S. HRG. 109–847

NOMINATIONS BEFORE THE SENATE ARMED SERVICES COMMITTEE, FIRST SESSION, 109TH CONGRESS

HEARINGS

BEFORE THE

COMMITTEE ON ARMED SERVICES UNITED STATES SENATE

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

ON

NOMINATIONS OF

JOHN PAUL WOODLEY, JR.; BUDDIE J. PENN; ADM WILLIAM J. FALLON, USN; HON. ANTHONY J. PRINCIPI; HON. GORDON R. ENGLAND; ADM MICHAEL G. MULLEN, USN; KENNETH J. KRIEG; LT. GEN. MICHAEL V. HAYDEN, USAF; GEN. PETER PACE, USMC; ADM EDMUND P. GIAMBASTIANI, JR., USN; GEN. T. MICHAEL MOSELEY, USAF; AMBASSADOR ERIC S. EDELMAN; DANIEL R. STANLEY; JAMES A. RISPOLI; LT. GEN. NORTON A. SCHWARTZ, USAF; RONALD M. SEGA; PHILIP JACKSON BELL; JOHN G. GRIMES; KEITH E. EASTIN; WILLIAM C. ANDERSON; HON. MICHAEL W. WYNNE; DR. DONALD C. WINTER; HON. JOHN J. YOUNG, JR.; J. DORRANCE SMITH; DELORES M. ETTER; GEN BURWELL B. BELL III, USA; AND LT. GEN. LANCE L. SMITH, USAF

FEBRUARY 15, 17; MARCH 15; APRIL 19, 21; JUNE 29; JULY 28; OCTOBER 6, 25, 27, 2005

Printed for the use of the Committee on Armed Services

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TUESDAY, FEBRUARY 15, 2005

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 4:16 p.m. in room SR–222, Russell Senate Office Building, Senator John Warner (chairman) presiding.

Committee members present: Senators Warner, Inhofe, Thune, and Levin.

Committee staff members present: Judith A. Ansley, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: William C. Greenwalt, professional staff member; Gregory T. Kiley, professional staff member; Thomas L. MacKenzie, professional staff member; Lucian L. Niemeyer, professional staff member; Lynn F. Rusten, professional staff member; Scott W. Stucky, general counsel; and Richard F. Walsh, counsel.

Minority staff members present: Richard D. DeBobes, Democratic staff director; Evelyn N. Farkas, professional staff member; Peter K. Levine, minority counsel; and Michael J. McCord, professional staff member.

Staff assistant present: Pendred K. Wilson.

Committee members' assistants present: Matt Zabel, assistant to Senator Thune; Davelyn Noelani Kalipi, assistant to Senator Akaka; and William K. Sutey, assistant to Senator Bill Nelson.

OPENING STATEMENT OF SENATOR JOHN WARNER, CHAIRMAN

Chairman WARNER. I would like to apologize for the delay. The Senate, in my many privileged years to be here, does very little or everything at once. We have a vote going on and so everybody went. Senator Levin—I met him, and he'll be here just as soon as

he completes his vote. Therefore, I wanted to get underway, because we have lots of wonderful people here this afternoon, especially those young people who have come from far and wide to visit with us.

So I welcome you all before the committee this afternoon. Admiral Fallon, John Paul Woodley, Buddie J. Penn, we thank you very much. Our distinguished colleague, Senator Symms, who—I guess we started together, didn't we, in this institution 27 years ago?

Senator SYMMS. I think I was 2 years behind you, sir.

Chairman WARNER. Two years.

Senator SYMMS. I came in 1980. That was on the House side.

Chairman WARNER. We welcome you, Senator.

Particularly, we thank the families—the spouses and the children—for being here. I have conducted so many of these hearings. As a matter of fact, I sat at that desk myself many years ago. It was in February 1969, give or take a day. I was right about here. The family support is so essential to these individuals who step up and take on these challenging positions in our overall structure for the Nation's defense.

So I thank all of you for joining us today, and I thank you for your continuing support as the nominees undertake their arduous and challenging duties.

Senator Symms, again, we welcome you, and I will just finish this brief statement, and then we'll turn to your introduction.

Admiral Fallon has been nominated to be Commander, United States Pacific Command (PACOM), and is presently serving as Commander, Fleet Forces Command, and Commander, U.S. Atlantic Fleet, in Norfolk, Virginia. He has compiled an extremely distinguished career as a naval officer since his commissioning in 1967.

That's interesting. That does go back. You were a young ensign, I expect, when I came aboard, then. So was the CNO. He reminds me of that frequently. [Laughter.]

Well, you've done a lot better than I've done. Look at all that gold braid. You've really piled it up.

Your combat service includes tours of duty during the Vietnam War as a naval flight officer with Recon Attack Squadron 5, as Commander of Carrier Air Wing 8, deployed aboard U.S.S. *Theodore Roosevelt* during Operation Desert Storm, and as Commander, Battle Force Sixth Fleet during Operation Deliberate Force over Bosnia in 1995. While not flying, the Admiral served as Deputy Commander and Chief of Staff of the U.S. Atlantic Fleet, Deputy Commander of the U.S. Atlantic Command, and, from October 2000 to 2003, the 31st Vice Chief of Naval Operations.

If confirmed—and I predict he will be—Admiral Fallon will become the 22nd navy officer who has been in command of the Pacific Command, joining many distinguished predecessors, including Admiral John S. McCain, Jr., who held that position from 1968 to 1972. In my visits to Vietnam, I would stay at his house. They were the most memorable experiences, and he was a great teacher.

So we congratulate you, Admiral, and your lovely wife and family, and thank you for your willingness to continue to serve in this new capacity.

Mr. Woodley has been nominated to be the Assistant Secretary of the Army for Civil Works. Mr. Woodley appeared before this

Committee in February 2003 in connection with his earlier nomination for this position. The record shows Mr. Woodley received a recess appointment from the President on August 22, 2003, and served through the end of the 108th Congress.

Prior to his Federal service with the Department of Defense, Mr. Woodley served in senior leadership roles in the State Government of Virginia—where I first had the privilege of knowing you—as Deputy Attorney General for Government Operations, beginning in 1994; and as Secretary of Natural Resources, from January 1998 until October 2001.

Mr. Woodley's military service included active-duty assignments in Germany and the Pentagon, with the Army's Judge Advocate General Corps, from 1979 to 1985. He continued to serve as a member of the Army Reserve component, retiring in 2003 with the rank of lieutenant colonel.

