms of our written agreements.

67. Senator WARREN. Mr. Matthews, if a contractor refuses to provide technical data rights, how will you work to gain those rights?

Mr. MATTHEWS. A lawyer's role here is no different than it would be in other business disputes: providing well-grounded advice and effective advocacy, especially after the point where matters have devolved to litigation.

68. Senator WARREN. Mr. Matthews, if a company refuses to provide DOD technical data rights that DOD believes it is entitled to receive, how would you recommend DOD approach future contract negotiations with that company?

Mr. MATTHEWS. If confirmed, I will assess how the Department has handled these situations and the impact of when a company has not provided technical data. I understand that the legal scheme associated with technical data rights allows for specially negotiated licenses, which provide for more nuanced, case-specific licensing than the default licensing set out in the regulations. A narrower licensing requirement, agreed upon at the time of contract award, should result in better contract compliance.

69. Senator WARREN. Mr. Matthews, what is your understanding of how DOD can use suspension and debarment to advance DOD acquisition and policy priorities?

Mr. MATTHEWS. The suspension and debarment programs of the Department, and across the Executive generally, ensure the Government contracts only with presently responsible contractors. This is an important measure to ensure that the Department can proceed with confidence as it relies on industry to provide the goods and services needed to meet mission.

70. Senator WARREN. Mr. Matthews, do you support cost-saving legal programs such as the Navy's Taxpayer Advocacy Project?

Mr. MATTHEWS. If confirmed, I would support programs aimed at saving or avoiding costs and entering better business arrangements.

71. Senator WARREN. Mr. Matthews, do you commit to convening a program similar to the Navy's Taxpayer Advocacy Project to identify legal tools to protect DOD interests in acquisition and sustainment across DOD?

Mr. MATTHEWS. If confirmed, I will consider the benefits of establishing such program in the Office of the Secretary of Defense. It may be that such programs would have greater effect when they are more closely aligned with contracting activities, as now, with the Navy. Even if so, if confirmed, I would see that OGC would provide such programs all the support and assistance that could come from OSD.

72. Senator WARREN. Mr. Matthews, will you commit to conducting an assessment of how legal tools can be used to protect DOD interest in acquisition and sustainment, the results of which you would make public for review by Congress, the public, and the Department of Government Efficiency?

Mr. MATTHEWS. I understand that this sort of review already takes place on a day-by-day, issue-by-issue basis as the acquisition lawyers in OGC provide their advice to clients. To the extent this part of the ordinary business of OGC, the provision of the results could implicate concerns about attorney-client privilege and other strictures on the release of information. As such, I do not think it is appropriate to commit to the release of these reviews.

#### ACQUISITION REFORM

73. Senator WARREN. Mr. Matthews, what is your understanding of the Procurement Integrity Act and your obligations under that law?

Mr. MATTHEWS. The Procurement Integrity Act prevents unethical and improper practices from influencing Federal procurements by prohibiting the disclosure or obtaining source selection information before a contract award. This element of the Act serves a critical role in ensuring that competitive procurements are run fairly. An additional element restricts acceptance of post-government employment compensation from contractors by certain former officials. This element serves an important role in ensuring conflicts of interest do not taint procurement. I consider the Act to be a fundamental part of the bedrock shoring up good business in acquisition.

74. Senator WARREN. Mr. Matthews, do you believe that it is important to be able to assess accurate cost and pricing data from contractors, especially for sole-or single-source contracts?

Mr. MATTHEWS. Without doubt, the ability of the Department's price negotiators to have access to the cost and pricing data needed to place them on equal footing with contractors is essential to allowing the price negotiators to arrive at a fair and reasonable price with conducting sole-source negotiations.

75. Senator WARREN. Mr. Matthews, how do you plan to obtain cost and pricing data from contractors to determine that the cost of Federal contracts is fair and reasonable?

Mr. MATTHEWS. Already statute and regulation set out requirements for the provision of this data as a condition of a sole-source contract award. As I understand the State of play, issues arise not so much because of an outright refusal by contractors to provide cost and pricing data; rather, disputes arise over the application of exceptions for commercial items to the fundamental requirement.

76. Senator WARREN. Mr. Matthews, how do you plan to do so in cases where contractors refuse or claim they are unable to turn over this data?

Mr. MATTHEWS. This is a matter of regulatory compliance. It is the job of a lawyer in this context to consistently and vigorously advise on what the law requires.

77. Senator WARREN. Mr. Matthews, if you are confirmed, what steps will you take to ensure that contractors are not price gouging or overcharging the Federal Government?

Mr. MATTHEWS. The determination of whether a contract price is fair and reasonable is a business decision and a determination committed to the discretion of the contracting officer negotiating the deal. While this is not a legal determination, DOD lawyers will assist the contracting officer by advising on what the applicable law requires and advocating for submission when there is a dispute.

78. Senator WARREN. Mr. Matthews, if you are confirmed, will you commit to seeking refunds, including voluntary refunds, from contractors and companies that overcharge the Federal Government?

Mr. MATTHEWS. Yes, if confirmed I will commit to work with clients to seek refunds when appropriate.

79. Senator WARREN. Mr. Matthews, if so, how do you plan to do so?

Mr. MATTHEWS. If confirmed, I will assess on a cases-by-case basis to advise on the most appropriate approach.

80. Senator WARREN. Mr. Matthews, would it be appropriate for DOD to establish program schedules to achieve partisan electoral outcomes?

The requirements of acquisition programs, including delivery schedules, should be informed by the warfighters' requirements.

81. Senator WARREN. Mr. Matthews, should DOD acquisition decisions be influenced by partisan political activities?

Mr. MATTHEWS. Decisions made about proceeding under any acquisition program should be informed by the warfighters' requirements.

82. Senator WARREN. Mr. Matthews, should DOD acquisition decisions be influenced by individuals with conflicts of interest that involve DOD?

Mr. MATTHEWS. I understand the serious responsibility to prevent conflicts of interest and preserve the integrity of the acquisition process. I know that there are statutes and regulations to ensure that this does not occur. I am committed to ensuring that the Department avoids conflicts of interest and maintains the highest standards of ethical conduct.

#### RESEARCH AND DEVELOPMENT

83. Senator WARREN. Mr. Matthews, what should your agency's criteria for canceling grants be?

Mr. MATTHEWS. The decision to cancel any grant is, at root, a decision not made by the General Counsel's office. I envision that my role in the context of business decisionmakers making such a policy call will be advising whether the considerations underlying any such decision, and the end-State decision itself, are legally proper and available.

84. Senator WARREN. Mr. Matthews, who should be involved in decisions to cancel grants?

Mr. MATTHEWS. Any decision to terminate a contract or cancel a grant is a business decision. As a lawyer, my job is to advise on the legal availability and risks associated with making that decision, not to make the decision itself.

#### PROTECTING CLASSIFIED INFORMATION AND FEDERAL RECORDS

85. Senator WARREN. Mr. Matthews, what is your understanding of the need to protect operational security, or OPSEC?

Mr. MATTHEWS. Maintaining OPSEC is critical to national security.

86. Senator WARREN. Mr. Matthews, what are the national security risks of improperly disclosing classified information?

Mr. MATTHEWS. The unauthorized disclosure of classified information could reasonably be expected to cause some degree of damage to the national security.

87. Senator WARREN. Mr. Matthews, is it your opinion that information about imminent military targets is generally sensitive information that needs to be protected?

Mr. MATTHEWS. It is my opinion that such information would generally be sensitive and must be protected consistent with the direction of the Original Classification Authority (OCA) and his or her supervisory official who is also an OCA.

88. Senator WARREN. Mr. Matthews, what would you do if you learned an official had improperly disclosed classified information?

Mr. MATTHEWS. I would take action in accordance with law and policy, including DOD Manual 5200.01, Volume 3, DOD Information Security Program: Protection of Classified Information.

89. Senator WARREN. Mr. Matthews, what is your understanding of Government officials' duties under the Federal Records Act?

Mr. MATTHEWS. My understanding of my duties under the Federal Records Act is that, as a public servant, I have a duty to manage the work-related records and information I create and receive in accordance with the law and applicable policy. I understand that Federal records should be accurate, complete, and readily accessible. If confirmed, I am committed to complying with the Federal Records Act.

90. Senator WARREN. Mr. Matthews, should classified information be shared on unclassified commercial systems?

Mr. MATTHEWS. No.

91. Senator WARREN. Mr. Matthews, under what circumstances should improperly sharing classified information on unclassified commercial systems be considered grounds for dismissal?

Mr. MATTHEWS. Consistent with DOD Manual 5200.01, Volume 3, DOD Information Security Program: Protection of Classified Information, the prompt reporting of any potential security incidents to the relevant security manager is necessary to ensure that such incidents are properly investigated and the necessary actions are taken to negate or minimize the adverse effects of any actual loss or unauthorized disclosure of classified information.

92. Senator WARREN. Mr. Matthews, under what circumstances should improperly sharing classified information on unclassified commercial systems be considered grounds for referral for an administrative or criminal investigation?

Mr. MATTHEWS. Consistent with DOD Manual 5200.01, Volume 3, DOD Information Security Program: Protection of Classified Information, the prompt reporting of any potential security incidents to the relevant security manager is necessary to ensure that such incidents are properly investigated and the necessary actions are taken to negate or minimize the adverse effects of any actual loss or unauthorized disclosure of classified information.

93. Senator WARREN. Mr. Matthews, is it damaging to national security if the pilots flying a mission find out that the official who ordered them to perform that mission shared sensitive information that could have made it more likely that the mission would fail, or they would be killed?

Mr. MATTHEWS. It is my opinion that such information must be protected consistent with the direction of the Original Classification Authority (OCA) and his or her supervisory official who is also an OCA.

94. Senator WARREN. Mr. Matthews, if you had information about the status of specific targets, weapons being used, and timing for imminent U.S. strikes against an adversary, under what circumstances would you feel comfortable receiving or sharing that information on an unclassified commercial application like Signal?

Mr. MATTHEWS. If confirmed, I would ensure any information is appropriately transmitted pursuant to its classification using the proper secure communication platforms.

#### PERSONNEL SECURITY

95. Senator WARREN. Mr. Matthews, what is your understanding of DOD's duties and obligations under the Privacy Act?

Mr. MATTHEWS. I understand that DOD's general duties and obligations under the Privacy Act are to assure that personal information is maintained in a manner that precludes unwarranted invasions of privacy. Among other things, I understand the Privacy Act includes provisions to prevent unauthorized disclosure of such information, to allow for appropriate access and amendment by the subject of the information, and to provide appropriate transparency as to the type of information that is maintained and the uses to which it is put.

96. Senator WARREN. Mr. Matthews, would it ever be appropriate for DOD to provide personal information about members of the military, DOD civilians, or DOD contractors to an opposition research firm and under what circumstances?

Mr. MATTHEWS. No.

#### BASE REALIGNMENT AND CLOSURE

97. Senator WARREN. Mr. Matthews, title 10 U.S.C. § 2687 provides specific thresholds and reporting requirements for closing or realigning military installations outside of a formal BRAC process. If confirmed, how would you advise the Department in determining whether a proposed action falls within the scope of section 2687?

Mr. MATTHEWS. If confirmed, I will advise the Department on the civilian personnel thresholds under section 2687 and whether congressional notification is required as part of the budget request for authorization of appropriations in accordance with section 2687.

98. Senator WARREN. Mr. Matthews, beyond the formal BRAC process, what legal factors and risks would you consider when advising the Department on using existing statutory authorities—such as §§ 2687 and 993—to close or realign installations?

Mr. MATTHEWS. If confirmed, I will advise the Department on the statutory criteria and requirements to close or realign installations, to include compliance with relevant fiscal, environmental and real property disposal authorities needed to implement any significant basing decision, closure or realignment outside of BRAC.

99. Senator WARREN. Mr. Matthews, if confirmed, how would you ensure the Department remains in full compliance with statutory notification and reporting requirements associated with installation closures, force structure changes, or significant personnel movements? Please specify how you would ensure timely congressional notification under §§ 2687 and 993.

Mr. MATTHEWS. If confirmed, I will ensure that my office provides advice on the statutory procedures related to basing decisions, closures or realignments, including the timing and contents of congressional notification and reporting under applicable laws such as §§ 2687 and 993. This would include whether congressional notification is required as part of the budget request in accordance with section 2687, and notifications under section 993 when there are reductions of more than 1,000 military members from an installation.

100. Senator WARREN. Mr. Matthews, what legal safeguards would you recommend to prevent the circumvention of BRAC through incremental actions that might technically avoid statutory thresholds but cumulatively have the effect of a closure or realignment?

Mr. MATTHEWS. If confirmed, I will work within the Department to ensure legal review of all proposed closures or realignments to determine whether a proposed action will exceed the civilian personnel thresholds under base closure law, and whether prior actions were taken within 5 years to reduce the number of civilian personnel below these thresholds.

101. Senator WARREN. Mr. Matthews, in your role as General Counsel, how would you approach advising the Secretary of Defense and the Secretary of Energy, Installations, and Environment on legal considerations related to pursuing a new round of BRAC?

Mr. MATTHEWS. If confirmed, I am committed to assisting the Secretary of Defense and the Assistant Secretary of Defense for Energy, Installations and Environment (ASD-EIE) to address the broad range of legal considerations related to any new BRAC authority. If confirmed, I will advise the Department on BRAC procedures, including force structure and infrastructure analysis requirements, fiscal rules, Department recommendations for closure and realignment, and consideration of legal requirements for property disposal including environmental liabilities, property sales and local redevelopment.

#### PRIVATIZED MILITARY HOUSING

102. Senator WARREN. Mr. Matthews, privatized military housing companies have relied on the Federal enclave doctrine to deny military members of their tenants' rights. How will you ensure servicemembers' have access to safe housing?

Mr. MATTHEWS. Servicemembers who are tenants in privatized military housing deserve safe, quality housing for themselves and their families. If confirmed, I will support the Department's efforts to pursue all available mechanisms for holding privatized military housing companies to the commitments they made in our legal agreements. I will also continue to assist the Department to prioritize the implementation of the Tenants' Bill of Rights and Universal Lease Agreement across all installations with privatized housing.

#### WAR POWERS

103. Senator WARREN. Mr. Matthews, what is your understanding of the War Powers Resolution and DOD's consultation obligations?

Mr. MATTHEWS. I understand the War Powers Resolution prescribes that the President "in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities." If confirmed, I will advise the Secretary of Defense to recommend to the President consultation consistent with the War Powers Resolution in appropriate situations.

Consistent with the constitutional division of roles, the President may direct certain military action pursuant to Article II of the Constitution when that action

serves an important national interest and the reasonably anticipated nature, scope, and duration of the operation and any possible responses would not rise to the level of “war” under the Constitution. I understand this has been the longstanding view of both Democratic and Republican administrations across several decades, as reflected in a series of opinions by the Department of Justice Office of Legal Counsel.

104. Senator WARREN. Mr. Matthews, how would you assess DOD’s compliance with the War Powers Resolution?

Mr. MATTHEWS. I am confident Department officials understand and appreciate Congress’s important role in declaring war and in funding the Department’s national security operations. If confirmed, I would provide advice consistent with the War Powers Resolution.

105. Senator WARREN. Mr. Matthews, does the President currently have legal authority to initiate military action against Iran or would that require explicit congressional authorization?

Mr. MATTHEWS. There is no explicit congressional authorization for military action against Iran. Consistent with the constitutional division of roles between the President and the Congress, even in the absence of congressional authorization, the President may direct military action that serves an important national interest and does not rise to “war” under the Constitution, based on the anticipated nature, scope, and duration of the operation. Further, the War Powers Resolution prescribes that the President “in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities.” If confirmed, I would apply this framework of analysis in advising on any contemplated initiation of military action.

#### DOMESTIC DEPLOYMENT

106. Senator WARREN. Mr. Matthews, if confirmed, will you make sure the public knows as much as practicable why and under what authorities the Guard is being deployed domestically?

Mr. MATTHEWS. If confirmed, I will ensure that the Office of General Counsel will support legislative affairs and public affairs offices in responding to inquiries regarding the authorities that the National Guard are deployed domestically in a federally funded or controlled capacity. I also note that the authority used to order National Guardsman to full-time duty is typically included on their published orders and should be quite clear to the member. Additionally, the member is generally free to provide those orders to their employers, landlords or others, as the member consents. Finally, in case it’s helpful, DOD Instruction 1215.06 provides an overview of the various authorities that can be used to order the National Guard and other Reserve components to full-time operational duty, both domestically and abroad.

107. Senator WARREN. Mr. Matthews, if confirmed, will you make sure the public knows as much as practicable when there are significant changes in why and under what authorities the Guard is being deployed domestically?

Mr. MATTHEWS. Yes, as above, if confirmed, I will commit that my office will work with other DOD officials to provide appropriate explanations and clarifications to legislative affairs and public affairs offices so that DOD can respond as practicably as possible to inquiries on the Federal authorities used for National Guard domestic operations.

108. Senator WARREN. Mr. Matthews, do you support the Department of Homeland Security submitting requests for assistance at the southwest border from the Department of Defense and the National Guard at least 180 days in advance?

Mr. MATTHEWS. Yes, to the extent that such advance notice is practical. We fully understand our partners at DHS may have emergent, short-notice requirements for DOD support.

109. Senator WARREN. Mr. Matthews, what benefits could advance notice from the Department of Homeland Security provide for readiness and national security?

Mr. MATTHEWS. The more advance notice provided for a request for assistance, the more DOD can plan for appropriate support and assess what effect such support would have on readiness. Advance notice also facilitates a smoother transition to full-time duty for any Reserve component personnel who may be needed and called upon to support the mission.

110. Senator WARREN. Mr. Matthews, Department of Defense Directive 3025.18 “Defense Support of Civil Authorities” and Department of Defense Instruction 3025.21 “Defense Support of Civilian Law Enforcement Agencies,” and Joint Publication 3–28 “Defense Support to Civil Authorities” provide doctrine for planning, conducting, and assess defense support of civil authorities. If confirmed, will you evaluate whether those policy documents provide sufficient clarity, including on emergency authorities, and provide your assessment to this committee?

Mr. MATTHEWS. Yes. I have personal familiarity these issuances and extensive experience supporting DSCA missions. From this knowledge and experience, I believe they generally provide sufficient clarity, but I am willing to re-evaluate them and provide the committee with a fresh assessment. The Office of the General Counsel will continue to work closely with the Under Secretary of Defense for Policy and the Chairman of the Joint Chiefs of Staff as they evaluate and update these guidance documents for the Department.

111. Senator WARREN. Mr. Matthews, Department of Defense Directive 3025.18 “Defense Support of Civil Authorities” and Department of Defense Instruction 3025.21 “Defense Support of Civilian Law Enforcement Agencies,” and Joint Publication 3–28 “Defense Support to Civil Authorities” provide doctrine for planning, conducting, and assess defense support of civil authorities. If confirmed, will you evaluate whether those policy documents provide adequate procedures to inform the public about the authorities, mission, and duration for domestic deployments and provide your assessment to this committee?

Mr. MATTHEWS. Yes. If confirmed, I am willing to evaluate these documents and provide an assessment. The Office of the General Counsel will continue to work closely with the Under Secretary of Defense for Policy and the Chairman of the Joint Chiefs of Staff as they evaluate and update these guidance documents for the Department.

112. Senator WARREN. Mr. Matthews, what is your understanding of the training provided to the National Guard for Federal standing rules for the use of force on domestic military deployments?

Mr. MATTHEWS. It is my understanding that the training National Guard (NG) members receive on the DOD/Federal standing rules for the use of force (SRUF) for domestic operations would be the same (or based on the same) training that Federal military forces, including other Reserve component personnel, would receive in preparation for a Federal mission. Generally, DOD SRUF would only apply to NG personnel on Active Duty orders (i.e., performing Federal missions in a title 10, U.S. Code, duty status). By contrast, for NG personnel in a State duty status and performing State militia missions (or in a title 32, U.S. Code, duty status), training on the use of force would vary and depend on the State rules for the individual State NG or the RUF that is agreed upon by States when operating in a different State (e.g., an Emergency Management Assistance Compact action during domestic response). A notable exception regarding the officials who determine RUF is the DC National Guard, which falls under a separate chain of command under the President through the Secretary of Defense when DC NG personnel are operating in a militia (i.e., performing duty under title 32, U.S. Code) rather than Federal service capacity.

113. Senator WARREN. Mr. Matthews, is there any distinction in the standing rules of force for the National Guard during domestic military deployments when in “title 10” status versus when operating under State or “title 32” status?