Mr. Woodley, we are pleased to have you and your family join us again today.

We also welcome Buddie Penn, who has been nominated to be the Assistant Secretary of the Navy for Installations and Environment. Mr. Penn is presently serving as the Director of Industrial Base Capabilities and Readiness with the Office of the Secretary of Defense, a position he has held since October 2, 2001.

I would note that Mr. Penn is also a naval aviator, albeit a retired naval aviator. He flew the renowned A3 Sky Warrior, the only strategic bomber ever built for the United States Navy, which, because of its size and speed, was—I didn't know we referred to it as a "whale." Who dug that up? [Laughter.]

All I know, that thing came in for a fierce landing and popped that chute, and if the chute hadn't opened, he would have gone off the end of the runway. I expect you thought of that more than once.

On that basis, alone, Mr. Penn, I believe we can count on you to perform with tremendous speed in this new position. [Laughter.]

Mr. Penn flew—what a modest man—all of these wonderful men—flew in 16 types of aircraft during his naval career. Before retiring at the rank of captain, he held such key assignments as Air Officer aboard the U.S.S. *America,* Special Assistant to the Chief of Naval Operations, and Deputy Director of the Navy Office of Technology Transfer and Security Assistance.

We thank you and your lovely family, again, for taking on this responsibility.

Senator Levin.

STATEMENT OF SENATOR CARL LEVIN

Senator LEVIN. Thank you, Mr. Chairman.

I, first, join you in welcoming Mr. Woodley, Mr. Penn, Admiral Fallon, and their families to the committee today. We thank all three of you and your families for your many years of service and for your continued willingness to serve.

I notice our former colleague, Senator Steve Symms, is here. It's great to have you back and to see you.

Mr. Woodley and Mr. Penn share a common background, having served first in the military, and, more recently, in civilian leadership positions at the Department of Defense.

Mr. Woodley is in the unusual position of being the nominee for a position in which he has already served for almost 2 years, and that gives him an insight into the challenges he will face.

As our chairman noted, Mr. Penn began his career as a naval aviator, then took a series of positions in the defense industry after his retirement, and, during the last 2 years, has served as the Department of Defense's Director of Industrial Base Capabilities and Readiness.

Admiral Fallon is an outstanding officer with a distinguished 38-year career, culminating in his service over the last 4 years as the Vice Chief of Naval Operations and the Commander of the U.S. Atlantic Fleet.

Admiral Fallon, we're delighted at your willingness to continue to serve, and, if confirmed, you will assume command of the United States Pacific Command at a time of crisis and change and, hopefully, opportunity.

We face a nuclear crisis on the Korean Peninsula, highlighted last week by the North Korean Government's declaration that they have nuclear weapons and that they did not wish to continue the Six-Party Talks. It was compounded by the fact that their offer to the United States to meet bilaterally was rejected. At the same time, we're seeing in the Pacific the emergence of China and India as political military powers, the maturation of Japan as a strategic partner, and the need to work more closely with the countries in Southeast Asia to fight regional and global terrorist groups.

So I join our chairman in welcoming you, and look forward to your testimony.

Thank you.

Senator INHOFE [presiding]. Thank you, Senator.

Senator Symms, are you here for the purpose of an introduction?

Senator SYMMS. Yes, sir.

Senator INHOFE. Would you please proceed?

STATEMENT OF HON. STEVEN D. SYMMS, FORMER U.S. SENATOR FROM THE STATE OF IDAHO

Senator SYMMS. Thank you, Mr. Chairman, members of the committee. It's a real privilege for me to be here to introduce to you the President's nominee for Assistant Secretary of the Navy for Installations and Environment, my good friend, Buddie J. Penn.

Mr. Penn was raised in a small town in Indiana, and his parents taught him to chase his dreams. For Buddie, these dreams were in an airplane. He received his Bachelor's of Science from Purdue University in 1960, and was in the United States Navy, training to be a pilot, in 1961. He later gained his Master's degree from George Washington University. He also received certificates in aerospace safety from the University of Southern California, and in national security from the Kennedy School at Harvard University.

Some of Buddie's most significant accomplishments were during his 30 years as a naval officer and leader. He distinguished himself in service to this Nation repeatedly. Among other duties he had, he flew over 250 combat missions in Vietnam and received numerous decorations and commendations. His love of flying was evident as he amassed over 6,500 hours in over 16 different aircraft. It was

in the EA–6B, that he flew in Vietnam, that he was recognized for his ability. In 1972, he was named the EA–6B pilot of the year.

Buddie held many significant commands in the Navy, but the one that jumps out the most, as it relates to his nomination to the position of Assistant Secretary of Installations and Environment, is the position he had as commanding officer of the Naval Air Station at North Island, near San Diego. This is one of the largest bases in the Navy. Buddie had to become familiar with every aspect of its operation. This experience will serve him well as the new Assistant Secretary.

It's a real honor for me be here before this committee to recommend a gentleman that I believe should be commended highly to the committee and to the full Senate.

Thank you, Senators.

Senator INHOFE. Thank you, Senator Symms, for that excellent introduction.

Rather than follow a rigid 5-minute rule, since there are three of you, and we do want to give you ample time, please don't abuse it, but take whatever time you need for opening statements. We'll start with you, Admiral Fallon, and then you'll be followed by Mr. Woodley and Mr. Penn.

Admiral Fallon.

STATEMENT OF ADM WILLIAM J. FALLON, USN, FOR REAPPOINTMENT TO THE GRADE OF ADMIRAL AND TO BE COMMANDER, U.S. PACIFIC COMMAND

Admiral FALLON. Thank you very much, Senator.

Mr. Chairman, members of the committee, it is really a great honor to appear before you today. I am certainly deeply honored to serve.

First, I would like to thank you for your commitment to our men and women in uniform. We are really grateful for everything you do for our servicemen.

Senator INHOFE. By the way, if any of you had any family members you wanted to introduce, feel free to do that, too.

Admiral FALLON. Yes, sir.

I've been privileged to serve in uniform for many years. A lot has changed over that time, but one thing that has really remained constant, and the strongest support I have, is the love and support of my family.

I am honored to have with me today my wife Mary, behind me, and two of my daughters, Susan, and Christy, who is a first-class midshipman at the Naval Academy. I might add, she was just selected for pilot training.

We are a Navy family. Susan is a development director for the Navy League. Her boss, Sheila McNeil, the president of the Navy League, is behind me. I can feel her wanting me to make sure I put in a plug for that wonderful institution.

Mary and I are privileged to have two other children, as well. One daughter, Barbara, who couldn't be with us, and a son, Bill, who is transitioning F–18s out in Lemoore, California, and also serving in uniform. He just came back from Iraq last year.

It's also an honor to be here with these two gentlemen, Mr. Penn and Mr. Woodley, and to appear before you.

Mr. Chairman, it is a great privilege for me to be nominated by the President to be the Commander of the U.S. Pacific Command. I assure you that I intend to work very closely with the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and, of course, following a Commander like Admiral Tom Fargo is certainly going to be some hard work, but I look forward, eagerly, to this opportunity.

I know that there are many challenges in the Asia-Pacific area. If confirmed, I intend to work hard to establish and nurture the personal and nation-to-nation relationships that I consider essential to the security of the region. It would also be a top priority for me to ensure that our forces are prepared to execute their operational tasks in a very credible manner, that the deterrent value of our force is real and sustainable. I certainly intend to support and to sustain our U.S. policy objectives in the region.

There's much for me to learn, but I eagerly look forward to working with our superb soldiers, sailors, airmen, and marines, and our friends and allies, should I be confirmed. I recognize that the sheer size, vast distances, and immense populations of the Asia-Pacific region add a unique challenge to our operations in that theater, but I am ready to get underway, sir.

Mr. Chairman, members of the committee, if confirmed, I look forward to your counsel and guidance and to a regular dialogue as we face these challenges in the Asia-Pacific region.

Chairman WARNER [presiding]. We look forward to yours, too.

Admiral FALLON. Thank you, sir. It's a great honor to be here. I thank you for the opportunity to appear, and I eagerly look forward to your questions.

Thank you, sir.

Chairman WARNER. We owe an obligation to the President for the nomination that he sent forward for your service. Thank you very much, Admiral.

Admiral FALLON. Yes, sir.

Chairman WARNER. Mr. Woodley.

STATEMENT OF JOHN PAUL WOODLEY, JR., TO BE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

Mr. WOODLEY. Thank you, Mr. Chairman.

Mr. Chairman, members of the committee, I want, first, to express my appreciation for your kindness and to associate myself with Admiral Fallon's remarks in the spirit of deep humility and appreciation at being able to appear before you in the company of these two very distinguished public servants.

I also wish to acknowledge your kindness in allowing me to acknowledge my family members—my wife, Priscilla, and my daughter, Elizabeth, who are with me today; my other daughter, Cornelia, and my younger son, John Paul, are today a bit under the weather, and so, unable to be with us.

Chairman WARNER. They're here in spirit.

Mr. WOODLEY. Nothing serious, and they are certainly here in spirit.

I'm also mindful, Mr. Chairman, of the confidence expressed in me by President Bush and Secretary Rumsfeld in submitting my

name in nomination for this important post within the Department of the Army.

The Army Corps of Engineers and its civil-works function—encompassing navigation, flood control, water-resource development, and environmental improvement—has, for 200 years, contributed greatly to the prosperity and well-being of our Nation.

I deeply appreciate the courtesy of the committee. If confirmed, I look forward to working with you, Mr. Chairman, and all the Members, to address the vital navigation, flood-control, water-resource, and environmental challenges of the Nation.

Thank you very much.

Chairman WARNER. Thank you, Secretary Woodley.

Secretary Penn.

STATEMENT OF BUDDIE J. PENN TO BE ASSISTANT SECRETARY OF THE NAVY FOR INSTALLATIONS AND ENVIRONMENT

Mr. PENN. Thank you, Mr. Chairman.

Mr. Chairman, Senator Levin, distinguished members of this committee, it is a sincere honor and privilege to appear before you as the nominee for the Assistant Secretary of the Navy for Installations and Environment.

There are several people I would like to thank for helping me arrive here. I thank President Bush for his nomination, and Defense Secretary Rumsfeld and Navy Secretary England for the opportunity to be a part of their team. I sincerely thank Senator Symms, a former member of this august group, for his introduction, his friendship, and his support. There are several people smiling down on us today that willingly helped me without being asked.

Finally, I would like to thank this committee for all you do on behalf of our great Nation and those who serve in its defense.

If confirmed, I pledge to work closely with this committee and all of Congress in meeting the main challenges ahead.

To close, Mr. Chairman, I want to thank my family—my wife, Loretta, my daughter, Emily, and her husband, Captain Bruce Groomes, and my grandsons, Jeff and Jared.

Chairman WARNER. I wonder if the grandsons might stand so we can recognize them. Thank you, gentlemen, for coming. [Applause.]

Mr. PENN. I want to thank them for their abiding support and love through the years. Their foundation has been a mainstay of my life.

Thank you, Mr. Chairman. That concludes my remarks.

Chairman WARNER. Thank you very much.

I will now proceed to committee rules, which we follow very carefully with all nominees. We've asked our nominees a series of advanced policy questions. They have responded to those questions. Without objection, I will make the questions and their responses part of the record.

I also have certain standard questions we ask of every nominee who appears before the Armed Services Committee. So, gentlemen, if you would please respond to each of the following questions:

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

Admiral FALLON. Yes, sir.

Mr. PENN. Yes, sir.

Mr. WOODLEY. Yes, sir.

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

Admiral FALLON. No, sir.

Mr. PENN. No, sir.

Mr. WOODLEY. No, sir, I have not. But I should put on the record that I am currently serving and performing duties, as assigned by the Secretary of the Army, in the capacity of Principal Deputy Assistant Secretary.

Chairman WARNER. Yes. The record so reflects.

Mr. WOODLEY. We have taken, I believe, great care, Mr. Chairman, to ensure that no action in that capacity is, in any way, beyond the scope of, and limits of, that office.

Chairman WARNER. Thank you very much.

Will you ensure your staff complies with the deadlines established for requested communications from the Congress of the United States, including questions for the record in our hearings?

Admiral FALLON. I shall, sir.

Mr. PENN. Yes, sir.

Mr. WOODLEY. Yes, sir.

Chairman WARNER. Thank you.

Will you cooperate in providing witnesses and briefers in response to the congressional requests?

Admiral FALLON. Yes, sir.

Mr. PENN. Yes, sir.