Mr. MATTHEWS. Yes. In a title 10, U.S. Code, duty status, National Guard (NG) personnel fall under the command and control (C2) of the President, Secretary of Defense, and the Active component chain of command. The rules for the use of force (RUF) for a title 10 mission would be based on the standing Federal RUF in accordance with DOD Directive 5210.56, “Arming and the Use of Force,” and CJCS Instruction 3121.01B, “Standing Rules of Engagement/Standing Rules for the Use of Force for U.S. Forces.” In a State Active Duty status or a title 32, U.S. Code, duty status, NG personnel fall under the C2 of their Governor and have a State chain of command. In these “non-Federalized” statuses, the RUF would be based on State law and policy. A notable exception regarding the officials who determine RUF is the DC National Guard, which falls under a separate chain of command under the President through the Secretary of Defense when DC NG personnel are operating in a militia (i.e., performing duty under title 32, U.S. Code) rather than Federal service capacity.

## QUESTIONS SUBMITTED BY SENATOR TAMMY DUCKWORTH

## LEGAL INDEPENDENCE OF JUDGE ADVOCATE GENERAL COMMUNITY

114. Senator DUCKWORTH. Mr. Matthews, what is your perspective on the recent dismissals of senior Judge Advocate General (JAG) officers, and what do you believe is the impact on legal independence and accountability within the military justice system?

Mr. MATTHEWS. I was not privy to the reasons the Secretary requested nominations for the Army and Air Force Judge Advocates General. I believe that the President acted within his authority in this action. The Judge Advocates General provide independent legal advice to the leadership of their respective Military Departments. Under the law, an officer or employee of DOD cannot interfere with that advice. If confirmed, I will comply with the law and I will work with them to promote the interests of justice as well as the lethality and readiness of our forces. I am confident that our Judge Advocates, both at headquarters and in the field, will continue to provide their best legal advice in support of the military justice system, and if confirmed I will ensure their voices are heard.

115. Senator DUCKWORTH. Mr. Matthews, do you believe current whistleblower protections in the Department are sufficient?

Mr. MATTHEWS. Yes. If confirmed, I will ensure the Department provides all the protections to which whistleblowers are entitled under law and policy.

## DISCLOSURE OF CLASSIFIED INFORMATION

116. Senator DUCKWORTH. Mr. Matthews, what is the normal process after the Department becomes aware of indications that classified or sensitive defense or intelligence information has been found in the public sphere?

Mr. MATTHEWS. Consistent with DOD Manual 5200.01, Volume 3, DOD Information Security Program: Protection of Classified Information, the prompt reporting of any potential security incidents to the relevant security manager is necessary to ensure that such incidents are properly investigated and the necessary actions are taken to negate or minimize the adverse effects of any actual loss or unauthorized disclosure of classified information.

117. Senator DUCKWORTH. Mr. Matthews, would you hold senior officials who violate protections of sensitive information to the same standard as junior soldiers and civilians?

Mr. MATTHEWS. Yes.

## ACCOUNTABILITY

118. Senator DUCKWORTH. Mr. Matthews, do you commit that your decisions will be communicated through official, secure channels and properly documented for both oversight and institutional memory?

Mr. MATTHEWS. If confirmed, I will comply with the applicable laws and policies concerning official communications and retention of government records.

119. Senator DUCKWORTH. Mr. Matthews, would you follow an illegal, unlawful, or immoral order?

Mr. MATTHEWS. I will not follow an illegal or unlawful order.

## LAW OF ARMED CONFLICT

120. Senator DUCKWORTH. Mr. Matthews, during your testimony you criticized the restrictiveness of rules of engagement and asserted that they make commanders more risk averse—describe your understanding of the Law of Armed Conflict and the role of Rules of Engagement?

Mr. MATTHEWS. During my testimony, I observed that during the past couple of decades of counter-insurgency and counter-terrorism operations, rules of engagement (ROE) have sometimes been employed that are more restrictive than what is permissible under the law of war.

ROE reflect legal, policy, and operational considerations. ROE may restrict actions that would be lawful under the law of war, but may not permit actions prohibited by the law of war. ROE can be used as part of the implementation of U.S. law of war obligations during military operations by, for example, directing compliance with specific law of war rules or providing procedures that facilitate compliance, such as procedures for making judgments about the proportionality of a planned attack.

During my testimony, I also observed that the culture in which commanders have been operating can be risk averse. Although legal advisers support the commander in issuing ROE, including by advising on the consistency of the ROE with the law of war, the commander decides what ROE to issue, which reflect his or her military and policy judgments about how to weigh various risks (for example, risk to mission accomplishment, risks to the force, risks of civilian casualties).

121. Senator DUCKWORTH. Mr. Matthews, do you think explicit rules of engagement protect our servicemembers from moral injury?

Mr. MATTHEWS. U.S. servicemembers should understand that their actions under rules of engagement are lawful and ethical. They should understand that such actions are in the service of our country and justified under the law of war.

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QUESTIONS SUBMITTED BY SENATOR MARK KELLY

CHIEF LEGAL OFFICER

122. Senator KELLY. Mr. Matthews, the United States is a party to a large number of treaties and other international agreements governing military operations, arms control, aerospace and maritime activities, and a host of other matters. What is your view of the role of this body of international law on the conduct of DOD?

Mr. MATTHEWS. Treaties to which the United States is a party are part of U.S. law under the Constitution. International law governing DOD activities articulates rights, duties, and liabilities of DOD in relation to other countries. Treaties governing military operations, such as the Charter of the United Nations or the 1949 Geneva Conventions, often codify core principles like self-defense and humane treatment of detainees that are part of the Department's core values. These and other treaties, such as Status of Forces Agreements, can also provide important protections for DOD personnel abroad or otherwise facilitate the Department's activities in defense of the Nation and advance important U.S. national interests.

123. Senator KELLY. Mr. Matthews, as chief legal officer, you also serve as DOD's Chief International Agreements Officer. In that role, will you provide oversight of DOD's compliance with U.S. law regarding international agreements?

Mr. MATTHEWS. Yes. In the NDAA for fiscal year 2023, Congress established a requirement that all Federal departments and agencies appoint a Chief International Agreements Officer, to help ensure compliance with statutory obligations under the Case Act. In 2024, the Department of Defense designated the General Counsel of the Department of Defense as the Chief International Agreements Officer. If confirmed as General Counsel, I would work closely with the State Department to ensure that all DOD components comply with their obligation to transmit binding international agreements, for transparency and oversight by Congress.

124. Senator KELLY. Mr. Matthews, will you provide legal advice encouraging DOD's compliance with international and domestic law?

Mr. MATTHEWS. Yes.

125. Senator KELLY. Mr. Matthews, as the General Counsel you will be responsible for overseeing DOD's lawyers, to include adherence to professional responsibility standards, how do you intend to ensure that all DOD attorneys provide sound legal advice that is free from political influence?

Mr. MATTHEWS. If confirmed, I would be responsible for establishing professional responsibility standards for the civilian attorneys under my supervision and for overseeing adherence to these standards, in accordance with DOD Directive 5145.01 and DOD Instruction 1442.02. If confirmed, I will implement these rules to ensure legal services are provided with the highest degree of professionalism. I expect all attorneys in the Department to continue to provide principled counsel to their organizational clients, consistent with these authorities and the requirements of an individual attorney's licensing jurisdiction.

126. Senator KELLY. Mr. Matthews, it would also be your role to provide sound legal advice to the Secretary of Defense on military justice matters. How will you ensure the Department and its leaders follow the laws of the United States?

Mr. MATTHEWS. If confirmed, I will provide my best legal advice to the Secretary on military justice matters. I will also support and seek to empower our judge advocate colleagues who regularly advise on such matters so that they can provide their best legal advice in support of decisionmakers.

127. Senator KELLY. Mr. Matthews, oversight over the Department's actions is critical for ensuring that its leaders do in fact follow the law. Will you agree to protect the independence of the Department of Defense Inspector General and their office?

Mr. MATTHEWS. Yes.

RELATIONSHIP WITH THE MILITARY SERVICE JUDGE ADVOCATES GENERAL AND SPECIAL TRIAL COUNSEL

128. Senator KELLY. Mr. Matthews, as chief legal officer, you are responsible for providing advice to the Secretary of Defense on all military justice matters requiring his attention. However, the members of the Service JAG Corps are responsible for advising commanders in their exercise of prosecutorial discretion over military members assigned to their commands.

Mr. MATTHEWS. Special Trial Counsel (STCs) are judge advocates who occupy an independent role in the prosecution of certain "covered" offenses under the Uniform Code of Military Justice. They exercise independent prosecutorial discretion over these offenses and alleged offenders. Will you ensure STCs are able to exercise independent prosecutorial discretion over the offenses assigned to them by law, without political or command influence?

If confirmed, I will strive in my actions and words to support and respect the independent prosecutorial discretion of the Special Trial Counsel. My advice and counsel will always be to follow the law, in this and all areas.

129. Senator KELLY. Mr. Matthews, will you agree to advise the Secretary that he may do nothing to actually influence or appear to influence the conduct of any military justice proceeding unless he is willing to exercise convening authority himself?

Mr. MATTHEWS. While I do not anticipate this scenario arising, my advice and counsel will always be to follow the law.

LAW AND MILITARY OPERATIONS

130. Senator KELLY. Mr. Matthews, will you agree to support and defend the role of judge advocates in advising commanders on whether their operations comply with U.S. and international law?

Mr. MATTHEWS. Yes.

131. Senator KELLY. Mr. Matthews, will you encourage commanders to seek the legal advice of their judge advocates in all cases where legal considerations bear on their decisions or actions?

Mr. MATTHEWS. Yes.

[The nomination reference of Mr. Earl G. Matthews follows:]

**NOMINATION REFERENCE AND REPORT**

**PN22-17**

AS IN EXECUTIVE SESSION,  
SENATE OF THE UNITED STATES,  
February 3, 2025.

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

Earl Matthews, of Virginia, to be General Counsel of the Department of Defense, vice  
Caroline Diane Krass, resigned.

\_\_\_\_\_, 2025.  
(Date)

Reported by Mr. Wicker \_\_\_\_\_  
(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. Earl G. Matthews, which was transmitted by the Committee at the time of the nomination was referred, follows:]

**Biographic Overview  
Earl G. Matthews**

**Education:**

- U.S. Army War College, Carlisle, PA
  - 2015-2016
  - Master of Strategic Studies
- Georgetown University Law Center, Washington, DC
  - 2012-2013
  - Master of Laws in National Security Law
- National Intelligence University
  - 2004-2005
  - Master of Science in Strategic Intelligence
- Harvard Law School
  - 1995-1998
  - Juris Doctor
- Villanova University
  - 1993-1995
  - Bachelor of Arts, Political Science

**Employment Record:**

List all jobs held since college including title or description of job, name of employer, location of work, and dates of employment.

- Neros Technologies, Washington, DC
  - General Counsel and Head of Business Development
  - Oct 2023 – Nov 2024
- Albers Aerospace, Washington, DC
  - General Counsel and Corporate Secretary
  - Apr 2023 – Oct 2023
- Veeam Government Solutions, Washington, DC
  - President
  - Jul 2020 – Dec 2022
- Office of the Director of National Intelligence, McLean, VA
  - Special Counsel (detailed from the Department of Defense)
  - Mar 2020 – Jun 2020

- National Security Council Staff, The White House, Washington, DC
  - Deputy Assistant to the President and Senior Director for Defense Policy and Strategy (detailed from the Department of Defense)
  - May 2018 – Nov 2019
- Department of the Army, Washington, DC
  - Principal Deputy General Counsel (Acting GC, Jun 17-Jan 18)
  - Jun 2017 – Jul 2018
- Office of the Secretary of Defense, The Pentagon, Washington, DC
  - Special Assistant
  - Jan 2017 – Jun 2017
- Trump for America, Presidential Transition Team, Washington, DC
  - Deputy Team Leader for Defense
  - Jul 2016 – Jan 2017
- U.S. Army War College, Carlisle, PA
  - Resident Student
  - Jul 15 – Jul 2016 (Active Duty Military Service)
- Periodic Review Secretariat, Office of the Secretary of Defense, The Pentagon, Washington, DC
  - Special Counsel (embedded with the Joint Staff)
  - Dec 2014 – Jul 2015 (Active Duty Military Service)
- Special Operations Command Forward, East Africa, Camp Lemmonier, Djibouti
  - Staff Judge Advocate (General Counsel)
  - Sep 2013 – Aug 2014 (Active Duty Military Service)
- Defense Intelligence Agency, Washington, DC
  - Intelligence Officer
  - Dec 2012 – Mar 2013
- Office of the Chairman of the Joint Chiefs of Staff, Washington, DC
  - Politico-Military Affairs Officer/Deputy Legal Counsel to the Chairman
  - Oct 2011– November 2012 (Active Duty Military Service)
- Defense Intelligence Agency, Washington, DC
  - Intelligence Officer
  - Feb 2011 – Sep 2011
- U.S. Forces Afghanistan, Kandahar, Afghanistan
  - Assistant Staff Judge Advocate (Assistant General Counsel)
  - Jan 2010 – Dec 2010 (Active Duty Military Service)

- Office of the Judge Advocate General of the Army  
International and Operational Law Division, Arlington, VA
  - Deputy OIC, Pre-Deployment Preparation Program
  - Jan 2009 – Dec 2009 (Active Duty Military Service)
- DoD Criminal Investigation Task Force, Baghdad, Iraq and Fort Belvoir, VA
  - Assistant Staff Judge Advocate (Assistant General Counsel)
  - Mar 2006 - Feb 2007 (Active Duty Military Service)
- Defense Intelligence Agency
  - Assistant General Counsel/Intelligence Officer
  - Aug 2005 – December 2009
- Defense Intelligence Agency
  - Intelligence Community Scholar
  - Sep 2004 – August 2005
- 422<sup>nd</sup> Civil Affairs Battalion/Coalition Provisional Authority, Baghdad, Iraq
  - International Law Officer/Ministry of Justice Operations Officer
  - Mar 2003 – March 2004 (Active Duty Military Service)
- Office of the Staff Judge Advocate, Task Force Eagle, Tuzla, Bosnia-Herzegovina
  - Chief of Military Justice
  - Aug 2002 – Feb 2003 (Active Duty Military Service)
- Superior Court of the District of Columbia, Chambers of Judge Erik P. Christian
  - Law Clerk
  - Aug 2001 – Aug 2002
- Senate of Pennsylvania, Office of State Sen. Shirley M. Kitchen, Philadelphia, PA
  - Chief Legislative Assistant
  - Dec 2000 – Aug 2001
- The Judge Advocate General's Legal Center and School, Charlottesville, VA
  - Officer Basic Course Student
  - Jun 2000 – Sep 2000 (Active Duty Military Service)
- Wolf, Block, Schorr and Solis-Cohen, Philadelphia, PA
  - Associate Attorney
  - Sep 1998 – Mar 2000
- Wiley, Rein and Fielding, Washington, DC
  - Summer Associate
  - Jun 1997 – Aug 1997

- Wolf, Block, Schorr and Solis-Cohen, Philadelphia, PA
  - Summer Associate
  - Jun 1996 – Aug 1996
- Mellon Private Asset Management, Philadelphia, PA
  - Summer Intern
  - Jun 1995 – Aug 1995

**Honors and Awards:**

**Military:**

- Legion of Merit
- Bronze Star Medal (2)
- Defense Meritorious Service Medal
- Army Meritorious Service Medal (2)
- Joint Service Commendation Medal (2)
- Army Commendation Medal (4)
- Armed Forces Expeditionary Medal
- Iraq Campaign Medal with 3 Campaign Stars
- Afghanistan Campaign Medal with Campaign Star
- Global War on Terror Expeditionary Medal
- Global War on Terror Service Medal

**Civilian:**

- Secretary of Defense Medal for Outstanding Public Service (2020)
- Department of the Army Decoration for Exceptional Civilian Service (2018)
- Secretary of Defense Medal for the Global War on Terrorism (2009)
- Joint Civilian Service Commendation Award (2009)
- Phi Beta Kappa, Villanova University (1995)

[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. Earl G. Matthews in connection with his nomination follows:]

119<sup>th</sup> CONGRESS, 2025 -- 2026  
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): Earl Guy Matthews.
2. Position to which nominated: General Counsel of the Department of Defense.
3. Date of nomination: February 3, 2025.
4. Education (List names of secondary and higher education institution attended, type of school [vocational, technical, trade school, college, university, military college, correspondence, distance, extension, and on-line], dates attended, degree received, and date degree granted):

U.S. Army War College, Carlisle, PA  
Master of Science in Strategic Studies

(Aug 2015-Jun 2016)  
(Degree conferred: Jun 2016)

Georgetown University, Washington, DC	(Jan 2012-May 2013)
Master of Laws in National Security Law	(Degree conferred: May 2013)
National Intelligence University, Washington, DC	(Sep 2004-Aug 2005)
Master of Science in Strategic Intelligence	(Degree conferred: Aug 2005)
Harvard University, Cambridge, MA	(Sep 1995-Jun 1998)
Juris Doctor	(Degree conferred: Jun 1998)
Villanova University, Villanova, PA	(Jan 1993-May 1995)
Bachelor of Arts, Political Science	(Degree conferred: May 1995)
Morehouse College, Atlanta, GA (Transferred to Villanova University)	(1991-1992)
Ben Franklin High School, Phila, PA	(Sep 1988-Jun 1991)
High School Diploma	(Diploma conferred: Jun 1991)

**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):**

Oct 2023-Nov 2024  
 Neros Technologies  
 1924 E. Maple Avenue  
 El Segundo, CA 90245  
 General Counsel and Head of Business Development

Apr 2023-Oct 2023  
Albers Aerospace  
1476 Industrial Blvd  
McKinney, TX 75069  
General Counsel and Corporate Secretary

Jan 2023-Jul 2023  
Insight Partners  
1114 Avenue of the Americas  
NY, New York 10036  
Consultant (Contract)

Jul 2020-Dec 2022  
Veeam Government Solutions  
1101 Pennsylvania Avenue, NW, Suite 300  
Washington, DC 20024  
President

Mar 2020-Jun 2020  
Office of the Director of National Intelligence  
Washington, DC 20511  
Special Counsel (detailed from the Department of Defense)

May 2018-Nov 2019  
National Security Council Staff  
The White House  
Washington, DC  
Deputy Assistant to the President and Senior Director for Defense Policy and Strategy

Jun 2017-Jul 2018  
Department of the Army  
Office of General Counsel  
The Pentagon  
Arlington, VA  
Principal Deputy General Counsel (Acting General Counsel of the Army Jun 2017-Jan 2018)

Jan 2017-June 2018  
Office of the Secretary of Defense  
The Pentagon  
Arlington, VA  
Special Assistant to the Secretary of Defense

Jul 2016-Jan 2017  
 Trump for America  
 Presidential Transition Team  
 Washington, DC  
 Deputy Team Lead for DoD Transition

Jul 2015-Jun 2016  
 U.S. Army War College  
 122 Forbes Avenue  
 Carlisle, PA 17045  
 Resident Student (Active Duty Military Service)

Dec 2014-Jul 2015  
 Periodic Review Secretariat  
 Office of the Secretary of Defense  
 Arlington, VA  
 Special Counsel (detailed to The Joint Staff, Pentagon) (Active Duty Military Service)

6. **Have you ever received approval, pursuant to section 908 of title 37, United States Code, to accept civil employment (and compensation for that employment), payment for speeches, travel, meals, lodging, registration fees, or a non-cash award from a foreign government? No.**
7. **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):**

I am presently a Colonel in the U.S. Army Reserve. I have served continuously in either the U.S. Army Reserve or the District of Columbia Army National Guard since March 2000. Interspersed with my part-time reserve component service have been extended periods of active duty military service, including multiple overseas operational deployments to hostile fire or imminent danger zones between 2002-2014 (Bosnia, Iraq, Afghanistan and Djibouti) and service on the Army Staff or the Joint Staff at the Pentagon (2009-2010, 2011-2012, 2014-2015). Additionally, I was the Staff Judge Advocate, or senior legal officer, of the D.C. National Guard during the rioting in Washington, DC which followed the 2020 death of George Floyd, and during the riot at the Capitol which occurred on January 6, 2021 and the subsequent National Guard mission to provide security on Capitol Hill.

In my civilian capacity, I was employed by the Defense Intelligence Agency between 2004-2013 as an attorney and later as an intelligence officer. Interspersed with my civilian career at DIA were periods away from the agency while I served on active military orders as an Army Judge Advocate.

Member, Commission to Combat Antisemitism (2022-2023)  
Commonwealth of Virginia, Appointed by Governor Glenn Youngkin

Member, Defense Business Board (2020-2021)  
U.S. Department of Defense, Appointed by Acting Secretary Christopher C. Miller  
Removed by Secretary Lloyd Austin along with other former Trump appointees

Member, Base Naming Commission (2020-2021)  
Appointed by Acting Secretary Christopher C. Miller  
Removed by Secretary Lloyd Austin along with other former Trump appointees

**8. 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):**

Forum for America and the World, Board Member (2021-Present).