Mr. WOODLEY. Yes, sir.

Chairman WARNER. Will those witnesses be protected from any reprisal whatsoever for their testimony or briefings?

Admiral FALLON. Yes, sir.

Mr. PENN. Yes, sir.

Mr. WOODLEY. Yes, sir.

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

Admiral FALLON. I do, sir.

Mr. PENN. Yes, sir.

Mr. WOODLEY. Yes, sir.

Chairman WARNER. Do you agree to give your personal views and, when asked before this committee, to do so even if those views differ from the administration that you are serving?

Admiral FALLON. Yes, sir.

Mr. PENN. Yes, sir.

Mr. WOODLEY. Yes, sir.

Chairman WARNER. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner, when requested by a duly constituted committee of Congress, or to consult with the committee regarding the basis for any good-faith delay or denial that you feel is justified in providing such documents?

Admiral FALLON. Yes, sir.

Mr. PENN. Yes, sir.

Mr. WOODLEY. Yes, sir.

Chairman WARNER. Thank you.

All right. Now, that covers all the questions that we have of formalities. I apologize for having stepped out for a minute, but it was very important that I do so.

Senator Inhofe, I'm going to be here throughout the hearing. Would you like to ask the first questions?

Senator INHOFE. I would, Mr. Chairman, because I have some people in my office.

Chairman WARNER. He's the chairman of the Environment and Public Works Committee, and I serve on that committee, and I understand the demands on his time.

Senator INHOFE. I thank you, Mr. Chairman.

Chairman WARNER. Thank you.

Senator INHOFE. First of all, I'll start with you, Admiral Fallon. You and I share a concern that the Navy has had for quite some time, and that is the scarcity we have of live ranges for training purposes. We went through what I refer to now, in retrospect, as the "Battle of Vieques," which I fought diligently and lost after 3 years, but you did the Pace-Fallon report, which expressed your concern, also, about the availability of ranges for the future.

Would you like to fill us in—because you're going to be dealing with these issues in your new position—with what your feelings are now about how we're doing with our ranges and our ability to train our pilots and our sailors?

Admiral FALLON. Senator, this is still a big challenge, for a couple of reasons. One, because of continued encroachment. The increasing population in the U.S. and in other places around the world constrains a lot of these ranges, many have been around for many decades, but people have filled in around them, and encroachment is a serious problem.

The other issue is that the ranges of many of our weapons systems today are vastly greater than the weapons from years ago. So, we're challenged to find areas in which we can safely test and train with these weapons. We're working on it. We're making some progress.

In my current job with the Navy, we have partnered extensively with our service comrades, particularly the Air Force, in being able to use some of their ranges, and we have a couple of efforts underway right now to attempt to get access to some other facilities that we think will help us in this area. But it's really critical, and we need help overseas, as well.

Senator INHOFE. I know that's true. I think of Southern Sardinia, Cape Wrath, and other places that we are looking for joint training, and we're unable to do it. One of the reasons, of course, I know you're the Pacific Fleet, but the European Union now has imposed environmental hardships on a lot of the countries where we have customarily been able to use those ranges. I know there are some in the Pacific Command, also. I would just want you to look at that and let us know.

One thing that bothers me is that we have the best men and women up there flying around, and the best ones training on ships, but it is unfair if they don't have the right resources to get that live-fire training.

Mr. Penn, it's just a delight to know that we'll be working with you in your new capacity. Mr. Chairman, I'm not sure whether

you're aware of this or not, but two of my best friends in the other body over there are Congressman Chris Cox and Congressman Dana Rohrabacher. They're currently at odds with each other over the potential disposition of El Toro Marine Base. The issue seems to be that there are groups who want to develop it. An amount of money has been offered. An auction is going on right now. It's up to about $630 million, as we're speaking now, and it could be a little bit higher. On the other hand, those who want to use it for airport purposes actually came to visit with me a couple of days ago and convinced me that, financially speaking, we might be better off to take that option.

One of the reasons is that, under the sale, it would mean the Navy would still have to provide the cleanup, but if it goes under a lease type of arrangement, the Navy would not.

Now, there's not a person, of the three of us up here, who hasn't visited some of these base realignment and closure (BRAC) closed operations, and always the cost of cleanup is much, much more than people expect it to be.

Have you had time to look at that? I know this is a new subject and you may not have.

Mr. PENN. No, sir, I have not.

Senator INHOFE. All right. What I would like to ask you to do is to look at that situation. I know that there's time now to exercise either option, even though the train seems to be pulling out pretty fast.

I only have one concern, and that is, what is it going to cost the Navy each way? I am talking about net cost, including cleanup. I think that's important. In this time, when we're short of money for end strength, we're short of money for all of our programs, modernization programs and others, we need every nickel we can get. So with that in mind as a goal, which I'm sure you share, if you would keep me informed of that as we move along, I would appreciate it.

Mr. PENN. Yes, sir. My pleasure.

Senator INHOFE. Good, good.

Mr. Woodley, we went through this once before, about 18 months ago, and I told you, at that time, it's one of the most difficult jobs out there. I'm sure if you didn't realize it then, you do realize it now. You've done a great job. The Corps has done a great job. Part of the jurisdiction is here in this committee, but also the committee that I chair, the Committee on Environment and Public Works. We have about half the jurisdiction there, too. So I am working very closely on a lot of your projects, not just in the United States, but in Africa and other places. I would say that, with the number-one Superfund site in America, you folks are providing a lot of cooperation, and I appreciate that very much.

From your vast experience now of 18 months on the job, is there anything that you'd like to share with us that you did not anticipate 18 months ago?

Mr. WOODLEY. Senator, the one thing that I could say about the position is, as difficult as I knew it would be, I did not anticipate how much I would enjoy the opportunity to work with the men and women of the Corps of Engineers, who are truly a national asset. In the work that they do, mostly civilians, every day, in every com-

munity from coast to coast and around the globe, they make America better and they have now for 200 years. It's an enormous national treasure that is, I think, underappreciated in some quarters. I have come to appreciate it much, much more than I did when I sat before the committee almost 2 years ago.

Senator INHOFE. Thank you very much, all three of you, and I'll be looking forward to working with you in your new capacities.

Mr. Chairman, thank you very much.

Chairman WARNER. Thank you, Senator. I know you're too modest to say it, but there are two aviators down there. You're an aviator in your own right. You still do some rather extraordinary things, which I'm not totally approving of. [Laughter.]

You're too valuable a member of this committee.

Senator INHOFE. I have a new one coming up that you'll enjoy.

Chairman WARNER. Oh, yeah. I don't want to hear about it. [Laughter.]

Are we going to read about it in the paper? [Laughter.]

Senator Levin.

Senator LEVIN. First, Mr. Woodley, a couple of questions about the Corps. What is your understanding of the law on the following issue? Is the Corps not bound by State water-quality standards? Apparently there are some circumstances under which the State water-quality standards are not binding on the Corps, under some legal doctrine. What is your understanding of those circumstances?

Mr. WOODLEY. Senator, let me say that when I left the Office of the Attorney General of Virginia, in 1998, I stopped practicing law and have managed to prevent myself, despite all temptation to the contrary, from continuing that in the meantime.

I will give you my understanding. I have a representative of the General Counsel here today, and we could confer and give you a more precise answer for the record.

Senator LEVIN. What's your non-legal understanding?

Mr. WOODLEY. My understanding is that there is a provision of the Clean Water Act, there's a subsection, I believe, of section 404 that provides if a Federal project is specifically authorized by Congress in a specific way, that clearly indicates a congressional intent, under the preemption doctrine, to preempt and override the State, that then, and only then, is there a so-called exemption. I will say that it is the policy of the administration—and of every administration I know of, and of the Corps itself—that this will not be used and that we will seek, in every case, to comply with State water-control policies. This is a policy that I endorse. If confirmed, I would seek to enforce this policy.

I served, as the chairman mentioned, for many years in the State Government of Virginia in the role that would have found itself overridden by this policy, and I know, from personal experience, I would not have appreciated it very much, nor would the people of Virginia have appreciated it very much. So, that is my understanding of the law in this context.

Senator LEVIN. Thank you. For a rusty lawyer, you did pretty good. [Laughter.]

Is that true, what you just said, both where the State standards are less strict, or just where they are more strict than the Federal standards? I'm just curious now, too, as a former lawyer. I think

what you just said is that it's the Corps' policy to try to abide by the State standards. If the State standards are lesser, do you go down to those standards, or do you still maintain the higher level of standards?

Mr. WOODLEY. We would follow the Federal standard in that instance.

Senator LEVIN. Gotcha. Okay, thank you.

Mr. Woodley, just on one other question. I asked you this in my office. I appreciated your visit. It's about the Defense Contract Audit Agency's (DCAA) memorandum to the Corps of Engineers saying that Halliburton—and this was a January 13, 2004, urgent memorandum—did not have appropriate systems in place to estimate the cost of its work in Iraq. Three days later, the Corps issued a new $1.2 billion contract with the company to continue its work on the reconstruction of the Iraqi oil industry.

The source-selection document that we looked at indicates that Halliburton was given a perfect score in the competition for its estimating system, even though the DCAA had sent this urgent memo saying that it did not have appropriate systems in place.

I know that you were not personally involved in this issue, but we've asked the Army Corps to explain why that DCAA memorandum was not taken into account during its appraisal of Halliburton's estimating system. We have not gotten a responsive answer, and I'm wondering whether you might have one for us.

Mr. WOODLEY. Senator, I have conferred with my colleague who has oversight over that matter, Secretary Bolton, and he has indicated to me that he will be preparing a responsive answer for the committee.

Senator LEVIN. Thank you.

We look forward to it, and we look forward to it promptly.

Now, Mr. Penn and Admiral Fallon, a couple of questions for you. On January 28, the Washington Post reported that 37 whales had beached themselves and died along the North Carolina shore, "soon after Navy vessels in a deep-water training mission off the coast used powerful sonar as a part of the exercise." It said that scientists from the National Oceanic and Atmospheric Administration (NOAA) were looking into the incident to try to determine the cause of the beachings.

Admiral Fallon, you were Commander of the U.S. Atlantic Fleet. You're an expert on the Marine Mammal Protection Act and the impact of Navy activities on marine mammals, and I know you care about marine mammals. Being a Navy man, can you give us your take as to whether or not the Navy has been able to figure out whether it had any role in the beachings?

Admiral FALLON. Yes, sir, Senator. Thanks very much. I really do care. I've spent a lot of time in business having to do with the Marine Mammal Protection Act in the last several years. We're investigating this incident. I can tell you that the initial information that was provided to me indicates that we had two groups of ships in the western Atlantic that were using sonars in that general period of time. I haven't seen the timelines to see exactly where they are. One group was several hundred miles away. I find it pretty hard to believe that there could have been any interaction there, but we're going to check it out.

We had another ship—the closest ship that we know of that had any sonar transmission was about 50 miles away. That also seems to be an extraordinarily long distance for any interaction. This particular ship was doing some maintenance testing on its sonar for a very short period of time.

We are cooperating actively with the National Marine Fisheries Services (NMFS) and with the other regulatory agencies to try and sift through all the data and to come up with the final determination.

Senator LEVIN. Okay.

Mr. Chairman, I wonder if I could just ask a couple of more questions, then I'll be done, if that's okay.

Chairman WARNER. Go ahead.

Senator LEVIN. Thank you. I appreciate that.

Mr. Penn, I guess you're going to be involved in that issue, and we just would ask you to be working closely in the Navy to give us a complete answer to that question.

In many, many authorization bills we have been struggling with this issue of the role of the Marine Mammal Protection Act and whether or not there should be any loosening of that act, in terms of training and so forth. It's important to the Navy and it's important to our security, but it's also important to our role as stewards of this planet, to the extent we are. So, we would appreciate your getting involved in that issue and working with the uniformed leaders.

Mr. PENN. Yes, sir.

Senator LEVIN. Mr. Penn, let me just ask you a question. It's actually somewhat similar to Senator Inhofe's question, except that it's not a specific question about any property; it's a general question about the conveyances of property which have been taken, under the BRAC process, and you will be involved in this.

Here's the background for this. It has come to our attention the Navy and other military departments may be interpreting the language about conveying property that's available as a result of the BRAC process that there may be some misunderstanding here about what criteria are to be applied to the conveyance of that property.

Some people apparently believe that the mandate in the law is to sell all that property for as much as they can to anybody who is willing to pay, regardless of what the local reuse authority wants or what the redevelopment plan calls for. Now, that is not what was intended by Congress, nor is it what is in the law. First of all, we give authority to the Department of Defense to make a below-cost or a no-cost conveyance. It doesn't have to be a conveyance that reaps a financial benefit to the government. We leave flexibility about that to the Department of Defense.