**9. 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):**

Association of the United States Army, Life Member (2006-Present)  
The Federalist Society for Law and Public Policy (2004-Present)  
Omega Psi Phi Fraternity, Incorporated, Life Member (2008-Present)  
The Judge Advocates Association, Life Member (2011-Present)  
Teneo Network, Inc. (2019-Present)  
The American Legion (2020-Present)  
National Independent Panel on Military Service and Readiness, Member (2022-2023)  
Council on Foreign Relations, Lifetime Member (2021-Present)  
Jewish Institute for National Security of America, Non-Resident Fellow (2021-Present)  
The Vandenberg Coalition, Advisory Board Member (2021-Present)  
Sigma Pi Phi Fraternity, Epsilon Zeta Boule (2024-Present)  
St. John's Church, Lafayette Square, Ushers' Guild (2016-2022)  
The ROCKS, Inc. (2012-Present)  
Republican National Lawyers Association (2012-Present)  
Foreign Policy Research Institute (2021-2022)

**10. 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): Not applicable.
- b. List all memberships and offices held in, and services rendered to, all political parties or election committees during the last 5 years: Legislative District Chair, House of Delegates District 6 and Virginia Senate District 38, Republican Party of Virginia (January 2023 to February 2025).
- 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:

10-29-2024	Trump 47 Committee, Inc.	\$1033.06
10-21-2024	Fairfax County Republican Committee (Federal)	\$250.00
10-10-2024	Trump 47 Committee, Inc.	\$516.53
09-22-2024	Tim Sheehy for Montana (Candidate for U.S. Senate)	\$312.30
06-20-2024	Republican Party of Florida	\$1125.00
05-29-2024	Will Scharf (Candidate for Attorney General of Missouri)	\$521.00
05-20-2024	Colby C. Jenkins (Candidate for U.S. House)	\$200.00
12-31-2023	Colby C. Jenkins (Candidate for U.S. House)	\$300.00
09-23-2023	Kristin Hoffman (Candidate for Va. House of Delegates)	\$350.00
03-24-2023	Chris Harnisch (Candidate for Va. House of Delegates)	\$1000.00
12-30-2022	Will Scharf (Candidate for Attorney General of Missouri)	\$520.51
06-19-2022	Right Appeal PAC	\$250.00
06-07-2022	Sylvester Jones (Candidate for Prince George's Sheriff)	\$400.00
06-11-2022	August Pfluger (Candidate for U.S. House)	\$500.00
02-10-2022	Joe Kent (Candidate for U.S. House)	\$1000.00
01-13-2022	Jeremy Hunt (Candidate for U.S. House)	\$2900.00
12-15-2021	J.D. Vance (Candidate for U.S. Senate)	\$1000.00
11-30-2021	Patrick Witt (Candidate for U.S. House)	\$1000.00
09-29-2021	Latham Saddler (Candidate for U.S. Senate)	\$1000.00
09-20-2021	Adam Laxalt (Candidate for U.S. Senate)	\$1000.00
08-21-2021	Mike Rosenbaum (Candidate for Governor of Maryland)	\$3000.00
10-26-2020	Donald J. Trump for President, Inc.	\$1000.00
10-15-2020	Donald J. Trump for President, Inc.	\$1200.00

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

Honors and Awards

Lincoln Fellow, Claremont Institute (2023)  
 Secretary of Defense Medal for Outstanding Public Service (2020)  
 Department of the Army Decoration for Exceptional Civilian Service (2018)  
 Carlisle Scholar, U.S. Army War College (2015-2016)  
 Colonel Charles Young Military Leadership Award  
 Alpha Omega Chapter, Omega Psi Phi Fraternity, Incorporated (2016)  
 Joint Civilian Service Commendation Award (2009)  
 Secretary of Defense Medal for the Global War on Terrorism (2009)  
 Intelligence Community Scholar, Defense Intelligence Agency (2004-2005)  
 Honor Graduate, 152<sup>nd</sup> Judge Advocate Officer Basic Course (2000)  
 Phi Beta Kappa, Villanova University (1995)  
 St. Martin De Porres Scholar, Villanova University (1993-1995)  
 National Honor Society, Benjamin Franklin High School (1991)

Military Decorations

Legion of Merit  
 Bronze Star Medal (2)  
 Defense Meritorious Service Medal  
 Army Meritorious Service Medal (2)  
 Joint Service Commendation Medal (2)  
 Army Commendation Medal (4)  
 Armed Forces Expeditionary Medal  
 Iraq Campaign Medal with 3 Campaign Stars  
 Afghanistan Campaign Medal with Campaign Star  
 Global War on Terror Expeditionary Medal  
 Global War on Terror Service Medal

12. **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):**

*Mandate for Leadership 2025: The Conservative Promise*, The Heritage Foundation, April 2023 (As a contributor only. Assisted in drafting 2.5 pages of a 887 page book. My input focused solely on the future of U.S. Army).

*Report of the National Independent Panel on Military Service and Readiness*, The Heritage Foundation, March 30, 2023 (as a contributor)

Earl G. Matthews, "Yes Banning U.S. Oil Exports Is A Horrific Idea," Real Clear Energy, November 3, 2022, Op-Ed.

Earl G. Matthews, "Leveraging the DoD Data Strategy in 2022," Federal News Network, June 8, 2022, Op-Ed.

Earl G. Matthews, "How Government and Industry Can Work Together to Deter Cybercriminals," FedTech Magazine, August 23, 2021.

Earl G. Matthews, "Of Course Lloyd Austin is well-qualified to be Defense Secretary," The Washington Post, December 15, 2020, Op-Ed.

Earl G. Matthews, "Cutting Off the Spigot: A New Strategy for Combating Al-Shabaab." Student Research Project, Army War College, 2016.

13. Speeches (Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years—of which you have copies—in which you addressed matters relevant to the position to which you have been nominated). Not applicable.

#### COMMITMENTS IN FURTHERANCE OF CONGRESSIONAL OVERSIGHT

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

14. Do you agree, if confirmed, and on request, to appear and testify before this Committee, its subcommittees, and other appropriate Committees of Congress? Yes.
15. 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.
16. 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.

17. 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.
18. 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.
19. 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.
20. 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.

#### FUTURE EMPLOYMENT RELATIONSHIPS

21. If you are confirmed by the Senate, will you sever all business connections with your present employers, business firms, business associations, and business organizations? Yes.
22. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain. No.

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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.]

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The nomination of Mr. Earl G. Matthews was reported to the Senate by Chairman Wicker on May 1, 2025, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 29, 2025.]

**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 18<sup>th</sup> day of February, 2025

[Prepared questions submitted to Mr. Dale Marks by Chairman Wicker prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES AND QUALIFICATIONS

*Question.* What is your understanding of the duties and responsibilities of the Assistant Secretary of Defense for Energy, Installations, and Environment (ASD(EI&E))?

*Answer.* The mission of the Assistant Secretary of Defense for Energy, Installations, and Environment (ASD EI&E) is to provide safe, resilient, and robust platforms, enabling the warfighter to execute their mission, train, conduct maintenance, and support servicemember families.

*Question.* What background and experience do you possess that qualify you to perform the duties and functions of the ASD(EI&E)?

*Answer.* I have a deep understanding of the EI&E mission across its multifaceted portfolio through almost 25 years of experience in uniform as a strategist and planner and almost 10 years as a Federal civilian. My experience has ranged from leading teams conducting installation complex encroachment management action plans to address issues negatively impacting military missions and surrounding communities to completing the first in-depth process review of wind farms and their impacts on military missions for Congress, which led to the creation of the Department of Defense (DOD) Siting Clearinghouse. I've also led portions of Service budget prioritizations and successfully supported these programs during cost assessment and program evaluation.

*Question.* In particular, what management and leadership experience do you possess that would apply to your service as ASD(EI&E), if confirmed?

*Answer.* I have been privileged to lead teams large and small from the Pentagon down to the installation level. During my time as the Chief of Staff in Afghanistan, I held responsibility for the management and sustainment for actions across the mission. I've also led complex teams in support of Homeland Defense under the North American Aerospace Defense Command (NORAD)/United States Northern Command (USNORTHCOM) and have been honored to support senior leaders at all levels within the Department. As the current senior civilian at Eglin Air Force Base, I lead a team of over 10,000 in developmental test and evaluation while simultaneously managing the stewardship, investments, and innovation of over 726 square miles of land range and over 124,000 square miles of over-water range, while collaborating with each of the Services and over 35 tenant organizations.

*Question.* Do you believe that there are any actions you need to take to enhance your ability to serve as the ASD(EI&E)?

*Answer.* Each experience throughout my military and civilian career has prepared me to assume the duties of the ASD(EI&E). As a lifelong learner, and if confirmed, I remain open to interactions with Congress and other organizations, public and private, that would increase my understanding of this diverse portfolio.

*Question.* If confirmed, what actions would you take to develop and sustain an open, transparent, and productive relationship between your office and Congress, and the Senate Armed Services Committee, in particular?

Answer. If confirmed, I will ensure there is a continual exchange of ideas and information to support and assist Congress in its oversight role of the Department's programs through regular and recurring engagements and dialog.

#### CONFLICTS OF INTEREST

*Question.* Federal ethics laws, to include 18 U.S.C. § 208, prohibit government employees from participating in matters where they, or certain family members or organizations with which they have certain relationships, have a financial interest.

Do you agree, without qualification, if confirmed, to disclose any potential conflicts of interest, including investments, business ties, family relationships, or other connections that could be perceived as influencing your decisionmaking?

Answer. I agree to comply with all conflicts of interest disclosure requirements set forth in the Ethics in Government Act and implementing regulations.

*Question.* Do you agree, without qualification, if confirmed, that if a conflict of interest arises, you will recuse yourself from participating in any relevant decisions regarding that specific matter?

Answer. I agree to comply with all recusal requirements under 18 U.S.C. § 208 and implementing regulations.

*Question.* Do you commit, without qualification, if confirmed, to decisionmaking on the merits and exclusively in the public interest, without regard to private gain or personal benefit?

I commit to deciding matters on the merits based on the public interest, without regard to any private gain or personal benefit.

#### MAJOR CHALLENGES

*Question.* In your view, what are the major challenges that confront the ASD(EI&E)?

Answer. Though I have not been confirmed and do not have a detailed appreciation of the many complex issues facing ASD (EI&E), my initial assessment is that the following concerns have significant impacts on its portfolio: budgetary constraints and making the best use of limited resources, installation resilience against threats regardless of the source (natural or manmade), real property management and the associated costs, aging and outdated infrastructure and its direct impact on readiness, and energy resilience both at home and in expeditionary environments. All of these are underpinned by the evolving security environment and the need for installation readiness to confront all challenges.

*Question.* If confirmed, what actions would you take, in what order of priority, and on what timeline—to address each of these challenges?

Answer. My priorities, if confirmed, would include a portfolio review to better understand the specific challenges facing ASD EI&E. I would focus on implementing priority changes based on influencing the next Future Years Defense Program.

#### 2022 NATIONAL DEFENSE STRATEGY (NDS)

*Question.* The 2022 NDS designates China as the pacing challenge for the United States, but it also states that Russia remains an acute threat to U.S. national interests. In addition, the Department must also manage the persistent threats posed by rogue regimes and violent extremist organizations.

In your view, how does the Office of the ASD(EI&E) directly support the NDS?

Answer. Practically everything DOD does in some form is directly touched or influenced by ASD EI&E, which in turn supports the National Defense Strategy. The office protects and sustains warfighter readiness by strengthening strategic and operational capacity, reducing costs, and increasing lethality by providing policy and governance for programs and activities that enable resilience for systems and installations.

*Question.* In your view, what Department of Defense infrastructure and military construction investments would be necessary for the Joint Force to prevail in great power competition?

Answer. The two main investments needed to prevail in great power competition are resilience and efficiency. Resilience investments are necessary to ensure that our infrastructure and military construction are ready when called upon to support the warfighter in whatever mission capacities are required. Efficiency ensures our military construction and infrastructure are affordable, have a low operating cost over time, and remain robust and relevant in the long term to support the warfighter requirements where and when needed. We cannot overlook opportunities to fully integrate our mutual efforts to provide the greatest return on those investments.

## MILITARY HOUSING PRIVATIZATION INITIATIVE

*Question.* In the Fiscal Year 1996 National Defense Authorization Act (NDAA), Congress established the Military Housing Privatization Initiative (MHPI), providing the Department of Defense (DOD) with the authority to obtain private-sector financing and management to repair, renovate, construct, and operate military housing. DOD has since privatized 99 percent of its domestic housing. In 2019, the Senate Armed Services Committee held three hearings to address concerns voiced by military families living in privatized housing that the program has been grossly mismanaged by certain private partners, that military and chain of command oversight were non-existent, and that in speaking out about the appalling condition of the quarters in which they lived, they were opening themselves to reprisal.

What are your impressions of the overall quality and sufficiency of DOD family housing, both in the United States and overseas?

*Answer.* I understand that the overall goal of DOD's housing program is to ensure that servicemembers have access to safe, quality, family housing, whether in the U.S. or overseas. I am concerned that DOD may lack sufficient affordable accompanied and unaccompanied housing. If confirmed, I will ensure that we have the appropriate oversight mechanisms in place to hold both the Military Departments and housing providers to the quality standards that our servicemembers deserve.

*Question.* What are your views of the current goals and structure of the DOD's military housing privatization program?

*Answer.* I believe the overarching goals and structure of the Department's military housing program—supported by the significant MHPI reform actions Congress enacted in recent NDAs—properly support the Department's efforts to provide day-to-day oversight of this portfolio, including the Military Housing Privatization Initiative. However, there is always room for improvement. If confirmed, I will review the Department's MHPI program goals and oversight structure to ensure the Department provides quality housing for military families and holds MHPI companies accountable for complying with project legal agreements.

*Question.* What efforts has DOD taken to address servicemember and family member concerns regarding the untenable living conditions prevalent in certain privatized housing locales?

*Answer.* It is my understanding that, in addition to issuing the MHPI Tenant Bill of Rights and working with the MHPI companies to obtain their voluntary agreement to implement these rights at nearly all installations with privatized housing, the Department has implemented numerous other reforms such as establishing a Chief Housing Officer and Deputy Assistant Secretary for Housing, establishing resident advocates, implementing new housing standards and inspection requirements, launching a publicly available resident complaint data base, and other measures. If confirmed, I will ensure that the Department continues to improve the safety, quality, and habitability of privatized housing, and to further enhance the Department's oversight of the MHPI program and projects.

*Question.* If confirmed, what would you do to ensure accountability among DOD leaders for oversight of the privatized housing program?

*Answer.* I recognize the importance of holding DOD leadership accountable for providing appropriate oversight of the privatized housing program, as envisioned at the beginning of the MHPI program. If confirmed, I will ensure that DOD leadership at all levels provides necessary oversight to ensure that MHPI projects deliver safe, quality housing for servicemembers and their families and that they hold the MHPI companies accountable for project performance in accordance with project legal agreements. In addition, I will fully support the inclusion of MHPI program oversight as a performance measure for DOD civilian and military leaders with DOD housing oversight responsibilities.

*Question.* If confirmed, what would you do to improve applicable business operations constructs and vest accountability in MHPI contractors for strict compliance with the terms of their public-private partnership agreements with the Department of Defense?

*Answer.* The success of the Military Housing Privatization Initiative relies, in part, on the MHPI companies and projects abiding by the terms of the project ground lease and associated legal agreements that comprise the project deal structures, and for those deal structures to incentivize good performance. If confirmed, I will request that Military Departments review the MHPI project legal agreements to ensure that they are enforcing existing standards of performance and to identify any areas where they should seek renegotiation of the terms of those agreements to incorporate clear and enforceable performance standards at the appropriate low-level, and penalty provisions for failure to meet performance standards.

*Question.* What are your views of the efficacy of the MHPI reforms enacted in the Fiscal Year 2020 NDAA, as amended by subsequent NDAAs?

*Answer.* These reforms, especially the implementation of the MHPI Tenant Bill of Rights, have been transformative in ensuring DOD takes necessary actions to improve the MHPI program and to rebuild trust, which creates a positive living experience for servicemembers and their families. If confirmed, I will embrace my responsibilities as the DOD Chief Housing Officer to oversee the Department's implementation of any remaining MHPI reforms and to hold DOD leadership and the private sector MHPI companies accountable for their project oversight and performance.

*Question.* What do you believe to be the root causes of the MHPI crisis?

*Answer.* I understand that there was inadequate privatized housing oversight compared to what was originally envisioned at the outset of the MHPI program, which included exercising authorities in the project legal agreements to hold the MHPI companies accountable for project performance. If confirmed, I am committed to providing rigorous oversight in my role as the Department's Chief Housing Officer, and to ensuring the Military Departments hold MHPI companies accountable for providing safe, quality housing for servicemembers and their families that is responsive to any concerns raised by servicemembers and their families.

*Question.* Do you believe the DOD has rectified these problems, notwithstanding Congress's continued receipt of complaints from military families?

*Answer.* I believe the Department has made significant progress in rectifying the underlying oversight issues that caused the MHPI housing crisis, including implementing the MHPI Tenant Bill of Rights at nearly 100 percent of military installations with privatized housing. However, I also believe there is room for additional improvement, including implementing the remaining reforms. If confirmed, I will work with the Military Departments in my capacity as the Chief Housing Officer to ensure they continue to implement required reforms that will strengthen their oversight, hold MHPI housing companies accountable, and provide safe, quality housing for servicemembers and their families.

*Question.* If not, what would you do differently to address this issue, if confirmed?

*Answer.* I believe in a proactive approach. If confirmed, I will work in my capacity as the Chief Housing Officer to ensure the Department of Defense continues to strengthen its oversight responsibilities and hold MHPI housing companies accountable for addressing complaints from military families.

*Question.* What role would you establish for yourself, if confirmed, in ensuring that the Department of Defense's use of direct hire authority to fill vacancies in military installation housing offices results in the timely hire of highly qualified individuals to perform these critical duties?

*Answer.* The MHPI housing crisis was due, in part, to reduced oversight of the privatized housing projects. I understand that the Military Departments have since hired more than 600 additional housing staff to provide necessary MHPI project oversight. If confirmed, I will ask the Military Departments to provide an update on their housing manpower requirements and take action as necessary to ensure they utilize all available and appropriate hiring authorities to augment staffing at their installation housing offices.

*Question.* If confirmed, how would you view and order your relationship with the private contractors who own and manage the privatized housing agreements with the DOD?

*Answer.* I believe in a proactive approach based on open communication. The Chief Housing Officer is responsible for oversight of all aspects of the MHPI program. If confirmed, I will ensure that the Military Departments exercise all available authorities within the project legal agreements to hold MHPI companies accountable for providing safe, quality housing for servicemembers and their families.

*Question.* What do you view as your obligations to these partners?

*Answer.* The Chief Housing Officer must ensure that the Military Departments adhere to the terms of the MHPI project legal agreements and provide appropriate oversight staff and support for the full implementation of the Tenant Bill of Rights. If confirmed, I will expand opportunities for open lines of communication and increased visibility with each of the private sector MHPI companies and support and encourage their efforts to improve their respective privatized housing portfolios, while also working with the Military Departments to hold MHPI companies accountable for providing a positive living experience for servicemembers and their families.

*Question.* What do you view as your obligations to the servicemembers and family members who reside in military housing?

*Answer.* Servicemembers and their families expect and deserve a safe and secure place to live in return for the sacrifices they make for our Nation. If confirmed, my priority as the Department's Chief Housing Officer will be to ensure the Department

of Defense meets its obligation to provide members of the armed forces and their families with access to safe, quality, affordable housing.

*Question.* What are your views on establishing command accountability by having MHPI issues become a part of the performance evaluations of base commanders and their senior enlisted counterparts? Do you believe that both civilian and uniformed individuals should be held accountable for failures?

*Answer.* I believe accountability is a critical core value for any organization and that all personnel, whether civilian or uniformed service, should be held accountable for their performance. If confirmed, I will fully support the inclusion of MHPI oversight responsibilities as a performance metric to be considered as part of performance evaluations for base commanders and their senior enlisted counterparts. I will also support granting commanders the requisite authorities and resources at the appropriate lowest level for supervision and oversight.

*Question.* Given the challenges associated with the MHPI, do you support the further privatization of the Military Service lodging facilities?

*Answer.* If confirmed, I would want to have a better understanding of the details of this practice and other business models that could enhance military service lodging to explore best practices to improve the efficiency and quality of these programs. Local conditions should always inform decisions on this matter.

#### BASE REALIGNMENT AND CLOSURE

*Question.* In past years, DOD has requested congressional authorization to conduct another Base Realignment and Closure (BRAC) round.