Whether that authority to convey property for less than its highest value is going to depend on whether or not it is going to be used for profit or for nonprofit purposes. If it's going to be for a public benefit, particularly, then there's an understanding reflected in the law that its highest and best use may not be a sale at the highest price.

So, we have given that flexibility to the Department of Defense. We permit these conveyances, under certain circumstances, where

the bid is less than the highest bid and perhaps maybe a total non-remuneration to the Federal Government.

I'm wondering if you have any views on that question, and, if you're not familiar with that issue, whether you will take a look at it, satisfy yourself as to what the law is, and get back to the committee as to what your understanding is, if you're not familiar with it now. If you are familiar with it now, then perhaps you could give us your understanding now.

Mr. PENN. Sir, I am not familiar with this issue, but, if confirmed, I will be glad to investigate it and get back to you.

[The information referred to follows:]

The base closure law requires the Administrator of General Services to delegate to the Secretary of Defense the authority to dispose of surplus property at closed or realigned military installations, and requires the Secretary to do so in accordance with the regulations governing disposal of surplus property under the Federal Property and Administrative Services Act of 1949. The disposal authorities under this act include public benefit conveyances, negotiated sales at fair market value, and public sales. Another section of the base closure law provides additional authority to convey property to the local redevelopment authority for purposes of job generation on the installation. In amending that provision in the National Defense Authorization Act for Fiscal Year 2002, Congress directed the DOD to seek to obtain consideration in an amount equal to the fair market value of the property. The conference report accompanying that change stated, "The conference agreement would require the Secretary of Defense to obtain fair market value for economic development conveyances in most cases, unless the Secretary determines the circumstances warrant a below-cost or no-cost conveyance." The base closure law also requires that the Secretary of Defense give substantial deference to the redevelopment plan prepared by the local redevelopment authority in preparing the record of decision under the National Environmental Policy Act or other decision document regarding property disposal.

I do not believe that seeking maximum financial return will be the overriding Navy goal in disposing of property at closed or realigned installations, and I fully expect that Navy will continue to give substantial deference to redevelopment plans in making property disposal decisions. I expect the Navy to use all of the available property disposal authorities in the proper circumstances.

Property disposal by public sale can be a very effective means of assisting a local community with economic development and renewal and other property reuse objectives. For example, I understand that the Navy's recent sale of property at the former Marine Corps Air Station El Toro, where the Navy worked in close partnership with the local community, will result in up to 70 percent of the property being dedicated by the property purchaser to the local government for public purposes, and that developer fees will pay for many of the improvements needed to implement the desired public uses.

Senator LEVIN. Thank you.

Mr. Chairman, I thank you for yielding the additional time. As always, you are courteous.

I thank these witnesses and their families for their service.

Chairman WARNER. Thank you, Senator Levin, for participating in this.

Senator Thune, I'm going to be here throughout the completion of this hearing. Would you like to ask your questions at this time?

Senator THUNE. That would be great, Mr. Chairman.

Chairman WARNER. Thank you.

Senator THUNE. Yes. Thank you very much.

I thank the witnesses for being here and for your willingness to serve your country. Thank you, as well, for the opportunity you've given me to visit with you individually on some of these issues.

I have one issue, in particular, Mr. Chairman, that I have had conversations with Mr. Woodley about before, but I would like to raise it, just for the record.

One of his responsibilities is the Army Corps of Engineers, and we've had a lot of discussion in the past decade over a rewrite of the master manual for the Missouri River. That has been completed, and is now being implemented. There are some unique circumstances right now, as they pertain to the Missouri, in that we've had successive years of drought, and that has caused a lot of problems, not only for the State of South Dakota and its recreation industry, but other States and their issues. In fact, so much so that I've had, in the last couple of days, the chairs of two of the Indian tribes in South Dakota, who have been in my office, and who rely on the Missouri for water supply, tell me the intakes now, because of the drought, are sucking mud. To me, that's a very immediate public-health issue that will need to be addressed.

I would be interested in getting Secretary Woodley's comments with respect to that, and just suggest to him, too, that, as I've discussed with you privately, I look forward to working with you to address that.

It is an immediate concern. There are a lot of debates about the use of the river that have gone on for long before either you or I were on the scene—that continue to go on today. But this is one, in particular, now that is a very immediate concern that has been caused by the drought.

We have two tribes, both the Cheyenne River Sioux Tribe and the Standing Rock Sioux Tribe, that rely upon the Missouri River for water supply and who have pipes and intakes that are now not able to reach a pool level where they can pull water out of the river, and that creates a lot of problems, as you would expect, for the populations in their reservations.

So if you could respond to that, that would be great.

Mr. WOODLEY. I certainly will, Senator. I can tell you that during the time I have been privileged to serve with the Corps of Engineers in the Secretariat, no single issue has been more important to me or more vexing to the Corps, in general, than the management of the Missouri River and the many interests that rely upon it.

This is a responsibility that the Corps of Engineers takes very seriously, and we are mindful of the fact that the reservoirs that the Corps manages on the river are now at their lowest point that they have been since they were first established, and that is causing hardship of the direst sort for the people of South Dakota, North Dakota, and Montana.

Since we discussed the issue about the water intakes, I have had occasion, in my capacity as Principal Deputy Secretary of the Army for Civil Works, to discuss this matter once again with the district engineer at Omaha, and to convey to him, in the strongest terms, the need for constant engagement, and to receive from him his assurances that he is in constant contact with the tribal leaders and other representatives of other Federal agencies, bringing them together and serving as the convener and actuator, so that all resources of the Federal Government—that we can bring to bear—are focused on these issues.

I appreciate the leadership that you have brought to bear on this, as well, and the other members of the delegation from these drought-stricken States.

Water intake is very important. Access issues are occurring all over the region. We have concerns for cultural resource protection. As the levels go down, they expose areas of important cultural resources and tribal resources that must be identified and protected. We have issues with noxious weeds, invasive plants that begin to colonize in these areas. So this is a very complex issue, and there is no more important challenge that we have than the management of the Missouri River in this time of extreme drought.

So, I will be, if I am confirmed and on a continuing basis, working with you and available to you and to all the members of the committee and of the delegations of the affected States to bring to bear every resource that the Corps of Engineers has to ameliorate this suffering.

Senator THUNE. I appreciate that very much and know that you have had conversations with our governor, as well. I don't envy your job. There are a lot of competing pressures from a lot of States. I've talked to some of my colleagues here in the Senate who have an entirely different view and perspective on the Missouri River than I do. But those of us in the Upper Basin have experienced, as you noted, a tremendous amount of stress economically in the last few years because of the drought, and welcome your assistance and help in making sure that the priorities of those States are addressed.

Furthermore, the most immediate issue, in my judgment, is in August, when it hits the lowest level—and it is the lowest level, historically, that we've ever seen since the dams were built by the Corps—is the water-supply issue on the reservations. That is a crisis-type issue, and one that we're going to need a lot of help with. So I appreciate your willingness to convey your support for helping us address that problem.

Mr. Penn and Mr. Fallon, welcome, as well. We look forward to your speedy confirmation.

Thank you, Mr. Chairman.

Chairman WARNER. Senator, if you wish to take additional time, I'm going to remain here. Do you have any other questions?

Senator THUNE. It's just you and me, I guess.

Chairman WARNER. It is.

I've been trying to do a little research on this myself, and I understand that part of America, while we here in the east are flooded out, is experiencing a record drought of some proportions for several years. I mean, it's cumulative, is it not?

Senator THUNE. It is, and it's gotten to where the pool level in the reservoirs is—since the dams were put in, in 1944, the Flood Control Act, Pick-Sloan Plan, and the Oahe Dam, which was built in 1962 in South Dakota, hasn't seen this low a level since the dams were built.

Chairman WARNER. The dams were built to collect the water for such uses as the immediate environs required, and then to release it to maintain a depth of the river itself to permit barge traffic, as I understand it, to go up and reach certain ports in your State. Am I correct?

Senator THUNE. Actually, the river doesn't come clear up, because the dams now are in our State, but it comes up just to the border, to Sioux City, which is in Iowa.

Chairman WARNER. Correct. Sioux City.

Senator THUNE. Correct, and the primary purpose was flood control.

Chairman WARNER. Flood control.

Senator THUNE. At the time, we had experienced some floods that were very devastating, and that led to the passing of the legislation and the creation of the dams. The original plan called for hydroelectric power, irrigation, water supply, some other uses, and it's been the Corps' job to try and balance all of those. But in the environment that we're in right now, because of the drought, that has become an extremely difficult job, and the best thing that we could do now is pray for snow in Montana or rain somewhere in the Basin. But this is a real serious issue.

Chairman WARNER. I'm glad you brought it up. We're likely, this committee, in the course of the confirmation process—we will need to engage other Senators who have an active interest in this situation. Secretary Woodley has indicated to me, we'll just work around the clock to try and establish, to their satisfaction, the resources of the Corps of Engineers to try and work to alleviate this situation.

Also, as an outdoorsman myself, I understand it's severely impaired the sport fishing and other things that economically are very important to the region. Is that correct?

Senator THUNE. That is correct. We have about an $85 million recreation industry on the lakes in South Dakota, which has taken a tremendous hit. You can't launch a boat, with the exception of a couple of places, on the entire lake system.

Chairman WARNER. You can't even put a boat in?

Senator THUNE. You can't get a boat in, with a lot of places, and that has extreme consequences for some of these smaller communities that rely almost exclusively on the seasonal recreation industry.

So it is a very serious issue, Mr. Chairman, and I appreciate your willingness to look at it.

Chairman WARNER. Thank you.

Just one last question. Technically, 100 percent being full capacity of the dam, at what percentage do you feel that they are filled at now?

Senator THUNE. The Secretary may be better able to answer that. I will tell you, in Lake Oahe, that about 1,610 to 1,620 feet above sea level is considered a fairly full lake; and we expect, in August, to hit 1,559 feet, so it's dropped significantly. In terms of the acre-feet of water that it holds, I think that it's down to about 35 million acre-feet, or below that?

Mr. WOODLEY. That's the entire system's storage for the entire six-reservoir complex.

Senator THUNE. That's the entire system, that's correct. Right.

Mr. WOODLEY. Mr. Chairman, the entire system has a capacity of 72 million acre-feet, making it by far the largest system of reservoirs in the Nation and one of the largest in the world. We consider a normal or average capacity to be at about 54 million acre-feet, and the capacity above that is intended to absorb the runoff from an extraordinary flood event, which has happened well within modern memory. If we look at 1993, there was more than enough

water. Indeed, rather more water than most people would have liked to see in that entire part of the country. The reservoirs then served their purpose very well and drastically reducing the severity of what was already a very significant flooding event.

At 54 million acre-feet, we would consider a normal pool—the current level is right at, or about, or perhaps slightly below 34 million acre-feet. This is, I would say, at a time when we would expect, seasonally, to receive an inflow, very soon, from the melting of the mountain and prairie snowpacks. However, I am told, by the experts in the field, that those runoff levels are not expected to exceed 72 percent of an average outflow. So we are not likely to get relief from that source in this spring melt season; understanding, of course, that these matters are entirely unpredictable, as the weather is.

Chairman WARNER. We thank you, Mr. Secretary. I think that covers it.

Thank you, Senator Thune. Anything further?

Senator THUNE. No, Mr. Chairman. I appreciate your interest in this subject.

Chairman WARNER. I appreciate it, it is an important issue.

Admiral, to your future assignment here, North Korea publicly declared that it had nuclear weapons, and demanded bilateral talks with the United States as a precondition for resumption of the Six-Party Talks. There has also been discussion in the press of evidence that North Korea may have exported nuclear-related items to other countries. I think the President and his team are handling this very delicate situation precisely correctly and—in working in conjunction with the other nations—notably, China, South Korea, Japan, and others—to try and resolve this. But as to your responsibility, in light of these most recent developments, how do you assess the current situation, the security situation, on the Korean Peninsula? What, if anything, should be done to strengthen the deterrents on the Korean Peninsula?

Admiral FALLON. Thank you, Senator. It's clearly disturbing, this assertion that they have nuclear weapons. Whether they do or not, I don't know. But the fact that they would publicly make this statement is one of serious concern. So, I think our response should be in two areas. One is to maintain strong deterrent posture to signal our support for South Korea and our allies in the region. Second, to do whatever we can to facilitate the diplomatic efforts, whether it's restarting the Six-Party Talks or to encourage another initiative from, not only ourselves, but the other nations in the area, I think, would be an appropriate course of action. It clearly is something that is disturbing. Not only the nuclear revelation or assertion, but the fact that the North Koreans have been exporting their missile technology, which may provide the means to deliver these types of weapons, is certainly something of high concern.