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

*Answer.* While I am aware the Department of Defense has excess infrastructure capacity, I am currently not in a position to fully understand how the Department's real property portfolio aligns with current and future needs across the Military Departments. I believe that BRAC is one of many tools available to address underutilized and excess infrastructure. If confirmed, I would also work closely with Congress to shape the definition, goals, and authorities required if BRAC was deemed necessary.

*Question.* Were Congress to authorize another BRAC round, what is your understanding of the responsibilities that would be assigned to the ASD(EI&E) for formulating BRAC recommendations? If confirmed, how would you plan to execute these responsibilities?

*Answer.* In my opinion, EI&E is the appropriate office within the Department to oversee and facilitate a BRAC round should it be authorized by Congress. The Secretary and other senior leaders, such as the Chairman of the Joint Chiefs and the Secretaries of the Military Departments, would set the strategic framework and determine the final recommendations. Implementing BRAC requires coordination with the Military Departments, Combatant Commands, and other appropriate stakeholders. It will be executed in accordance with the BRAC authorization enacted by the National Defense Authorization Act.

*Question.* If confirmed, specifically what would you do to improve the accuracy of DOD excess capacity estimates?

*Answer.* Decision-quality data is necessary to make informed decisions about the Department's excess capacity. If confirmed, I will work with the Military Departments, Combatant Commands, and other appropriate stakeholders to ensure the Department undertakes the necessary analyses to have a full understanding of its excess capacity.

*Question.* How would you undertake execution of these responsibilities?

*Answer.* If confirmed, I would rely on a range of subject matter experts to assess the Department's infrastructure needs and review available options to properly align the infrastructure with the mission. I would coordinate with all Military Departments, Combatant Commands, and appropriate stakeholders to ensure that any recommendations are consistent with the National Defense Strategy and meet all legislative requirements.

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

*Answer.* If confirmed, I will work closely with the Military Departments, Combatant Commands, and other appropriate stakeholders to determine the best approach to BRAC implementation, while ensuring that all BRAC recommendations meet NDAA requirements and enhance installation military value to support mission requirements and the National Defense Strategy.

*Question.* With a view to helping DOD measure its reduction of excess infrastructure, would there be value—in any future BRAC round—in setting targets for eliminating excess capacity, in your view?

*Answer.* If confirmed, I will work with the Military Departments, Combatant Commands, and other appropriate stakeholders to assess excess capacity. Based on this assessment, the Department can determine if there is value in setting an infrastructure reduction target or whether it is better to have flexibility to focus on broader policy objectives.

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

Do you believe such issues could be anticipated and addressed suitably in a future BRAC round, and if so, how?

*Answer.* It is my understanding that the BRAC 2005 round had high implementation costs due to its transformational nature, including deliberate decisions to build new infrastructure at locations that received missions from closed or realigned installations. If confirmed, I will examine ways to better anticipate costs, project savings, and meet the goals established by the BRAC authorization.

*Question.* What is your view of the efficacy of DOD's process of "bundling" multiple stand-alone realignments or closures into a single BRAC recommendation? How does "bundling" affect visibility into the estimated costs and savings generated by an individual closure and realignment?

*Answer.* If confirmed, I will review the efficacy of how past realignments or closures were recommended to the BRAC commission. I am committed to ensuring cost and savings are clearly justified and visible as part of BRAC implementation and may require a more detailed approach.

*Question.* What steps has the DOD taken to share with the Military Departments and Services its "lessons learned" from the environment remediation in support of the redevelopment of military bases closed under BRAC—particularly with respect to the remediation of emerging contaminants?

*Answer.* I understand that OSD and the Military Departments have issued numerous policies and guidance that take into account "lessons learned" across the environmental remediation programs, including those related to the remediation of emerging contaminants. If confirmed, I will seek a better understanding of how "lessons learned" are incorporated into future actions affecting the redevelopment of closed military bases.

*Question.* If confirmed, and if Congress were to authorize another BRAC round, how would you apply these "lessons learned" proactively to new realignments and closures?

*Answer.* If confirmed, I will examine ways to better anticipate costs, project savings, meet the goals established by the BRAC authorization and promulgate comprehensive DOD guidance to new realignments and closures.

#### INSTALLATION MODERNIZATION AND RESILIENCE

*Question.* Decades of underinvestment in DOD installations has led to substantial backlogs in facilities maintenance, while making it more difficult for DOD to leverage new technologies that could enhance installation efficiency and productivity. Yet, the quality of installation resilience directly impacts the entire spectrum of military operations—from force development through power projection, interoperability with partner nations, and force sustainment—while providing an appropriate quality of life for servicemembers and their families.

In your view, does the DOD receive adequate funding for its installations? Please explain your answer.

*Answer.* The continuing challenge is to balance warfighter capability with installation support to enhance lethality. I recognize that the Department must prioritize its limited resources across a wide range of critical priorities. If confirmed, I will work with the Military Departments, Combatant Commands, and other appropriate stakeholders to analyze funding allocations for installations to gain a comprehensive understanding of resources versus the requirements. If there is not adequate funding for installations, I would recommend an increase of resources to address deficiencies in a prioritized and systematic manner consistent with need.

*Question.* In your view, how is the readiness of DOD installations linked to the readiness and lethality of the Armed Forces?

*Answer.* In my view, the installation is the weapons system and is foundational to the readiness and lethality of the force. They serve as initial maneuver platforms from which the Department can deploy troops around the globe and coordinate and control various mission-related functions for those units once deployed. This makes

our installations critical to providing a distinct advantage to our warfighters over our adversaries.

*Question.* If confirmed, do you have specific plans to leverage infrastructure and modernization to improve the quality of life for DOD servicemembers and their families?

*Answer.* If confirmed, I plan on collaborating within DOD and with industry experts on what measures could be taken to apply modernization to installations that will increase the Quality of Life for our servicemembers and their families. I will also work with Military Departments to get an understanding of how to effectively support the forces through expediting the clearance of maintenance backlog and the streamlined incorporation of innovative technologies available to increase facility efficiency and mission productivity.

*Question.* The Department has the goal of a 90 percent funding requirement for Facilities Sustainment, Restoration, and Modernization (FSRM). This goal does not buy down risk on the billions of dollars of backlogged projects, however. The Fiscal Year 2025 NDAA mandated that each military department achieve a minimum 4 percent plant replacement value by 2030 with smaller metrics to be met beginning in 2027.

If confirmed, how will you ensure this 4 percent requirement is met and the outdated culture of meeting 90 percent of a 100 percent requirement is met? Please explain your answer.

*Answer.* This issue will not improve over time, underscoring the tensions between warfighter requirements and aging infrastructure. I also understand this is an issue important to Congress. If confirmed, I will assess the Department's approach to prioritizing and funding investments in our infrastructure. Working with the Military Departments, Combatant Commands, and appropriate stakeholders, I will develop Department-level guidance and oversee infrastructure investments in execution to ensure the money is spent on the appropriate priorities. I will work with organizations across the DOD and Congress to balance increasing funding and reducing unneeded infrastructure to ensure investments enhance military readiness and warfighter lethality.

*Question.* In recent years, the Department has responded to committee requests for information saying the Department would be in favor of a multi-year FSRM budget to align with the authorization time of the military construction authorization of 3 years.

What is your view of moving FSRM from a 1-year authorization to a 3-year authorization? What benefits would be realized from such a move?

*Answer.* The potential benefits of a move to 3-year authorization include a better planning and execution period, budget predictability and stability, and alternate execution opportunities, which could be more attractive to DOD business partners. While moving to a 3-year FSRM authorization could provide some benefit to the Department, I believe the Department should move forward cautiously to determine the added value of a longer authorization. Specific performance, execution, and delivery metrics would be necessary to ensure that 3-year money is spent as intended. I understand the Commission on Programming, Planning, Budgeting, and Execution (PPBE) Reform presented a case study in their report that examined the limitations of FSRM as a 1-year appropriation. I commit to reviewing their findings.

*Question.* If confirmed, would you advocate for this change throughout the Department of Defense?

*Answer.* If confirmed, I would advocate for the Department to evaluate all options with regard to enhancing the flexibility and increasing the efficiency of FSRM funding. This may include a series of pilots to be executed with oversight from my office to determine the overall value of increasing the availability period. I believe that oversight and accountability of resources allocated for facility sustainment, restoration, and modernization are critical in a resource-strained environment. I will work with all stakeholders to ensure these funds are managed appropriately and effectively.

*Question.* Military Construction (MILCON) accounts have failed to see the same amount of growth over the last several years as have other accounts such as procurement and research and development.

If confirmed, what arguments would you advance to advocate for additional MILCON dollars during budget builds? Please be descriptive.

*Answer.* If confirmed, I would focus on the key enabling role our infrastructure plays in supporting our Armed Forces and advocate for additional infrastructure investments through all funding sources, including MILCON. I would highlight the Department's investments in the IndoPacific, critical DOD infrastructure, and shipyards as good examples of missions that require immediate MILCON investments to increase our readiness and warfighting capabilities to enhance lethality.

*Question.* The DOD defines “installation resilience” as the capability of a military installation to avoid, prepare for, minimize the effect of, adapt to, and recover from extreme weather events, or from anticipated or unanticipated changes in environmental conditions. The range of threats against which a military installation must maintain resiliency is ever-growing, including: cyber threats, physical attacks, political influence, and extreme weather events.

Given the 2022 NDS, what priority in the DOD program would you accord the survivability of DOD expeditionary advanced bases, forward operating bases, and other locations?

*Answer.* The survivability and credibility of our DOD forward presence are essential to Joint deterrence and lethality. If confirmed, I will work with my counterparts in OSD, the Joint Staff, the Services, and the Combatant Commands to ensure the Department has a network of bases that can withstand cyber, kinetic, and extreme weather-related risks, and fully support warfighting requirements.

*Question.* What is your understanding of the Department’s efforts to assess and prioritize facility requirements for prepositioned forward fuel, stocks, and munitions, as well as to generate options for non-commercially dependent distributed logistics and maintenance—all to ensure logistics sustainment in the face of persistent multi-domain attack?

*Answer.* It is my understanding that the facility requirements supporting logistics sustainability are assessed by the Combatant Commands and prioritized through a collaborative engagement with stakeholders. If confirmed, I will work with the Assistant Secretary of Defense for Sustainment, our Combatant Commands, the Joint Staff, the Defense Logistics Agency, and other appropriate stakeholders to assess and prioritize the facility requirements for supporting logistics sustainment.

*Question.* How is DOD addressing significant challenges with resilient storage for new generations of high-yield munitions in theater?

*Answer.* While I am not completely familiar with all aspects of new generations of munitions, I am generally aware that there is a need to modernize and improve munition storage facilities in theater. If confirmed, I will work closely with the Services and Combatant Commands to address these challenges.

*Question.* In your view, how can the capability and capacity of ordnance magazines at ordnance installations be enhanced—with a view to ensuring the most efficient resupply of war fighters and minimizing strategic lift requirements?

*Answer.* If confirmed, I will work closely with the Services and Combatant Commands to evaluate new and emerging technologies to adopt the most efficient and effective strategies and facilities to better support our Warfighters.

#### EXTREME WEATHER EVENTS

*Question.* Section 2801 of the fiscal year 2020 NDAA required each major military installation to include military installation resilience in each installation’s military plan.

If confirmed, how would you ensure these plans are completed and shared with this Committee?

*Answer.* Military installations serve as force and power projection platforms and thus must be resilient to kinetic, cyber, and extreme weather-related risks. If confirmed, I will work across the Department to assess and mitigate extreme weather-related impacts on operations. This will include completing the military installation resilience portion of the Installation Master Plans and sharing those plans in a manner consistent with the law and the Secretary’s direction.

*Question.* In 2018 alone, extreme weather caused roughly \$9.0 billion in damage at military bases across the United States.

How would you assess the readiness and resource impacts on the DOD from recent extreme weather events?

*Answer.* Installations are essential to supporting a trained, ready, and deployable force. I understand from my time at both Tyndall and Eglin Air Force Bases how extreme weather events can have a sharp and sustained impact on the ability of an installation to effectively carry out military missions. Actions that support rapid recovery from kinetic, cyber, and extreme weather events send a clear message of deterrence to potential adversaries. If confirmed, I will focus the Department’s efforts on a risk-informed approach to assess the readiness and resource impacts on DOD from recent extreme weather events.

*Question.* In your view, how can the DOD best mitigate risks to Department missions and infrastructure associated with extreme weather events?

*Answer.* To effectively mitigate risks from extreme weather events, the Department should leverage validated solutions developed through research and development programs that provide cost-effective approaches for infrastructure and instal-

lation resilience. By continuing to invest in innovative research and demonstration programs that draw on top talent from industry, universities, and Federal partners, we can ensure our installations maintain mission readiness while adapting to increasing extreme weather challenges. If confirmed, I will focus the Department's efforts using a risk-informed approach that emphasizes lethality and operational resilience.

*Question.* If confirmed to be the ASD(EI&E), how would you update the DOD Building Requirements Unified Facilities Criteria to incorporate designs more resilient to the effects of extreme weather events to ensure that MILCON-funded structures exist and remain fully functional for their intended lifecycles?

*Answer.* Construction projects are expected to last decades and can have significant near-and long-term impacts. While project expediency is critical, I am committed to assessing and mitigating near-and long-term consequences to military readiness for our servicemembers and their families. If confirmed, I will work with organizations across DOD to assess and refine the current Building Requirements Unified Facilities Criteria.

#### ENERGY RESILIENCE

*Question.* It is essential that the DOD maintain the capability to sustain critical operations in the event of intentional and unintentional grid outages.

If confirmed, what would you do to inculcate energy resilience as a mission assurance priority for the DOD?

*Answer.* Energy resilience is key to maintaining the readiness of our installations and posture. If confirmed, I will work with my counterparts in the Military Departments, Combatant Commands, defense agencies, and interagency partners to continue to identify energy resilience gaps for critical missions and prioritize DOD investments in energy projects based on mission assurance assessments.

*Question.* If confirmed, what steps would you take to direct the execution of projects (MILCON or non-DOD funded) to fill gaps in individualized Installation Energy Plans, to oversee the execution of these projects, and to identify and remediate resilience gaps both on-and off-DOD installations?

*Answer.* If confirmed, I will continue to make individualized Installation Energy Plans the foundation of DOD planning for energy resilience investments and work with the Military Departments and Combatant Commands to prioritize the planning and execution of MILCON-funded projects based on contribution to mission assurance for the DOD enterprise. I would also work with others across DOD, the interagency, local communities, and industry to identify and address energy resilience gaps "off the installation," and pursue opportunities available to address resilience gaps both on and off DOD installations.

*Question.* In your view, how can the DOD better integrate energy security and resilience as standard components of its MILCON projects and programs?

*Answer.* It is my understanding that the Department leverages the Energy Resilience and Conservation Investment Program (ERCIP) as the primary mechanism for enhancing installation energy resilience via MILCON appropriations. If confirmed, I will work with the Military Departments, Combatant Commands, and other appropriate stakeholders to seek opportunities to integrate energy security and resilience into DOD's MILCON projects and programs, such as ERCIP.

*Question.* In your view, how can DOD and Joint Force training exercises and wargames better incorporate real-world scenarios regarding energy-related threats and constraints—such as the availability of fuel in the IndoPacific and assessing black start abilities in response to a cyberattack on commercial electric grids?

*Answer.* In my view, effective DOD and Joint Force training exercises and war gaming depend on robust and well-developed scenarios that reflect real-world threats to energy security. If confirmed, I will work to ensure that well-developed and validated scenarios reflecting these threats are made available for and integrated with war gaming and training exercises with the appropriate stakeholders and interagency partners. If confirmed, I also will direct that the lessons learned from black start exercises and cybersecurity readiness resilience exercises are reflected in these real-world scenarios to identify potential risks to energy the IndoPacific and other theatres.

*Question.* Given the DOD's dependence on non-DOD energy sources, how can the public and private sectors best be integrated in installation resilience plans and programs to reduce vulnerabilities, add redundancy, or improve energy management?

*Answer.* If confirmed, I will join with my counterparts across DOD and the interagency to continue to work with utility providers and other industry partners to identify energy resilience vulnerabilities and develop cost-efficient and innovative solutions to reduce vulnerabilities and add redundancy where needed. Given DOD's

position as one of the world's largest energy customers and its critical dependence on commercial power, I will work to increase DOD's use of public-private partnerships via programs like the Environmental Security Technology Certification Program (ESTCP); leverage third-party financing authorities, such as energy performance contracting, that rely on private financing to reduce vulnerabilities and improve resilience and energy management; and leverage programs through the Office of Local Defense Community Cooperation that can serve as resources for communities and installations to partner together to address known vulnerabilities through the planning and construction of infrastructure enhancements—to include energy-related projects.

*Question.* In your view, is the use of stationary micro-reactors a workable option to provide long-term energy resiliency to U.S.-based DOD installations?

*Answer.* On-site nuclear power provides a significant opportunity for the Department to enhance deterrence, increase lethality, and improve the energy resilience at our installations through firm base load power. The Department of Defense is pioneering microreactors with Project Pele, which will be the first Generation IV nuclear reactor constructed outside of China when it turns on in the next few years. If confirmed, I will work to support the formulation of additional reactor programs across the services for future installation energy needs.

*Question.* What is your understanding of the initiatives, if any, the DOD is undertaking with respect to development of long duration grid batteries for use on bases?

*Answer.* As I understand it, the Department works closely with the Department of Energy to jointly fund and execute demonstrations of various long-duration energy storage technologies. These technologies include electrochemical storage and thermal energy storage options. If confirmed, I would also work with industry and academic partners to explore energy storage technology to improve installation resilience against cyber, kinetic, and weather-related risks.

#### AUTHORITIES TO IMPROVE ENERGY RESILIENCE

*Question.* DOD and the Military Departments can use any number of authorities and mechanisms to pursue distributed energy projects that improve installation resilience, increase readiness and mission assurance, and offer long-term cost savings. These include: Inter-Government Support Agreements, Other Transaction Authority, Utility Privatization, Energy Savings Performance Contracts (ESPCs), Utility Energy Service Contracts, Enhanced Use Leases, and the Defense Community Infrastructure Program. ESPCs, in particular, are required by law to deliver cost savings, yet the number of energy contracts have decreased significantly over the last several years. If contracts are written properly, non-DOD-funded mechanisms are excellent ways to lock in cost savings for 25 years, increase resilience, modernize infrastructure, and diversify energy sources.

If confirmed, what steps would you take to streamline the process of writing and awarding contracts that will improve mission assurance through the various DOD energy offices?

*Answer.* I understand the Department is working to improve its overall acquisition processes in order to get mission-relevant solutions “down range” faster. This includes the energy solutions that power our platforms, formations, and installations. If confirmed, I will ensure the Department utilizes all available acquisition authorities and I will explore potential new methods of acquisition to improve budget execution to enhance infrastructure resilience and energy security.

*Question.* In your view, how can the DOD improve its use of the previously mentioned authorities to secure access to advanced energy-related technologies and concepts, including cyber-secure microgrids?

*Answer.* It is my understanding that, in alignment with various statutory and policy imperatives, DOD is favoring the development of resilient and cybersecure microgrids on its installations. Through microgrids, DOD has the opportunity to ensure military installations have reliable energy to power their missions during prolonged grid disruptions or cyber incidents. I also understand the Department continues to leverage Other Transaction Authorities and third-party financing authorities to implement modern and advanced energy technology solutions, including advanced nuclear and advanced geothermal technologies. If confirmed, I look forward to better understanding how the Department can better leverage these alternative financing authorities to address its mission's needs.

*Question.* What is your understanding as to why the number of non-DOD funded energy contracts have decreased over the last several years, and if confirmed, what recommendations, if any, would you have to ensure DOD secures utility savings for must-pay bills?

Answer. I understand that energy contracts at DOD installations are increasingly complex, addressing resilience and incorporating cybersecurity while relying on energy and water cost savings to fund much-needed improvements. In my view, utility costs are expected to increase; however, using third-party financed energy contracts could help mitigate future price increases, and the Department could leverage those utility cost savings to drive infrastructure modernization, increase resilience, and enhance energy security.

#### AREAWIDE CONTRACTS

*Question.* The Fiscal Year 2024 National Defense Authorization Act included language providing the Department with explicit authority to use Areawide Contracts (AWCs) to procure utility services. AWCs are master services agreements with pre-negotiated terms and conditions that allow utilities to provide services in a fast, efficient, and cost-effective manner. Despite this clear authority, the Department is failing to consistently use AWCs in a manner consistent with the legislation.

What is your view of AWCs, and if confirmed, do you commit to follow the statute and issue guidance that allows the use of AWCs to more rapidly initiate and execute energy resilience projects?

Answer. I appreciate Congress' recognition of AWCs' value and the additional potential available by using them. I understand these contracts are already used to some extent across DOD, freeing up significant financial resources for other priorities. However, I believe there may be additional capabilities that these contracts can provide the Department with more widespread usage and additional training. If confirmed, I will explore additional opportunities to leverage AWCs to bolster DOD energy resilience and security, as part of a more proactive toolkit of streamlined resources to rapidly initiate and execute energy resilience projects.

#### OPERATIONAL ENERGY

*Question.* The Department defines operational energy as the energy required for training, moving, and sustaining military forces and weapons platforms for military operations, including the energy used by tactical power systems, generators, and weapons platforms. On the battlefield of the future, warfighters will need exponentially more energy with rapid recharge and resupply over longer operating distances. The quality of electricity will matter too—the DOD's vehicles, sensors, robots, cyber forces, directed energy weapons, and artificial intelligence will be controlled by systems sensitive to fluctuations in voltage or frequency.

If confirmed, what priorities would you establish for DOD investments in operational energy technologies to increase warfighter combat capabilities and reduce logistical burdens?

Answer. In my view, addressing operational energy requirements remains one of the biggest warfighting challenges in the EI&E portfolio. If confirmed, my priority would be to align the Department's operational energy innovation initiatives with the priorities set by the President and the Secretary of Defense. I will align energy innovation for both the Administration's key areas of interest and the DOD Operational Energy Strategy to support the development of the power, energy and thermal management, controls, distribution, and storage solutions to support Warfighter combat capabilities and defense of the Homeland from threats by peer, near-peer, and rogue adversaries.

*Question.* In what specific areas do you believe the DOD needs to improve the incorporation of operational energy considerations and distributed energy resources into strategic planning processes?

Answer. In a contested environment, the availability of energy to the Joint force cannot be guaranteed. If confirmed, I will ensure that DOD understands and incorporates energy constraints into operational planning and addresses those gaps throughout requirements, acquisition, and Planning, Programming, Budgeting, and Execution (PPBE) processes.

*Question.* How can DOD acquisition systems better address requirements related to the use of energy in military platforms to decrease risks to warfighters?

Answer. Given the impact of energy on mission effectiveness and cost, energy supportability requirements should be an integral part of weapons system development and acquisition. If confirmed, I will prioritize strengthening the integration of the Energy Key Performance Parameter (KPP) and energy supportability considerations throughout the requirements, acquisition, and sustainment process aligned with priorities set by the President and the Secretary of Defense. This commitment is driven by the statutory requirements in 10 USC § 2911 and the necessity of ensuring our forces have a secure and reliable energy supply in contested environments.

*Question.* In your view, how can energy supportability that reduces contested logistics vulnerabilities become a key factor in the requirements process?

*Answer.* Clearly defined and data-backed energy-related capability requirements are crucial for the development of energy-supportable systems that are able to operate over long distances in austere environments. If confirmed, I will work with the Military Departments, Combatant Commands, and other appropriate stakeholders to better align analyses in the requirements process with the statutorily required energy key performance parameter.

*Question.* How can the DOD broadly include operational energy improvements in its weapons platforms?

*Answer.* Operational energy must be integrated throughout the lifecycle of a program, from requirements development and system design through sustainment and modernization. If confirmed, I will work to ensure programs assess the benefit of operational energy innovation and improvements during the analyses of alternatives, detailed design, and operations, and as part of system modernization or significant overhauls.

*Question.* In your view, how can the DOD better leverage advancements in data analytics and associated technologies to improve commanders' visibility into fuel consumption by the force?

*Answer.* The Department recognizes the critical need for improved visibility into fuel consumption across the Joint Force. Leveraging advancements in data analytics offers a significant opportunity to enhance operational endurance and readiness. If confirmed, I envision a future where real-time data, coupled with predictive analytics and machine learning, empowers commanders at all levels with actionable insights.

#### ENERGY CONSERVATION

*Question.* What do you perceive to be the core elements of an effective energy conservation strategy for the DOD?

*Answer.* An effective DOD energy conservation strategy requires a multi-pronged approach, prioritizing mission assurance while promoting innovation and collaboration. Key elements include data-driven decisionmaking through robust energy monitoring, aggressive adoption of efficient technologies, cultivating a culture of conservation to reduce consumption, fostering strategic partnerships, and prioritizing lifecycle cost analysis in procurement. Bolstering resilience through onsite generation and enhanced grid security is paramount.

*Question.* What do you perceive to be the most achievable and realistic energy conservation goals for the DOD?

*Answer.* In my view, at minimum, leveraging Installation Energy and Water Plans and the resulting energy project planning and prioritization will strike the right balance between resilience and conservation while exploring additional opportunities. These plans drive a more integrated and systematic approach to energy management through informed energy planning and support a more holistic energy plan with input from stakeholders. If confirmed, I will review opportunities to apply enabling authorities, such as the Energy Act of 2020, to address energy conservation opportunities and progress toward energy reduction goals at installations.

*Question.* What do you consider to be a "stretch goal" for DOD energy conservation?

*Answer.* Any energy conservation effort the Department pursues should focus on measures that enhance warfighter effectiveness, mission support, and lower lifecycle costs. Energy conservation should not come at the expense of lethality.

*Question.* If confirmed, what specific actions would you take to reach these goals, and how would you measure your progress?

*Answer.* If confirmed, I will assess the Department's approach to prioritizing and funding energy efficiency and conservation investments. Trends in energy consumption and performance need to be compared to near-, mid-, and far-term requirements for resilience and mission capabilities. If confirmed, I would work with key energy stakeholders to develop a data-informed approach to measure and achieve energy conservation goals.

*Question.* In your view, what has been the impact of the current DOD energy conservation goals? Please explain your answer.

*Answer.* In my view, energy conservation has increased energy efficiency, enhanced the resilience of our installations, reduced utility costs, and mitigated future price risks. By applying energy conservation measures to improve energy performance, I understand the Department has achieved notable reductions in water and electrical consumption.

## WATER RESILIENCE

*Question.* A secure and reliable supply of water is essential to the Department of Defense's ability to perform its critical missions on installations and in support of operational deployments.

If confirmed, how would you lead the DOD in developing a comprehensive water strategy that addresses research, acquisition, training, and organizational issues?

*Answer.* Consistent access to water is essential to building and maintaining military strength and lethality. Water is critical to supporting the warfighter, protecting health, conducting mission-essential operations, and sustaining the defense industrial base. If confirmed, I will continue the Department's work to improve resilient installation capabilities that reduce risk and allow for quick recovery from disruptions.

*Question.* What actions has the DOD already undertaken to improve access to sustainable water sources in drought-prone areas across the United States and the globe, and with what result?

*Answer.* As I understand it, the Department evaluates installations' water source conditions to identify risks to water under adverse conditions such as wildfire and drought. The DOD also manages water resources serving installations in the western U.S. and tracks water rights to promote water security and maintain a competitive advantage. The collection and management of water rights support DOD's mission by supporting planning, preparing, and providing for an adequate water supply and proactively addressing current and potential curtailments.

*Question.* What progress is the DOD making in developing and implementing a technology roadmap to address capability gaps for water production, treatment, and purification?

*Answer.* It is my understanding that DOD is integrating data on water availability, quality, and infrastructure conditions to identify areas where technology or resources are lacking, enabling more targeted investments in innovative solutions. Once areas are identified, this data will support water resilience and infrastructure investments.

*Question.* What actions has the DOD undertaken to improve water conveyance systems to reduce loss, recapitalize aging infrastructure, and meet installation mission requirements?

*Answer.* As I understand it, DOD has developed the Water Management and Security Assessment that centralizes installation water resilience data, including those about aging infrastructure and leak detection. Assessment results support risk-informed prioritization of actions to ensure installation water security and strategically focus investments. If confirmed, I will continue to support water resilience efforts that build military strength and lethality.

## EMERGING CONTAMINANTS

*Question.* Per- and Polyfluoroalkyl substances (PFAS) contamination associated with military chemical spills and past use of AFFF are a concern for Congress, DOD, and military families.

If confirmed, what role would you establish for the ASD(EI&E) in addressing potential PFAS contamination at DOD installations and operational platforms?

*Answer.* I understand Congress codified the DOD PFAS Task Force in the law and established the ASD(EI&E) as the chair in 2021. If confirmed, I will ensure that DOD continues to aggressively address PFAS in a comprehensive manner across the Department while working with the interagency and community partners.

## ENVIRONMENTAL RESTORATION

*Question.* Funding for the DOD's environmental restoration program remains a significant part of the DOD's overall environmental program budget.

What do you see as the main priorities for environmental cleanup and restoration in the context of the DOD program?

*Answer.* I understand the Department has made significant progress over the years to address contamination from its past activities, and there is still work to be done.

If confirmed, I will prioritize high-risk locations. The main priorities for environmental cleanup will include areas with the highest risk to human health and locations where cleanup will provide additional lands to support the DOD mission.

*Question.* If confirmed, what specific steps would you take to ensure that the DOD continues to program, budget, and execute adequate funding to permit cleanups under the Installation Restoration and Military Munitions Remediation Programs so that they continue apace?

Answer. If confirmed, I will work with the Military Departments to ensure these important programs receive appropriate support through the programming, budgeting, and execution process.

#### ENCROACHMENT ON MILITARY INSTALLATIONS

*Question.* Competition for space and other forms of encroachment continue to challenge the resiliency of DOD ranges and amplify the need for larger hazard areas to execute training, attesting, and operations to meet NDS requirements.

In your view, can virtual testing and training solutions contribute to the DOD's ability to meet capability requirements and mitigate the adverse effects of encroachment? If so, how.

Answer. In my opinion, the Department's test and training complexes are national treasures and vital to warfighter readiness and lethality. Virtual solutions can never fully replace physical ranges, but they can enhance and augment test and training capabilities and remain an important tool for research, development, and operational effectiveness and efficiency.

*Question.* If confirmed, how would you contribute to the DOD in projecting future operations, testing, and training range requirements?

Answer. If confirmed, I will work within the Department and with the Combatant Commands to evaluate/determine future operations, testing, and training range requirements and ensure that the assets supporting these requirements are protected. I would explore expanding programs such as the Readiness and Environmental Protection Integration (REPI) program to protect future operations, testing and training ranges. REPI enables DOD to work with other Federal agencies, State, and local partners to protect assets such as critical air space from incompatible development.

*Question.* How would you structure your role as the ASD(EI&E), if confirmed, with respect to engaging with communities surrounding DOD ranges and training areas, to address and resolve concerns, while ensuring the resilience of range capabilities?

Answer. Community engagement is an important aspect of EI&E's work—the Department lives and works within the local community. I believe the various programs under the Office of Local Defense Community Cooperation, specifically the Installation Readiness Program, the Readiness and Environmental Protection Integration (REPI) program, and the Defense Community Infrastructure Program (DCIP) offer some of the best means for engaging the community. Collaboration with the local community fosters cooperation with military installations to enhance the military mission and enrich the community.

*Question.* If confirmed, how would you address the challenging demands for compensation for noise impacts being levied by communities surrounding DOD installations?

Answer. The Community Noise Mitigation Program—which supports the installation of insulation for some communities impacted by military fixed-wing aviation noise—is a tool that the Department can use to work with specific communities to address these types of problems. If confirmed, I will work to see what approaches can help alleviate noise concerns while ensuring DOD mission success.

One significant tool the DOD can use to mitigate impacts of base encroachment and preserve natural habitat buffers to bases is the Readiness and Environmental Protection Integration Program. Another avenue to mitigate potential conflicts between base radar and energy development is software updates and the modernization of radars, which are often paid for by energy developers.

*Question.* If confirmed, what new ideas would you propose as means for addressing this issue?

Answer. If confirmed, I will work with interagency and intergovernmental partners at the Federal, State, and local levels, as well as with industry, to identify new and innovative approaches to ensure the continuity of DOD's mission and readiness while also ensuring critical energy development. I will focus the Department's efforts on finding solutions through early engagement and identifying areas of concern that emphasize military lethality, and work to keep those areas and capabilities unimpeded, alongside industry if applicable.

*Question.* If confirmed, what policies or steps would you take to balance the trade-off between energy development, radar modernization, and impact on operations and training?

Answer. If confirmed, I will work with the Military Departments, intergovernmental partners, industry, and academia to integrate efforts and identify sustained radar updates and modernization solutions to defend the Homeland against adversarial attacks. I will engage proactively with industry to overcome radar inter-

ference through early engagement on the identification of areas of concern that emphasize military lethality and work to keep those areas and capabilities unimpeded.

#### REAL PROPERTY ACCOUNTABILITY

*Question.* DOD manages a portfolio of real property assets that, at last report included about 586,000 facilities—including barracks, maintenance depots, commissaries, and office buildings. The combined replacement value of this portfolio is almost \$1.2 trillion and includes about 27 million acres of land at nearly 4,800 sites worldwide. This infrastructure is critical to maintaining military readiness. Since 1997, DOD Infrastructure Management has been on the Government Accountability Office (GAO) “High Risk List.”

If confirmed as the ASD(EI&E), what actions would you take to better align infrastructure to changing DOD force structure needs?

*Answer.* If confirmed, I will work with the Military Departments and Combatant Commands to explore all options to enhance the Department’s ability to restore lethality to our forces in the most efficient way possible, including examining how our current infrastructure is supporting the operational requirements of the warfighter.

*Question.* Is DOD’s joint basing program currently achieving its goals, in your view? What additional opportunities exist, if any, to reduce duplication of effort? If confirmed as ASD(EI&E), what actions would you take to avail the Department of such opportunities?

*Answer.* If confirmed, I plan to partner with the Military Departments and Combatant Commands to assess the effectiveness of the joint basing program. Through this assessment, I believe we can identify opportunities to improve the program’s effectiveness and reduce duplication of effort while enabling the important missions that call these joint bases home.

*Question.* Do you believe the DOD currently maintains excess infrastructure overseas? Please explain your answer. How would you seek to address the number, placement, and mission assurance of overseas infrastructure, if confirmed?

*Answer.* I am not currently in a position to determine how much, if any, excess infrastructure the Department maintains overseas. Decision-quality data is necessary to make informed decisions about the Department’s excess overseas capacity. If confirmed, I will work with the Military Departments, Combatant Commands, and other appropriate stakeholders to ensure the Department undertakes the necessary analyses to ensure our overseas infrastructure efficiently and effectively supports force posture, mission requirements, and National Defense Strategy implementation.

*Question.* If confirmed as the ASD(EI&E), how would you go about relocating functions from commercial leased space to existing space on a DOD installation—reducing leases and better utilizing excess space?

*Answer.* If confirmed, I will work with the Military Departments, Defense Agencies, the Government Services Agency, DOD Field Activities, and other appropriate stakeholders to smartly identify opportunities to relocate functions from commercial leased spaces to existing space on DOD installations while ensuring minimal disruption to operations. I am committed to improving the utilization of our existing space and reducing unnecessary expenditures on leases.

*Question.* In November 2018, GAO reported that DOD’s Real Property Assets Data base contained inaccurate data and lacked completeness: DOD was missing utilization data for about 93,600 facilities.

In your view, what are the key components of a sound and sustainable process to account for the existence and status of the DOD’s real property assets?

*Answer.* A sustainable real property accounting process for DOD requires visibility to support informed decisionmaking. Visibility relies on detailed, accurate, and consistent data collection through regular inventories and condition assessments that reflect capabilities on the ground. Beyond clear DOD guidance, I believe a key component of this process is consolidating data from different real property records into a single, comprehensive data base. Such a system should provide sufficient tracking, reporting, and lifecycle cost analysis capabilities to enable informed decisionmaking.

*Question.* The cost of construction in remote overseas locations is particularly expensive. When these locations are designated as accompanied tours, this cost is magnified by requirements for support facilities such as schools, larger hospitals, and family housing units.

What is the value in designating remote locations as accompanied tours, in your view?

*Answer.* It is my understanding that this designation is designed to increase the quality of life for servicemembers and families by providing continuity of operations in remote areas, decreasing family separations, and reducing staff separations. If confirmed, I will consult with the Department's subject matter experts in the Office of the Undersecretary of Defense for Personnel & Readiness to assess the value and the cost of designating remote locations as accompanied tours.

*Question.* In your view, what is the appropriate mechanism for deciding whether the value of accompanied tours in this context outweighs the cost associated with constructing and maintaining the facilities required to support military families?

*Answer.* It is my understanding that mission stability and effectiveness are primary factors when considering establishing accompanied tours in remote locations and have a direct impact on recruiting and retention. If confirmed, I will consult with the Department's subject matter experts in the Office of the Undersecretary of Defense for Personnel & Readiness to assess the costs and benefits of designating remote locations as accompanied tours.

*Question.* What are your ideas for reducing the costs of construction at remote locations?

*Answer.* I understand that each remote location has inherently unique challenges for construction, such as the availability of labor, equipment, and materials required, which are unlikely to be available locally and usually must be imported from external markets. If confirmed, I will work with the DOD construction agents and industry to identify innovative acquisition, supply chain, and technical solutions to efficiently execute projects at these locations and throughout the world.

#### 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, and other appropriate committees of Congress, and their respective staffs, with 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, and other appropriate committees of Congress, and their respective staffs, regarding your basis for any delay or denial in providing testimony, briefings, reports, records—including documents and electronic communications, and other information requested of you? Please answer with a simple yes or no.

*Answer.* Yes.

*Question.* Do you agree, without qualification, if confirmed, to keep this committee, its subcommittees, and 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 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.

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[Questions for the record with answers supplied follow:]

SENATOR TOM COTTON

ENVIRONMENT

1. Senator COTTON. Mr. Marks, I hear time and time again that burdensome environmental regulations like NEPA, the Endangered Species Act, and the Marine Mammal Protection Act cause significant delays to critical DOD projects. Let me give you a few examples. An environmental review for a project in Alaska to expand artillery training is expected to take 6 years because of potential effects on the beluga whale. In my own State of Arkansas, a company had to go through a 9-month environmental assessment before it could expand a munitions-production facility, only to find there would be no impact on the environment from the facility expansion. It gets worse: the Air Force could not cut down trees to work on a runway in Tinian—a critical node in the Pacific—for 2 years because a certain bird species that went extinct in the 1990's might come back. Does any of this sound reasonable to you?

Mr. MARKS. While I am not familiar with the details of these specific situations, delays in military construction are concerning and extended delays could jeopardize mission execution. If confirmed, I will review and work with the Military Departments, Combatant Commands, and other appropriate stakeholders to streamline procedures and environmental requirements for Military Construction projects. I will ensure that construction projects can meet mission support schedules while upholding the laws of the United States.

2. Senator COTTON. Mr. Marks, do you believe these timelines to complete environmental reviews are impeding our ability to compete with Communist China?

Mr. MARKS. Any actions that reduce warfighter readiness and their operational capacity are a detriment to national security and impact our ability to deter our adversaries. In my current role, I do not have the information to assess how environmental review processes impact the Department of Defense's readiness posture. If confirmed, I will pursue pathways that streamline and prioritize environmental review timelines to support the Department's mission to address threats here and abroad while upholding the laws of the United States.

3. Senator COTTON. Mr. Marks, if confirmed, will you commit to taking a look at how we can reduce these burdensome requirements?

Mr. MARKS. If confirmed, I will explore and pursue opportunities to streamline Department of Defense (DOD) processes and environmental reviews to support the DOD mission. I will emphasize that DOD environmental reviews and consultation processes should support fast, agile decisionmaking while addressing threats here and abroad and upholding the laws of the United States. I will also commit to working with the Military Departments, Combatant Commands, other appropriate stakeholders, and Congress to identify statutory impediments and streamline where possible.

INFRASTRUCTURE

4. Senator COTTON. Mr. Marks, robust, resilient infrastructure will be critical in the U.S. Indo-Pacific Command (INDOPACOM). There, bases like Andersen, Hickam, and Kadena will be responsible for generating combat airpower to deter and, if required, defeat Communist China. What are your infrastructure priorities for preparing these facilities for conflict in the Pacific?

Mr. MARKS. The survivability and credibility of our Department of Defense forward presence is essential to deterring Chinese aggression in the Indo-Pacific. If confirmed, I will work across the Office of the Secretary of Defense and with the Joint Staff, the Services, and the Combatant Commanders to prioritize survivability of these operating locations while also pursuing other initiatives that increase our ability to deliver combat power.

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## QUESTIONS SUBMITTED BY SENATOR M. MICHAEL ROUNDS

## ARTIFICIAL INTELLIGENCE INFRASTRUCTURE

5. Senator ROUNDS. Mr. Marks, it is critical that the United States remain the global leader on artificial intelligence (AI) development. A significant limiting factor for this national objective is real estate: both the compute and energy infrastructure needed to meet the demands of this initiative require significant physical space. If confirmed, will you work with this committee to make use of Department's substantial land resources to build out the infrastructure we need to maintain and expand U.S. AI dominance?

Mr. MARKS. If confirmed, I will work with the congressional defense committees to maximize the Department of Defense's resources by ensuring effective management of the Department's extensive real estate portfolio, consistent with the Secretary of Defense's priorities. I commit to exploring available Department real estate for artificial intelligence-related infrastructure consistent with other national priorities and the Department's statutory authority to include notification or approval from Congress when required for real estate transactions.

## QUESTIONS SUBMITTED BY SENATOR TED BUDD

## BASE LAND/ENVIRONMENTAL PROTECTION

6. Senator BUDD. Mr. Marks, are you familiar with the DOD's Readiness and Environmental Protection Integration (REPI) program, and if so, what is your view of this program?

Mr. MARKS. I am familiar with the Readiness and Environmental Protection Integration (REPI) program. During my time at Eglin Air Force Base, I found the REPI program to be an effective way to protect the operations, testing and training missions. Our team at Eglin worked alongside other Federal agencies, State, and local partners to protect assets such as critical airspace from incompatible development at a lower cost to the military, saving valuable taxpayer dollars. REPI has a positive return on investment and if confirmed, I will continue to support this valuable tool.

## BASE HOUSING

7. Senator BUDD. Mr. Marks, what are your views on privatization of barracks and other facilities on military installations?

Mr. MARKS. Local conditions should always inform decisions on this matter. Privatization, where feasible, is one of many tools that the Department can use to support the operational requirements of the warfighter. Regardless of the models, Privatized Owners must be held to the highest standards to ensure high-quality dwellings for our servicemembers. If confirmed, I will work with the Military Departments, Combatant Commands, and other appropriate stakeholders on strategies and options to ensure all servicemembers and families have access to safe, quality Department of Defense housing, including barracks.

8. Senator BUDD. Mr. Marks, keeping cost savings and quality of life for servicemembers in mind, do you view it feasible and/or advisable to privatize barracks on military installations?

Mr. MARKS. Privatization is one of many tools that would be considered in this collaboration. If confirmed, I will examine how our current Unaccompanied Housing facilities are supporting the operational requirements of the warfighter. I will also work with the Military Departments, Combatant Commands, and other appropriate stakeholders to explore all options to enhance the Department's ability to restore lethality to our forces in the most efficient way possible.

## MILITARY CONSTRUCTION

9. Senator BUDD. Mr. Marks, Guam is critical to contingencies in the Indo-Pacific and vital for American power projection, yet their existing facilities are still damaged from the devastation caused by Super Typhoon Mawar and susceptible to future typhoons and cyber attacks. Do you believe that the Department of Defense ought to invest in Guam's critical infrastructure and military construction (MILCON) projects?

Mr. MARKS. Yes, I believe the Department of Defense should invest in Guam's critical infrastructure and military construction projects. Infrastructure investment in Guam is crucial to deterrence and operational reach within the Indo-Pacific Region.

10. Senator BUDD. Mr. Marks, a recent report identified that poor initial planning negatively impacted several MILCON projects including a Special Operations Forces (SOF) Training Command Building at Fort Bragg, NC which was delayed several years and cost over \$10 million more than originally projected. How do you view your role in ensuring the efficient execution of military construction projects?

Mr. MARKS. If confirmed, my role would be to work with the Military Departments and Department of Defense Construction Agents to maintain effective oversight of all the Department's infrastructure investment programs. This includes ensuring requirements are addressed at the planning stage of any project and directly engaging with key project stakeholders at all stages of the project lifecycle to effect change that delivers capabilities at the speed of relevance and at reasonable cost.

11. Senator BUDD. Mr. Marks, if confirmed, how will you work to improve information sharing within DOD to improve execution of military construction projects and create cost savings?

Mr. MARKS. Effective information sharing is essential to manage the complex execution of military construction projects throughout the Department. If confirmed, I intend to implement actions to improve transparency, streamline decisionmaking, and drive information sharing between key stakeholders through tools available better to track the status and readiness of these projects.

#### NUCLEAR ENERGY

12. Senator BUDD. Mr. Marks, can you please outline your perspective on mobile, modular micro-nuclear reactor technology and whether it has promise for expeditionary use?

Mr. MARKS. The Department of Defense (DOD) faces kinetic, cyber, political-economic, and weather-related risks affecting the energy our forces and installations need. I understand the Military Departments are already pursuing initiatives for fixed reactors at our installations, and the Strategic Capabilities Offices is developing a prototype mobile micro-reactor. If confirmed, I will ensure that the DOD considers all cost-effective energy sources as options for meeting expeditionary energy needs in contested environments.

#### QUESTIONS SUBMITTED BY SENATOR ERIC SCHMITT

##### PER-AND POLYFLUOROALKYL SUBSTANCES

13. Senator SCHMITT. Mr. Marks, according to the Department's most recent report to Congress in January 2025, "DOD has obligated \$1.86 billion through fiscal year 2023 and plans to obligate \$197.5 million in fiscal year 2024 to address its PFAS [per-and polyfluoroalkyl substances] releases at active installations, National Guard facilities, and FUDS [formerly used defense sites] properties. DOD plans to obligate an additional \$7.09 billion after fiscal year 2024 to address PFAS releases." If confirmed, please describe how you will utilize Class I hazardous waste disposal wells as part of DOD's comprehensive remediation and removal plan and what you will do to increase the use of this Environmental Protection Agency (EPA)-approved removal options across DOD installations?

Mr. MARKS. I understand that the Department of Defense's 2023 per- and polyfluoroalkyl substances (PFAS) destruction and disposal guidance considered many disposal options, including the availability of Class I hazardous waste disposal wells for liquid wastes. If confirmed, I will ensure the Department continues to allow consideration of Class I hazardous waste disposal wells in any updates to its PFAS destruction and disposal guidance.

14. Senator SCHMITT. Mr. Marks, in April 2024, the EPA released updated guidance on destruction and disposal of PFAS. That guidance encourages the use of Class I hazardous waste underground injection wells among other removal options. DOD has not updated its guidance since July 2023. If confirmed, do you commit to updating the Department's PFAS removal and remediation guidance and similarly encourage the use of Class I hazardous waste underground injection wells?

Mr. MARKS. If confirmed, I will ensure the Department of Defense updates its per- and polyfluoroalkyl substances destruction and disposal guidance to allow the use of disposal and destruction technologies at facilities with environmental permits or regulator approval where a permit is not required.

15. Senator SCHMITT. Mr. Marks, will you ensure that all commercially available, cost-effective, and Environmental Protection Agency permitted and approved per-

and polyfluoroalkyl substances (PFAS) removal and remediation solutions will be clearly approved for use all DOD installations?

Mr. MARKS. If confirmed, I will ensure the Department of Defense updates its per- and polyfluoroalkyl substances (PFAS) destruction and disposal guidance to include updated information from the Environmental Protection Agency's 2024 guidance update. I recognize the Department requires multiple options for the destruction or disposal of its PFAS wastes and will ensure a continued focus on the use of proven technologies at facilities with environmental permits or regulator approval where a permit is not required.

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QUESTIONS SUBMITTED BY SENATOR JACK REED

INSTALLATION ENERGY

16. Senator REED. Mr. Marks, DOD likely faces increased demand for installation energy over the coming years while wanting to reduce utility costs. Increasing the amount of distributed energy for military installations by using non-DOD funded contract mechanisms like energy savings performance contracts (ESPCs), power purchase agreements (PPAs), etc. lock in utility savings for decades. If confirmed do you commit to increasing the amount of non-DOD funded mechanisms to diversify and improve the resilience of its energy assets on installations?

Mr. MARKS. I recognize the significant potential of non-Department of Defense funded contract mechanisms, such as Energy Savings Performance Contracts and Power Purchase Agreements, to address this challenge while enhancing energy security and resilience. If confirmed, I commit to prioritizing and expanding the use of these tools by streamlining processes, providing clear guidance to installations, and prioritizing projects that deliver multiple benefits like energy and water savings and enhanced resilience. Using these mechanisms would support future budgeting of utility costs and mitigate future price increases, allowing for better resource allocation to support the mission.

OPERATIONAL ENERGY

17. Senator REED. Mr. Marks, roughly two-thirds of DOD's total energy use comes from its weapon platforms on the move. While the Air Force creates the vast majority of that fuel demand, the other services play a role as well. Concerted efforts and investments in operational energy improvements will be the primary way DOD can reduce its energy demand in future conflicts as combat operations in the Middle East have already taught us stark and costly lessons. How can DOD ensure its operational energy investments reduce demand for weapons platforms while improving readiness—and which technologies do you find most promising in this area?

Mr. MARKS. I believe we can reduce logistics burdens most effectively by integrating energy supportability in requirements and the acquisition decisionmaking process, leveraging more energy-efficient technologies to improve operational effectiveness and supportability, and developing new concepts of operation. If confirmed, I will conduct a review of relevant technologies such as advanced energy storage, blended-wing bodies, hybridization, and mobile modular reactors to assess alignment with the need for a lethal Joint force able to defend the homeland and deter our adversaries under contested operating conditions.

CLIMATE CHANGE

18. Senator REED. Mr. Marks, how important is it for DOD to mitigate impacts to military installation resilience, given the costly impacts from extreme weather each year, and what will your approach be, if confirmed?

Mr. MARKS. Installations are essential to supporting a trained, ready, and deployable force. I understand from my time at both Tyndall and Eglin Air Force Bases how extreme weather events can have an impact—both sudden and sustained—on the ability of an installation to effectively carry out military missions. Actions that support rapid recovery from kinetic, cyber, and extreme weather events send a clear message of deterrence to potential adversaries. If confirmed, I will focus the Department of Defense's efforts on a risk-informed approach to assess the readiness and resource impacts on Department of Defense from recent extreme weather events.

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## QUESTIONS SUBMITTED BY SENATOR MAZIE K. HIRONO

## INSTALLATION RESILIENCE

19. Senator HIRONO. Mr. Marks, how important is it for DOD to mitigate impacts to military installation resilience given the costly impacts from extreme weather each year, and what will your approach be to this issue, if confirmed?

Mr. MARKS. Installations are essential to supporting a trained, ready, and deployable force. I understand from my time at both Tyndall and Eglin Air Force Bases how extreme weather events can have an impact—both sudden and sustained—on the ability of an installation to effectively carry out military missions. Actions that support rapid recovery from kinetic, cyber, and extreme weather events send a clear message of deterrence to potential adversaries. If confirmed, I will focus the Department of Defense's efforts on a risk-informed approach to assess the readiness and resource impacts on Department of Defense from recent extreme weather events.

## INSTALLATION ENERGY

20. Senator HIRONO. Mr. Marks, DOD will face increased demand for installation energy over the coming years while simultaneously attempting to reduce utility costs. Increasing the amount of distributed energy for military installations by using non-DOD funded contract mechanisms like energy savings performance contracts (ESPCs) and power purchase agreements (PPAs) lock in utility savings for decades. Will you commit to increasing the amount of non-DOD funded mechanisms to diversify and improve the resilience of energy assets on DOD installations?

Mr. MARKS. I recognize the significant potential of non-Department of Defense funded contract mechanisms, such as Energy Savings Performance Contracts and Power Purchase Agreements, to address this challenge while enhancing energy security and resilience. If confirmed, I commit to prioritizing and expanding the use of these tools by streamlining processes, providing clear guidance to installations, and prioritizing projects that deliver multiple benefits like energy and water savings and enhanced resilience. Using these mechanisms would support future budgeting of utility costs and mitigate future price increases, allowing for better resource allocation to support the mission.

## MILITARY HOUSING

21. Senator HIRONO. Mr. Marks, there have been numerous prior year National Defense Authorization Acts (NDAA) that enacted various reforms related to privatized housing and most recently enlisted barracks. How will you ensure that both privatized housing and enlisted barracks continue to get rigorous oversight to minimize the problems military families continue to experience?

Mr. MARKS. I believe the Department of Defense, working with Congress, has made significant progress in rectifying the underlying oversight issues that caused the privatized and Unaccompanied Housing crises. However, I also believe there is room for additional improvement, including implementing the remaining National Defense Authorization Act reforms for all of Department of Defense (DOD) housing. If confirmed, I will work with the Military Departments in my capacity as the Chief Housing Officer to ensure the continued implementation of required reforms that will further strengthen oversight of DOD housing, hold Military Housing Privatization Initiative housing companies accountable, and provide safe, quality housing for all servicemembers and families.

## OPERATIONAL ENERGY

22. Senator HIRONO. Mr. Marks, roughly two-thirds of the DOD's total energy use comes from its weapon platforms on the move. While the Air Force creates the vast majority of that fuel demand, the other services play a role as well. Concerted efforts and investments in operational energy improvements will be the primary way DOD can reduce its energy demand in future conflicts, as combat operations in the Middle East have already taught us stark and costly lessons. How can DOD ensure its operational energy investments reduce demand for weapons platforms while improving readiness—and which technologies do you find most promising in this area?

Mr. MARKS. I believe we can reduce logistics burdens most effectively by integrating energy supportability in requirements and the acquisition decisionmaking process, leveraging more energy-efficient technologies to improve operational effectiveness and supportability, and developing new concepts of operation. If confirmed, I will conduct a review of relevant technologies such as advanced energy storage, blended-wing bodies, hybridization, and mobile modular reactors to assess align-

ment with the need for a lethal Joint force able to defend the homeland and deter our adversaries under contested operating conditions.

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QUESTIONS SUBMITTED BY SENATOR ELIZABETH WARREN

ETHICS

23. Senator WARREN. Mr. Marks, if you are confirmed, will you commit to not seeking any employment with or compensation from a defense contractor, including through serving on a board, as a consultant, or as a lobbyist, for 4 years after leaving DOD?

Mr. MARKS. I will abide by the extensive post-government employment ethics rules required by Federal law. These 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 my office honorably, and I will seek any post-government employment in full compliance with the applicable ethics rules.

24. Senator WARREN. Mr. Marks, if you are confirmed, will you commit to not engaging in any lobbying activities, including unregistered “shadow” or “behind-the-scenes” lobbying under the guise of consulting or advising on DOD-related matters, focused on DOD or any of its components for 4 years after leaving DOD?

Mr. MARKS. I will abide by the extensive post-government employment ethics rules required by Federal law as well as the terms of my Ethics Agreement. These 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 my office honorably, and I will seek any post-government employment in full compliance with the applicable ethics rules.

25. Senator WARREN. Mr. Marks, during your nomination process, did anyone on the Trump campaign, transition team, or other closely related entity approach you about your loyalty to President Trump?

Mr. MARKS. No.

26. Senator WARREN. Mr. Marks, if you were approached about your loyalty to President Trump, did you sign a loyalty pledge or other similar oath? If so, please provide a copy of the text of that pledge or oath.

Mr. MARKS. I was not approached.

27. Senator WARREN. Mr. Marks, if you were approached about your loyalty to President Trump, did you make any verbal representations of loyalty? If so, please describe this representation.

Mr. MARKS. I was not approached.

28. Senator WARREN. Mr. Marks, in November 2024, the New York Times and other news outlets reported that Boris Epshteyn, a top adviser to President Trump, allegedly requested payment from prospective political appointees to promote their candidacies for top positions within the Administration. Did you discuss the possibility of joining the Administration with Mr. Epshteyn at any time?

Mr. MARKS. No.

29. Senator WARREN. Mr. Marks, if you did discuss the possibility of joining the Administration with Mr. Epshteyn, did Mr. Epshteyn seek payment from you for promoting your candidacy for a position within the Administration?

Mr. MARKS. No.

30. Senator WARREN. Mr. Marks, at any time, did lawyers for President Trump or members of President Trump’s team approach you regarding Mr. Epshteyn and the allegations cited above? If so, please explain the information that they provided you (including copies of documents), what was discussed during any calls, and any other information pertaining to this interaction.

Mr. MARKS. No.

31. Senator WARREN. Mr. Marks, were you in contact with Mr. Elon Musk at any time during your nomination process? If so, please describe the nature of those points of contact.

Mr. MARKS. No.

32. Senator WARREN. Mr. Marks, was Mr. Musk present or involved in any interviews you did related to your nomination? If so, please describe the nature of his involvement.

Mr. MARKS. No.

33. Senator WARREN. Mr. Marks, was Mr. Musk involved in any way with your nomination, including but not limited to directly or indirectly contacting Senators regarding their position on your nomination?

Mr. MARKS. No.

34. Senator WARREN. Mr. Marks, who was in the room or participated in any of your interviews regarding your nomination?

Mr. MARKS. My interviews consisted of meetings with a member of Secretary Hegseth's team and then members of the White House Presidential Personnel Office. This was my first time meeting these individuals.

35. Senator WARREN. Mr. Marks, if you own any defense contractor stock, will you divest it to avoid even the appearance of a conflict of interest?

Mr. MARKS. If confirmed, I will comply with the requirements set forth in my Ethics Agreement, which I signed on March 11 and which was previously provided to this committee. I do not own any defense contractor stock.

36. Senator WARREN. Mr. Marks, what do you consider the role of the press in a democracy?

Mr. MARKS. A free press is protected by the U.S. Constitution and is an essential part of our democracy.

37. Senator WARREN. Mr. Marks, do you think it would be an appropriate use of taxpayer resources to "dig up dirt" on journalists who investigate or criticize you, your office, or the Trump administration?

Mr. MARKS. No. Taxpayer resources are a special trust, and it would be inappropriate to do so.

38. Senator WARREN. Mr. Marks, will you commit not to retaliate, including by denying access to government officials or facilities, against news outlets or individual journalists who publish articles that are critical of you, your office, your agency, or the Trump administration?

Mr. MARKS. Yes.

39. Senator WARREN. Mr. Marks, have you requested, or has anyone requested on your behalf, that any other person or third party sign a nondisclosure, confidentiality, non-disparagement, or similar agreement regarding your conduct in a personal or professional capacity?

Mr. MARKS. No.

40. Senator WARREN. Mr. Marks, will you voluntarily release any individual from any such agreements before this committee votes on your nomination?

Mr. MARKS. Not Applicable.

41. Senator WARREN. Mr. Marks, have you ever paid or promised to pay, or has anyone paid or promised to pay on your behalf, an individual as part of any nondisclosure, confidentiality, non-disparagement, or similar agreement?

Mr. MARKS. Not Applicable.

42. Senator WARREN. Mr. Marks, if the answer to the previous question was yes, how much was promised, how much was paid, and what were the circumstances?

Mr. MARKS. Not Applicable.

43. Senator WARREN. Mr. Marks, will you commit to recuse yourself from all particular matters involving your former clients and employers for at least 4 years after you leave DOD?

Mr. MARKS. I will abide by the extensive post-government employment ethics rules required by Federal law. These 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 my office honorably, and I will seek any post-government employment in full compliance with the applicable ethics rules.

44. Senator WARREN. Mr. Marks, will you commit to not seeking employment, board membership with, or another form of compensation from a company that you regulated or otherwise interacted with while in government, for at least 4 years after leaving office?

Mr. MARKS. I will abide by the extensive post-government employment ethics rules required by Federal law as well as the terms of my Ethics Agreement. These 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 my office honorably, and I will seek any post-government employment in full compliance with the applicable ethics rules.

45. Senator WARREN. Mr. Marks, would it ever be appropriate to threaten or imply that you would withhold future contracts from a company if they filed a complaint, bid protest, or cooperated with an Inspector General, civil, or criminal investigation?

Mr. MARKS. No, that would not be appropriate.

CONGRESSIONAL OVERSIGHT AND TRANSPARENCY

46. Senator WARREN. Mr. Marks, what is your understanding of the role of the Department of Defense Inspector General and service Inspectors General?

Mr. MARKS. The Department of Defense Inspector General and the service Inspectors General play key roles in ensuring accountability, efficiency, and integrity within the Department of Defense and its respective military branches.

47. Senator WARREN. Mr. Marks, will you ensure your staff complies with any Inspector General deadlines established for requested communications, providing witnesses, providing documents, and that those witnesses will be protected from reprisal for their testimony?

Mr. MARKS. If confirmed, I will work to comply with Inspector General requests in a timely manner.

48. Senator WARREN. Mr. Marks, if you are not able to comply with any Inspector General requests and deadlines, will you notify the Republican and Democratic Members of this Committee regarding the basis for any good faith delay or denial?

Mr. MARKS. If confirmed, I will work to comply with Inspector General requests in a timely manner. I would defer to the Office of the Inspector General to update Members of the Committee regarding the progress of the Inspector General's ongoing reviews.

49. Senator WARREN. Mr. Marks, if you are confirmed, will you commit to refusing to follow illegal orders from any individual, including the President?

Mr. MARKS. I do not accept the premise that the President will issue me an unlawful order. If confirmed, I will follow the Constitution and the law of the United States.

50. Senator WARREN. Mr. Marks, what actions would you take if you were given an illegal order from any individual, including the President?

Mr. MARKS. I do not accept the premise that the President will issue me an unlawful order. If confirmed, I will follow the Constitution and the law of the United States.

51. Senator WARREN. Mr. Marks, will you commit to testify or provide a deposition if you are called upon by Congress to provide a deposition voluntarily?

Mr. MARKS. I will work to comply with Congress's requests in a timely and responsible manner.

52. Senator WARREN. Mr. Marks, will you commit to testify or provide a deposition to Congress if you are issued a subpoena to testify?

Mr. MARKS. I will work to comply with Congress's requests in a timely and responsible manner.

53. Senator WARREN. Mr. Marks, will you commit to providing information or documents to Congress voluntarily if you are requested to do so?

Mr. MARKS. I will work to comply with Congress's requests in a timely and responsible manner.

54. Senator WARREN. Mr. Marks, will you provide information or documents to Congress if you are issued a subpoena?

Mr. MARKS. I will work to comply with Congress's requests in a timely and responsible manner.

55. Senator WARREN. Mr. Marks, will you commit to following current precedent for responding to information requests, briefings, and other inquiries from Congress, including the Senate and House Armed Services Committees and their minority members?

Mr. MARKS. I will work to comply with Congress's requests in a timely and responsible manner.

56. Senator WARREN. Mr. Marks, if confirmed, will you commit to posting your official calendar monthly?

Mr. MARKS. If confirmed, I am committed to meeting all legal disclosure requirements.

57. Senator WARREN. Mr. Marks, do you think DOD has an overclassification problem? If so, please provide this committee with an estimate of the number or percentage of documents that will be under your purview that are overclassified or other examples to illustrate this problem.

Mr. MARKS. For information for which the Office of the Secretary of Defense is the Original Classification Authority, the respective classification security guides need to be analyzed to ensure they strike the proper balance between sharing information and protecting sources and methods. I strongly believe enabling access to information as quickly and as broadly as possible is critical to national security.

58. Senator WARREN. Mr. Marks, to the best of your knowledge, is your office or agency identifying records for proactive posting in compliance with the Freedom of Information Act? If not, please describe how you would ensure that they do so to comply with public records law.

Mr. MARKS. I have not received any briefing on the Assistant Secretary of Defense for Energy, Installations, and Environment's (ASD(EI&E)) current Freedom of Information Act program. If confirmed, I will review that program to ensure it is aligned with law. I fully support complying with all public records laws and would ensure that ASD(EI&E) follows these laws.

#### PROJECT 2025

59. Senator WARREN. Mr. Marks, have you discussed Project 2025 with any officials associated with the Trump campaign, the Trump transition team, or other members of the Trump administration? If so, please explain what you discussed, when you discussed it, and with whom you discussed it.

Mr. MARKS. No.

60. Senator WARREN. Mr. Marks, have you discussed Project 2025 with any officials associated with the Heritage Foundation? If so, please explain what you discussed, when you discussed it, and with whom you discussed it.

Mr. MARKS. No.

#### FOREIGN INFLUENCE

61. Senator WARREN. Mr. Marks, have you received any payment from a foreign government or entity controlled by a foreign government within the past 5 years?

Mr. MARKS. I have provided relevant information in connection with my security clearance background check.

62. Senator WARREN. Mr. Marks, have you communicated with any foreign government or entity controlled by a foreign government within the past 5 years?

Mr. MARKS. I have provided relevant information in connection with my security clearance background check.

63. Senator WARREN. Mr. Marks, please disclose any communications or payments you have had with representatives of any foreign government or entity controlled by a foreign government within the past 5 years and describe the nature of the communication.

Mr. MARKS. I have provided relevant information in connection with my security clearance background check.

#### RETALIATION AND PROTECTING WHISTLEBLOWERS

64. Senator WARREN. Mr. Marks, do you believe that servicemembers, civilians, grantees, and contractors should be protected from any form of retaliation for coming forward about an illegal order, sexual assault or harassment, negligence, misconduct, or any other concern that they wish to raise?

Mr. MARKS. Yes, I believe that all whistleblower laws should be followed, and that bona fide whistleblowers should be afforded the protections provided them by applicable statute.

65. Senator WARREN. Mr. Marks, have you ever retaliated against any individual for coming forward about an illegal order, sexual assault or harassment, negligence, misconduct, or any other concern that they wish to raise?

Mr. MARKS. No.

66. Senator WARREN. Mr. Marks, if you are confirmed, will you commit to protecting whistleblowers? If so, please specify how you will do so.

Mr. MARKS. Yes. If confirmed, I will follow all laws related to whistleblowers and will ensure the protections required by law.

#### IMPOUNDMENT CONTROL ACT

67. Senator WARREN. Mr. Marks, on January 27, 2025, President Trump's Office of Management and Budget (OMB) issued a memo calling for the suspension of all Federal financial assistance programs (excluding "assistance provided directly to individuals"). Do you agree with OMB's decision to issue this memo?

Mr. MARKS. I support the President's efforts to streamline the Federal Government and ensure that it is carrying out Federal programs in an efficient and economical manner. That said, I am not aware of how this memorandum would impact the Department of Defense. If confirmed, I will review the memo and work to implement the President's direction.

68. Senator WARREN. Mr. Marks, do you believe the Secretary of Defense has the legal authority to block the disbursement of funds appropriated by Congress?

Mr. MARKS. I fully acknowledge and respect Congress's constitutional role in appropriating funds to be carried out by the executive branch for designated purposes. I commit, if confirmed, to executing my responsibilities consistent with the Constitution and the law. I would ensure that my actions and advice to the Secretary of Defense on this matter are informed by the Administration's legal positions and advice from the Department's General Counsel's office.

69. Senator WARREN. Mr. Marks, what is your understanding of the Impoundment Control Act?

Mr. MARKS. My understanding is that Congress passed the Impoundment Control Act in 1974. This Act provides a framework for handling circumstances in which the President seeks to defer or cancel the execution of appropriated funds. I commit, if confirmed, to executing my responsibilities in a manner consistent with the Constitution and the law on this matter, as on all others. I would ensure that my actions and advice to the Secretary of Defense on this matter are informed by the Administration's legal positions and advice from the Department's General Counsel's office.

70. Senator WARREN. Mr. Marks, do you commit to following the Impoundment Control Act?

Mr. MARKS. I commit, if confirmed, to executing my responsibilities consistent with the Constitution and the law on this matter as on all others. I would ensure that my actions and advice to the Secretary of Defense on this matter are informed by the Administration's legal positions and advice from the Department's General Counsel's office.

71. Senator WARREN. Mr. Marks, do you commit to notifying the Senate and House Armed Services Committees, including the majority and minority, if you are asked not to follow the Impoundment Control Act or not to expend the money that Congress appropriates or authorizes?

Mr. MARKS. I commit, if confirmed, to executing my responsibilities consistent with the Constitution and the law on this matter as on all others. I would ensure that my actions and advice to the Secretary of Defense on this matter are informed by the Administration's legal positions and advice from the Department's General Counsel's office.

72. Senator WARREN. Mr. Marks, the Constitution's Spending Clause (Art. I, § 8, cl. 1) and Appropriations Clause (Art. I, § 9, cl. 7) give Congress, not the Executive, power of the purse. The Supreme Court has unanimously upheld this power. Do you believe that impoundments are constitutional?

Mr. MARKS. I commit, if confirmed, to executing my responsibilities consistent with the Constitution and the law on this matter as on all others. I would ensure that my actions and advice to the Secretary of Defense on this matter are informed by the Administration's legal positions and advice from the Department's General Counsel's office.

73. Senator WARREN. Mr. Marks, the funding levels in appropriations bills passed into law are not targets or ceilings; instead, they are amounts the executive branch must spend, unless stated otherwise. Congress could—if it wanted the President to have discretion—write those amounts as ceilings. Do you agree?

Mr. MARKS. I commit, if confirmed, to executing my responsibilities consistent with the Constitution and the law. I would ensure that my actions and advice to the Secretary of Defense on this matter are informed by the Administration's legal positions and advice from the Department's General Counsel's office.

74. Senator WARREN. Mr. Marks, what is your understanding of the requirements for DOD to obligate funding that Congress authorizes and appropriates, in accordance with the time period that Congress deems it to do so?

Mr. MARKS. My understanding is the balance of an appropriation or fund limited for obligation to a definite period is available only for payment of expenses properly incurred during the period of availability or to complete contracts properly made within that period of availability and obligated consistent with the law. However, the appropriation or fund is not available for expenditure for a period beyond that otherwise authorized by law.

75. Senator WARREN. Mr. Marks, do you commit to expending the money that Congress appropriates and authorizes?

Mr. MARKS. If confirmed, I commit to being a good steward of Department appropriations and to comply with all applicable law regarding their obligation and expenditure.

76. Senator WARREN. Mr. Marks, do you commit to following and implementing every provision of the annual National Defense Authorization Act passed into law?

Mr. MARKS. I fully acknowledge and respect Congress's constitutional role in issuing laws and provisions to be carried out by the executive branch for designated purposes. I commit, if confirmed, to executing my responsibilities consistent with the Constitution and the law. I would ensure that my actions and advice to the Secretary of Defense on these matters are informed by the Administration's legal positions and advice from the Department's General Counsel's office.

77. Senator WARREN. Mr. Marks, if you became aware of a potential violation of the Antideficiency Act, Impoundment Control Act, or other appropriations laws, what steps would you take?

Mr. MARKS. I commit, if confirmed, to executing my responsibilities in a manner consistent with the Constitution and the law on this matter. I would ensure that my actions and advice to the Secretary of Defense on this matter are informed by the Administration's legal positions and advice from the Department's General Counsel's office and would make all appropriate notifications as required by law.

#### ACQUISITION REFORM

78. Senator WARREN. Mr. Marks, what is your understanding of the Procurement Integrity Act and your obligations under that law?

Mr. MARKS. I understand that, under the Procurement Integrity Act, I am obligated as a Government official to protect competitive source selection information from unauthorized disclosure. Safeguarding this sensitive information is essential to maintain the integrity of the process and ensures all prospective contractors have a fair opportunity to compete for Federal contracts. Furthermore, I understand the Procurement Integrity Act prohibits former Government officials from accepting compensation from contractors to varying degrees, depending on the procurement decisionmaking role performed by the former official and the dollar value of those decisions.

79. Senator WARREN. Mr. Marks, do you believe that it is important to be able to assess accurate cost and pricing data from contractors, especially for sole-or single-source contracts?

Mr. MARKS. If confirmed, I will work with the Assistant Secretary of Defense for Acquisition (ASD(A)) to address the accuracy of cost and pricing data from contractors—particularly in sole-source situations—where they intersect with the Assistant Secretary of Defense for Energy, Installations, and Environment’s portfolio. Competition is the preferred way to obtain fair, reasonable pricing and best values. When competition is not possible, I understand the Truthful Cost and Pricing Data Act (commonly referred to as TINA) requires contractors to provide data, such as actual cost, that places the Government and the contractor on an equal footing when negotiating contract prices. I understand that access to accurate cost and pricing data from contractors provides the Government with a reliable way to verify contractor assertions or statements in terms of costs and cost trends during negotiations.

80. Senator WARREN. Mr. Marks, how do you plan to obtain cost and pricing data from contractors to determine that the cost of Federal contracts is fair and reasonable?

Mr. MARKS. If confirmed, I will work with the Assistant Secretary of Defense for Acquisition (ASD(A)), where appropriate, to address obtaining cost and pricing data from contractors where they intersect with the Assistant Secretary of Defense for Energy, Installations, and Environment’s portfolio. I understand that the Government has the authority to obtain certified cost and pricing data from contractors unless an exception applies through the statutory requirement (Truthful Cost and Pricing Data Act—commonly referred to as TINA). I understand exceptions to TINA include competition and commercial items and services, which should be prioritized to the maximum extent possible to promote improved cost, schedule, and performance for the products and services needed to support national defense.

81. Senator WARREN. Mr. Marks, how do you plan to do so in cases where contractors refuse or claim they are unable to turn over this data?

Mr. MARKS. If confirmed, I will work with the Assistant Secretary of Defense for Acquisition (ASD(A)), where appropriate, to address cases where contractors refuse or claim inability to provide cost and pricing data.

82. Senator WARREN. Mr. Marks, if you are confirmed, what steps will you take to ensure that contractors are not price gouging or overcharging the Federal Government?

Mr. MARKS. If confirmed, I will work with the Assistant Secretary of Defense for Acquisition (ASD(A)), where appropriate, to take a proactive approach to safeguard against price gouging. I believe competing products and services amongst traditional and nontraditional defense contractors is the optimal way to prevent price gouging and obtain the best value.

83. Senator WARREN. Mr. Marks, if you are confirmed, will you commit to seeking refunds, including voluntary refunds, from contractors and companies that overcharge the Federal Government?

Mr. MARKS. I am committed to sound financial management of resources allocated to the Department of Defense through taxpayer dollars. If confirmed, I will partner with the Assistant Secretary of Defense for Acquisition (ASD(A)) where appropriate, to seek voluntary refunds when funds are otherwise not recoverable through the terms and conditions of the contract.

84. Senator WARREN. Mr. Marks, if so, how do you plan to do so?

Mr. MARKS. If confirmed, I will work with the Assistant Secretary of Defense for Acquisition (ASD(A)), where appropriate, to address instances where the Department has been overcharged.

## RESEARCH AND DEVELOPMENT

85. Senator WARREN. Mr. Marks, who should be involved in decisions to cancel grants?

Mr. MARKS. There may be many reasons the government cancels a grant, and the decision is not taken lightly. Regardless of reason—non-compliance, convenience, voluntary withdrawal, or mutual agreement—agency leadership may have the authority to terminate a grant after being guided by legal counsel to ensure compliance with statutory authorities, regulations, and grant terms and conditions. When considering canceling a grant, transparency and adherence to due process are paramount. If confirmed, and should it become necessary to terminate a grant under my authority, I will do so only after a thorough review. If confirmed, I will be a responsible steward of taxpayer dollars, ensuring that grants are used effectively and efficiently to support the President's national security objectives and within statutory authorities.

## PROTECTING CLASSIFIED INFORMATION AND FEDERAL RECORDS

86. Senator WARREN. Mr. Marks, what is your understanding of the need to protect operational security, or OPSEC?

Mr. MARKS. OPSEC is the process of identifying and protecting critical information to prevent adversaries from gaining advantage, ensuring mission success and safety of personnel.

87. Senator WARREN. Mr. Marks, what are the national security risks of improperly disclosing classified information?

Mr. MARKS. The loss or degradation of resources or capabilities undermines the Department of Defense's mission and security, damages public trust, and compromises sources and methods.

88. Senator WARREN. Mr. Marks, is it your opinion that information about imminent military targets is generally sensitive information that needs to be protected?

Mr. MARKS. This determination is based on circumstances on a per-mission basis based on Operational Security principles.

89. Senator WARREN. Mr. Marks, what would you do if you learned an official had improperly disclosed classified information?

Mr. MARKS. If confirmed, I commit to following applicable laws and relevant guidance from the Department of Defense, Intelligence Community, and other applicable security officials with respect to addressing improperly disclosed information.

90. Senator WARREN. Mr. Marks, what is your understanding of Government officials' duties under the Federal Records Act?

Mr. MARKS. The Federal Records Act (FRA) is a law that requires all Federal agencies to maintain records that document their activities. Federal employees are responsible for making and keeping records of their work. Federal employees have three basic obligations regarding Federal records: 1) Create records needed to do the business of their agency, record decisions and actions taken, and document activities for which they are responsible; 2) Take care of records so that information can be found when needed, and 3) Carry out the disposition of records under their control in accordance with agency records schedules and Federal regulations. If confirmed, I commit to reviewing and following the appropriate Federal Records Act requirements applicable to my position.

91. Senator WARREN. Mr. Marks, should classified information be shared on unclassified commercial systems?

Mr. MARKS. No.

92. Senator WARREN. Mr. Marks, is it damaging to national security if the pilots flying a mission find out that the official who ordered them to perform that mission shared sensitive information that could have made it more likely that the mission would fail, or they would be killed?

Mr. MARKS. I know firsthand the importance of safeguarding sensitive information. I believe we must ensure that the Department of Defense has the policies and technologies available to safeguard information while enabling communication at the speed of operations.

93. Senator WARREN. Mr. Marks, if you had information about the status of specific targets, weapons being used, and timing for imminent U.S. strikes against an

adversary, under what circumstances would you feel comfortable receiving or sharing that information on an unclassified commercial application like Signal?

Mr. MARKS. While I cannot speak to hypothetical circumstances, I believe we must ensure that the Department of Defense has the policies and technologies available to safeguard information while enabling communication at the speed of operations.

#### BASE REALIGNMENT AND CLOSURE

94. Senator WARREN. Mr. Marks, the Department of Defense has historically used the congressionally authorized Base Realignment and Closure (BRAC) process to realign and close military installations in an objective, transparent manner. What are your views on the need for a future BRAC round, and under what circumstances would you recommend pursuing this process to the Secretary of Defense and the President?

Mr. MARKS. I am currently not in a position to have a detailed understanding of how the Department's real property portfolio aligns with current and future needs across the Military Departments, Combatant Commands, and other appropriate stakeholders. Base Realignment and Closure (BRAC) is one of many tools available to address underutilized and excess infrastructure. If confirmed, I would work closely with Congress to shape the definition, goals, and authorities required if BRAC was deemed necessary.

95. Senator WARREN. Mr. Marks, under title 10 U.S.C. § 2687, the Department has limited authority to close or realign installations outside of a formal BRAC process, subject to specific thresholds and reporting requirements. Under what circumstances would you recommend using this authority?

Mr. MARKS. I am currently not in a position to have a detailed understanding of how the Department's real property portfolio aligns with current and future needs across the Military Departments, Combatant Commands, and other appropriate stakeholders. If confirmed, I will work with the aforementioned stakeholders and the Congress to determine if there are any suitable uses for the authorities granted under 10 U.S.C. § 2687.

96. Senator WARREN. Mr. Marks, if DOD exercises any authorities under title 10 U.S.C. § 2687, will you notify or brief Congress before doing so?

Mr. MARKS. If confirmed, I will work with the Military Departments to ensure that the Department fully complies with the congressional notification requirements under 10 U.S.C. § 2687.

97. Senator WARREN. Mr. Marks, if DOD exercises any authorities under title 10 U.S.C. § 2687, will you provide written justifications to Congress before doing so?

Mr. MARKS. If confirmed, I will work with the Military Departments to ensure that the Department fully complies with the congressional notification requirements under 10 U.S.C. § 2687.

98. Senator WARREN. Mr. Marks, what other steps would you take to support transparency and congressional oversight of such actions?

Mr. MARKS. If confirmed, I will work with the Military Departments, Combatant Commands, and other appropriate stakeholders to ensure that all applicable laws regarding military basing actions are followed, including congressional notification requirements.

99. Senator WARREN. Mr. Marks, if confirmed, will you commit to full compliance with all statutory requirements, including but not limited to, title 10 U.S.C. §§ 2687 and 993, before recommending or executing any closure, realignment, or significant force structure change?

Mr. MARKS. If confirmed, I will work with the Military Departments, Combatant Commands, and other appropriate stakeholders to ensure that the Department complies with the requirements of all applicable laws regarding basing actions, including 10 U.S.C. § 2687 and 10 U.S.C. § 993, and that Congress is notified as directed by law.

100. Senator WARREN. Mr. Marks, will you commit to keeping Congress fully informed of any such deliberations before recommending or executing any closure, realignment, or significant force structure change?

Mr. MARKS. If confirmed, I will work with the Military Departments, Combatant Commands, and other appropriate stakeholders to ensure that Congress is properly

informed in accordance with all applicable laws regarding closure, realignment, or basing actions and that Congress is notified with proper information as directed by law.

101. Senator WARREN. Mr. Marks, past base closures and realignments have had significant impacts on local communities and military families. If confirmed, how would you balance military requirements with the economic and social impacts on affected communities when considering installation changes?

Mr. MARKS. I believe it is the Department's policy that every practical consideration should be given when implementing base closures and realignments that may seriously affect a community's economy. If confirmed, I will implement these actions in a manner that fully considers the local economic impact and leverages assistive resources to the extent possible.

102. Senator WARREN. Mr. Marks, in preparation for this role, are you aware of how often and under what circumstances the President has used title 10 U.S.C. 2687(d)?

Mr. MARKS. To my knowledge, I am not aware of an instance when the President has certified to Congress under 10 U.S.C. 2687(d) that a base closure or realignment must occur for emergency reasons.

#### COMMUNITY ENGAGEMENT

103. Senator WARREN. Mr. Marks, if confirmed, how do you plan to work with the Office of Local Defense Community Cooperation?

Mr. MARKS. The Office of Local Defense Community Cooperation (OLDCC) is a critical resource for the Department that enables the Department to leverage public and private capabilities of defense communities to support the lethality and readiness of our installations and warfighters. I have had firsthand experience with its Installation Readiness program, for example, which is helping Northwest Florida to collaboratively work with military installation leaders to address regional readiness threats and identify improvement projects, incorporating water, gas and power utilities. If confirmed, I will work with OLDCC to identify opportunities to expand support for the Secretary's priorities in partnership with installations and defense communities—such as in defense of the homeland and addressing critical infrastructure needs.

104. Senator WARREN. Mr. Marks, in your advance policy questions you said “the Installation Readiness Program, the Readiness and Environmental Protection Integration (REPI) program, and the Defense Community Infrastructure Program (DCIP) offer some of the best means for engaging the community”. What do you consider to be the biggest successes of those programs and how do you plan to build on that success?

Mr. MARKS. I believe that programs offer valuable opportunities to engage local communities to ensure the readiness and lethality of our military installations and ranges. As an example, in my experiences at Eglin Air Force Base, I have worked with State and county partners as well as private landowners for many years to protect thousands of acres of nearby forests and agricultural lands through the Readiness and Environmental Protection Integration program. I have also seen firsthand the benefits of the Defense Community Infrastructure Program, which provided Eglin Air Force Base and its surrounding community with a new fire station that enhances emergency response capabilities and emergency services.

The Department must continue to build on these successes, recognizing that it needs the civilian capabilities leveraged by these programs to meet our mission needs and improve readiness and warfighter lethality.

105. Senator WARREN. Mr. Marks, do you support expanding the DCIP program to meet community needs?

Mr. MARKS. The Defense Community Infrastructure Program is the only construction grant program within the Department of Defense (DOD) that can deliver needed infrastructure enhancements through civilian capabilities, especially critical infrastructure needs and requirements that are primarily not owned nor controlled by DOD. If confirmed, I look forward to working with Congress to identify additional opportunities to leverage this program to address the important infrastructure needs of our installations across the country.

106. Senator WARREN. Mr. Marks, if you're confirmed, will you ensure that the Military Family Readiness Working Group for Military Housing holds its first meeting no later than June 1, 2025?

Mr. MARKS. If confirmed, I will work with the Undersecretary of Defense for Personnel and Readiness to determine what steps are necessary to hold the first Military Family Readiness Working Group for Military Housing.

## CLIMATE RESILIENCE

107. Senator WARREN. Mr. Marks, the Department of Defense is charged with climate resilience plans to defend the Nation against safety and security threats. If confirmed, will you ensure that installation resilience is part of the national defense strategy?

Mr. MARKS. Military installations serve as force and power projection platforms and thus must be resilient to kinetic, cyber, and extreme weather-related risks. If confirmed, I will work across the Department of Defense to assess and mitigate extreme weather-related impacts on operations. This will include completing the military installation resilience component as part of the Installation Master Plans and sharing them in a manner consistent with the law and the National Defense Strategy.

108. Senator WARREN. Mr. Marks, do you believe that having a diversified energy portfolio such as solar, wind, and battery storage is important to installation resilience?

Mr. MARKS. The Department of Defense (DOD) faces a range of kinetic, cyber, political-economic, and weather-related risks to the energy needed to execute critical missions at our installations. DOD should consider a range of cost-effective energy technologies, including energy generation and storage to ensure a diversified energy portfolio that supports a lethal Joint Force able to defend the homeland and deters our adversaries. If confirmed, I am committed to actively exploring all options, including cutting-edge energy solutions such as advanced nuclear and enhanced geothermal technologies.

109. Senator WARREN. Mr. Marks, if confirmed, what steps will you take to ensure the Department is energy-resilient and conserves as much energy as possible?

Mr. MARKS. Energy resilience is key to maintaining the readiness of our installations and posture. If confirmed, I will work across the Department of Defense (DOD) to ensure we continue to identify energy resilience gaps for critical missions and prioritize DOD investments for enhanced resilience. Energy conservation will play an important role in this effort. Past energy conservation actions have increased efficiency, enhanced resilience, reduced utility costs, and mitigated future price risks. Conserving energy allows DOD to power more platforms and capabilities in support of the warfighter. I will ensure that decisionmaking regarding installations and forces is informed by the risks to our critical missions and energy supplies, and the capabilities afforded by changes in our energy use.

110. Senator WARREN. Mr. Marks, do you believe that extreme weather is a threat to national safety and security?

Mr. MARKS. Extreme weather is a threat to our installations, personnel, and assets. Installations are essential to supporting a trained, ready, and deployable force. They serve as initial maneuver platforms from which the Department of Defense (DOD) can deploy troops around the globe and coordinate and control various mission-related functions for those units once deployed. This makes our installations critical to ensuring national security. Extreme weather threatens the safety, health, and effectiveness of the warfighter. If confirmed, I will work to ensure the DOD and installation-related national safety and security are able to withstand extreme-weather related risks.

111. Senator WARREN. Mr. Marks, do you believe climate resiliency considerations are necessary for the future construction and rehabilitation of military installations?

Mr. MARKS. Integrating preparedness into future construction and rehabilitation is necessary to avoid damages and risks to mission. Construction projects are expected to last decades and can have significant near-and long-term impacts. Impacts from extreme weather events can have significant financial and mission impacts to the Department of Defense. If confirmed, I will work with the Military Departments, Combatant Commands, and other appropriate stakeholders to ensure our installations can withstand extreme weather-related risks and fully support warfighting requirements in the short, medium, and long-term.

112. Senator WARREN. Mr. Marks, if confirmed, what steps will you take to ensure the Nation's ability to respond and recover from climate disruptions?

Mr. MARKS. To effectively mitigate risks from extreme weather events, the Department of Defense (DOD) should leverage validated data and solutions that provide cost-effective infrastructure and installation resilience approaches. By continuing to invest in innovation, best practices, and tools that draw on top talent from industry, universities, and Federal partners, we can ensure our installations maintain mission readiness while adapting to increasing extreme weather challenges. If confirmed, I will focus DOD's efforts using a risk-informed approach that emphasizes lethality and operational resilience.

113. Senator WARREN. Mr. Marks, per-and polyfluoroalkyl substances (PFAS) have been found in essential use applications and industrial and consumer products. If confirmed, will you support PFAS cleanup efforts within the DOD Cleanup Program?

Mr. MARKS. If confirmed, I will support per-and polyfluoroalkyl substances (PFAS) cleanup efforts within the Cleanup Program and ensure the Department of Defense continues to aggressively address PFAS in a holistic manner across the Department.

#### EXCEPTIONAL FAMILY MEMBER PROGRAM

114. Senator WARREN. Mr. Marks, the DOD's Exceptional Family Member Program (EFMP) survey found only 43 percent of respondents were satisfied with the program. How will you address the needs of EFMP families?

Mr. MARKS. The Department's Exceptional Family Member Program is a vital resource for military families. If confirmed, I commit to working with the Undersecretary of Defense for Personnel and Readiness on potential improvements in the areas where the program intersects with Assistant Secretary of Defense for Energy, Installations, and Environment's portfolio.

115. Senator WARREN. Mr. Marks, EFMP families report waiting months for medical and educational services after a permanent change of station (PCS). How will you facilitate standardization of care and transfer of care during a PCS?

Mr. MARKS. I understand that the Undersecretary of Defense for Personnel and Readiness (OUSDP&R) has oversight of the Exceptional Family Member Program. If confirmed, I will work with OUSDP&R to provide the appropriate support to any effort to improve access to care and transfer of care during a Permanent Change of Station.

#### PRIVATIZED MILITARY HOUSING

116. Senator WARREN. Mr. Marks, privatized military housing companies have relied on the Federal enclave doctrine to deny military members of their tenants' rights. How will you ensure servicemembers' have access to safe housing?

Mr. MARKS. Mr. MARKS. I understand that the overall goal of the Department of Defense's housing program is to ensure that servicemembers have access to safe, quality, housing, whether in the U.S. or overseas. If confirmed, I will ensure that we have the appropriate oversight mechanisms in place to hold both the Military Departments and privatized owners to the quality standards our servicemembers deserve.

117. Senator WARREN. Mr. Marks, will you commit to implementing and enforcing the Military Housing Privatization Initiative Tenant Bill of Rights?

Mr. MARKS. The Tenant Bill of Rights is one of several key transformative actions taken to improve the Military Housing Privatization Initiative program and to create a positive living experience for servicemembers and their families. If confirmed, I will support efforts to ensure full implementation of the Tenant Bill of Rights.

118. Senator WARREN. Mr. Marks, if confirmed, will you assess the sufficiency of the Tenant Bill of Rights and come back to the committee with any recommendations to strengthen the Tenant Bill of Rights within 90 days?

Mr. MARKS. I believe in a proactive approach. If confirmed, I will work as the Chief Housing Officer to ensure the Department of Defense continues to strengthen its oversight responsibilities, including evaluating the sufficiency of reforms already in place.

119. Senator WARREN. Mr. Marks, the Government Accountability Office reported "widespread confusion across military branches about the mediation process for

housing disputes.” How will you improve access to the dispute resolution mechanism guaranteed in the Tenant Bill of Rights?

Mr. MARKS. I believe the Department of Defense, with the support of Congress, has made significant progress in rectifying the underlying oversight issues that caused the Military Housing Privatization Initiative housing crisis. I also believe there is room for additional improvements, including implementing the remaining reforms and fully addressing recommendations from the Government Accountability Office (GAO) on improvements to the dispute resolution process. If confirmed, I commit to addressing the GAO recommendations.

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QUESTIONS SUBMITTED BY SENATOR TAMMY DUCKWORTH

ACCOUNTABILITY

120. Senator DUCKWORTH. Mr. Marks, do you commit that your decisions will be communicated through official, secure channels and properly documented for both oversight and institutional memory?

Mr. MARKS. If confirmed, I commit to following applicable laws and relevant guidance from the Department of Defense, Intelligence Community, and other applicable security officials with respect to the proper handling, transmittal, and retention of official information.

121. Senator DUCKWORTH. Mr. Marks, would you follow an illegal, unlawful, or immoral order?

Mr. MARKS. If confirmed, I would have a duty not to carry out a manifestly unlawful order.

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QUESTIONS SUBMITTED BY SENATOR MARK KELLY

INSTALLATION INFRASTRUCTURE

122. Senator KELLY. Mr. Marks, you’ve run one of the biggest Air Force installations and worked at the policy level on energy and environmental issues, so you know how hard it can be to get real improvements done on base. In your experience, what are the biggest obstacles to improving on-base infrastructure?

Mr. MARKS. In my experience, balancing resources with the necessary readiness investments in our installations is a continual challenge. Further, there are challenges in maintaining the acquisition capacity to execute infrastructure projects. If confirmed, I will advocate for the most effective resources our installations need to promote military readiness and work with the military departments to maintain the acquisition capacity to execute it efficiently.

123. Senator KELLY. Mr. Marks, is it a lack of funding, outdated policies that slow down decisionmaking, or a contracting process that makes it hard to get projects started and completed on time?

Mr. MARKS. Resourcing levels, agency policies, decisionmaking thresholds, and acquisition requirements all create unique challenges in delivering and completing on-time projects. If confirmed, I will work with the Military Departments, Combatant Commands, and other appropriate stakeholders to exert maximum effort to streamline processes, remove barriers to entrance, and explore opportunities to involve commercial sources much earlier in the acquisition process.

124. Senator KELLY. Mr. Marks, what steps would you take to upgrade barracks and make sure our troops are living in safe, well-maintained conditions?

Mr. MARKS. Mission requirements should always inform decisions on this matter. If confirmed, my priority as the Chief Housing Officer will be to work with the Military Departments, Combatant Commands, and other appropriate stakeholders to ensure the Department meets its obligation to provide members of the Armed Forces with access to safe, quality, affordable Unaccompanied Housing worldwide while ensuring readiness and enhancing lethality.

125. Senator KELLY. Mr. Marks, how do you plan to prioritize these improvements while working within budget constraints?

Mr. MARKS. As the Department considers the range of investment needs to improve readiness and lethality, I expect resourcing for infrastructure will continue to be constrained. If confirmed, I intend to work with the Military Departments, Combatant Commands, and other appropriate stakeholders to advocate for the

resourcing needed to provide our warfighters with the best infrastructure possible, right-size our footprint using all available authorities, and optimize the use of all resources provided. I will also look for innovative best practices to maximize every dollar and improve project timelines.

126. Senator KELLY. Mr. Marks, there is a long list of Child Development Centers in need of replacement, expansion, or both. Ensuring safe and accessible childcare is critical to readiness and retention. How do you plan to prioritize these improvements while working within budget constraints?

Mr. MARKS. Providing Child Development Centers is essential to supporting our warfighters' families and ensuring military members can focus on their mission. If confirmed, I will work with the Military Departments to improve Child Development Centers consistent with priorities articulated by the Office of the Undersecretary of Defense for Personnel and Readiness through projects executed effectively and efficiently that prioritize mission readiness requirements.

[The nomination reference of Mr. Dale R. Marks follows:]

**NOMINATION REFERENCE AND REPORT**

**PN22-16**

AS IN EXECUTIVE SESSION,  
SENATE OF THE UNITED STATES,  
February 3, 2025.

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

Dale Marks, of Florida, to be an Assistant Secretary of Defense, vice Brendan Owens, resigned.

\_\_\_\_\_, 2025.  
(Date)

Reported by Mr. Wicker \_\_\_\_\_  
(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. Dale R. Marks, which was transmitted by the Committee at the time of the nomination was referred, follows:]

**Bio**  
**Dale R. Marks**

**Education:**

- **USC SHIELD** Executive Program in Global Space and Deterrence / 2022
- Massachusetts Institute of Technology, Seminar XXI / 2021
- **Master of Science** in National Security Studies, National War College (Distinguished Graduate) / 2008
- **Bachelor of Arts** in Communications, Bowling Green State University, Bowling Green, Ohio / 1985
- **Defense Support of Civil Authorities** Courses One and Two / 2011
- **Department of Homeland Security and Federal Emergency Management Agency** Preparedness National Training to include National Incident Management System, National Response Framework, National Infrastructure Protection Plan and Federal Interagency Operational Plans / 2011

**Employment Record:**

- 96th Test Wing / Air Force Materiel Command, Eglin AFB, FL
  - Executive Director
  - 05/2022 – Present
- National Guard Bureau Space Operations / Pentagon
  - Deputy Director, Plans, Programming, Strategy and Analysis
  - 12/2020 – 05/2022
- Continental U.S. North American Aerospace Defense Command Region, First Air Force (Air Forces Northern) / Tyndall AFB, FL
  - Deputy Chief of Staff
  - 09/2018 – 12/2020
- Combined Security Transition Command U.S. Forces – Afghanistan
  - Chief of Staff
  - 09/2017 – 09/2018
- Continental U.S. North American Aerospace Defense Command Region, First Air Force (Air Forces Northern) / Tyndall AFB, FL
  - Associate Director of Operations
  - 01/2016 – 09/2017
- Marstel-Day, LLC / Colorado Springs, CO
  - Senior Environmental Analyst
  - 08/2014 – 01/2016
- The Strategic Global Alternatives Group / Pagosa Springs, CO
  - President / CEO
  - 08/2011 – 08/2014
- Grace in Pagosa Church / Pagosa Springs, CO
  - Senior Pastor
  - 08/2011 – 08/2014

- U.S. Department of Homeland Security / Washington, DC
  - Duty Director, National Operations Center
  - 01/2011 – 08/2011
- Tenica and Associates / Alexandria, VA
  - Senior Associate
  - 04/2010 – 01/2011
- United States Air Force and National Guard Bureau / Washington, DC
  - Military Service / Colonel (multiple roles)
  - 09/1985 – 04/2010

**Honors and Awards:**

- Military Awards
  - Legion of Merit
  - Bronze Star
  - Meritorious Service Medal (w/2 oak leaf clusters)
  - Air Medal (w/2 oak leaf clusters)
  - Air Force Commendation Medal (w/1 oak leaf cluster)
  - Army Commendation Medal
  - Joint Service Achievement Medal
  - Air Force Achievement Medal
- Federal Civilian Awards
  - Department of the Air Force Award for Meritorious Civilian Service
  - Joint Civilian Service Achievement Award – Afghanistan
  - NATO Medal
- Academic Awards
  - Distinguished Graduate, National War College, National Defense University, Washington, DC
- Publications / Presentations
  - Leveraging Commercial Best of Breed Companies to Increase Agility and Lethality for Integrated Deterrence in the Information Age, April 2022, USC
  - "Report on the Joint Use of Federal Forest Firefighting Assets / C-130J Firefighting Capability." May 2010; Submitted in response to the National Defense Authorization Act for Fiscal Year 2010

[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. Dale R. Marks in connection with his nomination follows:]

119<sup>th</sup> CONGRESS, 2025 -- 2026  
 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): Dale Robert Marks
2. Position to which nominated: Assistant Secretary of Defense for Energy, Installations and Environment
3. Date of nomination: 02/03/2025
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):
  - University of Southern California, SHIELD (Space, History, Industry, Engineering, Leadership, and Deterrence) Executive Program in Global Space and Deterrence, May 2022

- Massachusetts Institute of Technology, Seminar XXI, May 2022
  - Master of Science in National Security Studies, National War College (Distinguished Graduate), May 2008
  - Bachelor of Arts in Communications, Bowling Green State University, Bowling Green, Ohio, May 1985
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):**
- 96th Test Wing / Air Force Materiel Command, Eglin AFB, FL
    - Executive Director
    - 05/2022 – Present
  - National Guard Bureau Space Operations / Pentagon
    - Deputy Director, Plans, Programming, Strategy and Analysis
    - 12/2020 – 05/2022
  - Continental U.S. North American Aerospace Defense Command Region, First Air Force (Air Forces Northern) / Tyndall AFB, FL
    - Deputy Chief of Staff
    - 09/2018 – 12/2020
  - Combined Security Transition Command U.S. Forces – Afghanistan
    - Chief of Staff
    - 09/2017 – 09/2018
  - Continental U.S. North American Aerospace Defense Command Region, First Air Force (Air Forces Northern) / Tyndall AFB, FL
    - Associate Director of Operations
    - 01/2016 – 09/2017
  - Marstel-Day, LLC / Colorado Springs, CO
    - Senior Environmental Analyst
    - 08/2014 – 01/2016
6. **Have you ever received approval, pursuant to section 908 of title 37, United States Code, to accept civil employment (and compensation for that employment), payment for speeches, travel, meals, lodging, registration fees, or a non-cash award from a foreign government?**
- NO
7. **Government experience (List any advisory, consultative, honorary, and other part-time service or positions with Federal, State, or local**

governments, other than those listed in response to question 5, above):

NONE (other than those in 5)

8. **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

9. **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):

National Guard Association of the United States  
Air and Space Force Association  
Red River Valley Fighter Pilots Association

10. **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:

NONE

- c. Itemize all individual political contributions of \$100 or more to any individual, campaign organization, political party, political action committee, or similar entity during the past 5 years. List each individual contribution (not the total amount contributed to the person or entity) over this period:

NONE

11. **Honors and awards** (List all scholarships, fellowships, honorary degrees,

honorary society memberships, and any other special recognition received for outstanding service or achievements):

- **Military Awards**
    - Legion of Merit
    - Bronze Star
    - Meritorious Service Medal (w/2 oak leaf clusters)
    - Air Medal (w/2 oak leaf clusters)
    - Air Force Commendation Medal (w/1 oak leaf cluster)
    - Army Commendation Medal
    - Joint Service Achievement Medal
    - Air Force Achievement Medal
  - **Federal Civilian Awards**
    - Department of the Air Force Award for Meritorious Civilian Service
    - Joint Civilian Service Achievement Award – Afghanistan
    - NATO Medal
  - **Academic Awards**
    - Distinguished Graduate, National War College, National Defense University, Washington, DC
12. **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):**
- Leveraging Commercial Best of Breed Companies to Increase Agility and Lethality for Integrated Deterrence in the Information Age, April 2022, USC
  - "Report on the Joint Use of Federal Forest Firefighting Assets / C-130J Firefighting Capability." May 2010; Submitted in response to the National Defense Authorization Act for Fiscal Year 2010
13. **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.

14. Do you agree, if confirmed, and on request, to appear and testify before this Committee, its subcommittees, and other appropriate Committees of Congress? **YES**
15. 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**
16. 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**
17. 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**
18. 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**
19. 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**
20. 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**

**FUTURE EMPLOYMENT RELATIONSHIPS**

21. If you are confirmed by the Senate, will you sever all business connections with your present employers, business firms, business associations, and business organizations? **YES**
22. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain. **NO**

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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.**

\_\_\_\_\_  
**DALE R. MARKS**

**This 7th day of February, 2025**

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[The nomination of Mr. Dale R. Marks was reported to the Senate by Chairman Wicker on May 1, 2025, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on June 3, 2025.]