I'm working hard to get up to speed in this area, to learn as much as I can about it. I look forward, if confirmed, to engage with our allies in the area, and to our other experts, in government and out, to learn as much as we can so that I can be of some use in the region.

Chairman WARNER. You may wish to, assuming confirmation of the Senate, be in office out there for a while. Before you respond,

but I would hope that you would keep this committee informed if you felt that, at any time, the overall resources at your disposal were less than adequate to maintain a strong deterrent position on behalf of that peninsula from any conflict breaking out.

Admiral FALLON. Yes, sir, I certainly will.

Chairman WARNER. Thank you.

As to China, the committee continues to follow, with great interest, their expanding capabilities, in terms of military, both conventional and strategic. There always remains the importance of our Taiwan relationships—and, indeed, with mainland China—and we try to follow, I think, quite correctly a balanced policy. How do you see these trends unfolding over the next few years?

Admiral FALLON. Sir, I certainly support the idea that we maintain a balanced look, keep a close eye on this issue, to be maintaining the idea of a status quo, that there not be any unilateral action that would upset the situation.

It is really interesting, I think, to study this challenge, because the tremendous dynamic growth of China and the many economic interfaces that they have with us and with other nations around the world and with Taiwan. It's pretty fascinating. At the same time, this pretty much unprecedented growth in military capability is something that certainly bears watching.

I know that there have been some initiatives on our part to reach out to China, to work with them to try and facilitate moving forward on our mutually shared interests.

Chairman WARNER. I think it is important to find common grounds of interest.

You are quite active, then, with the Secretary of State, whoever that may be. Right now we're pleased to have Dr. Rice, but you also interface with all of the ambassadors in that region. You have a unique overall responsibility there. While military is your first mission, diplomacy certainly is a second one, in many respects, to work with those members of the Department of State.

Admiral FALLON. Yes, sir. I look forward to their insight, counsel, advice, and experience in each of these countries.

Chairman WARNER. But your relationships with the chief of the military services in each of those countries are very helpful.

Admiral FALLON. Yes, sir.

Chairman WARNER. That is, unfortunately, with North Korea, at the moment, not possible, but who knows what the future may hold?

Mr. Woodley, from 2001 to 2005 the Civil Works budget decreased more than 11 percent. The decline contrasts with nearly a 29 percent increase in overall Federal expenditures in this same period. What has this resulted in, in terms of your projects, for the Corps of Engineers?

Mr. WOODLEY. Mr. Chairman, comparisons across time of a construction budget are often difficult to make, because the budget goes up or down depending on the call for new infrastructure, and infrastructure modifications, and major rehabilitations.

The budget we have for the current year, which I recently presented, represents an increase from last year's President's budget of about $200 million. It does represent a decrease from the amount appropriated by Congress by about the same amount. But

we have been able to get more support within the President's budget than we had in the prior period.

We've done that by seeking to concentrate the funds that we have, based on the performance of the projects and a rigorous ranking of the projects that are being supported, in order to proceed with the projects with the greatest cost benefit, as our analysis shows them. These are such projects as the harbor in New York and New Jersey, on the east coast, and Oakland, on the west coast; the very important navigation infrastructure projects of locks and dams on the Ohio River; and, in the arena of environmental restoration, the critical Everglades Restoration Project in Florida to restore the world-class ecosystem of the Everglades.

Chairman WARNER. I hope you mention the Chesapeake Bay, because, there again, it's a very critical project.

Mr. WOODLEY. The Corps will certainly play a leading role in the work in and around the Chesapeake Bay, certainly.

One of my primary goals has been and, if confirmed, would continue to be to employ very strict processes of performance-based budgeting within the Civil Works part of the Corps of Engineers.

Chairman WARNER. Let me get a tight answer for the record on the following question. Describe to the committee precisely your responsibilities, if any, for the oversight and execution of contracts managed by the Corps of Engineers for reconstruction activities in Iraq.

Now, this is currently under Ambassador Negroponte.

Mr. WOODLEY. I have no responsibility in that.

Chairman WARNER. Then that makes it clear. All right, I thank you very much.

Now, Mr. Penn, in discussions with the Department of Defense over the past 2 years, the Global Posture Review, the Department has maintained the position that any decisions made about the relocation of the home port for a carrier would be made within the context of the 2005 round of BRACs scheduled to take place this summer. This answer was, again, used by Admiral Clark last week in response to a question by Senator Akaka about the potential of possibly relocating carriers in Hawaii.

I would hope that you would watch that process. I don't mean, at this point and in this hearing, to reopen the issue, I feel it was a very full coverage of the issues with the distinguished Chief of Naval Operations. But I do note that this is a BRAC-process year. This committee will soon be, hopefully, reviewing, in its advise and consent role, the nominees made by the President of the United States for the BRAC Commission. I have committed so much of my career in this committee to moving forward sequentially in BRAC processes. We enacted a law, it is in place, it was challenged last year to some extent, but, with the support of the President, we kept it intact. The process is going forward. We experienced, in years past, some problems which I hope we will not have any reoccurrence in this cycle. So I don't ask you for any commitment but to keep a watchful eye on that BRAC process to make sure that it works in accordance with the laws, as written by this committee and accepted by the full Congress and the House committee—very active in it—to get this behind us.

You will keep a watchful eye?

Mr. PENN. Senator, if confirmed, I assure you.

Chairman WARNER. I thank you.

We now have come to that point where I feel that the audience has stayed with us for a long time. There are several additional questions, which I will place into the record and ask each of you, at your earliest opportunity, to provide your responses for the record.

So I thank our distinguished panel of nominees, their families and friends who have gathered for this very important day. I'm optimistic about your confirmation process. I wish you well.

The hearing is now concluded.

[Whereupon, at 5:22 p.m., the committee adjourned.]

[Prepared questions submitted to John Paul Woodley, Jr. by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. You previously have answered the committee's advance policy questions on the reforms brought about by the Goldwater-Nichols Act in connection with your nomination in 2003 to be the Assistant Secretary of the Army for Civil Works. Have your views on the importance, feasibility, and implementation of the Goldwater-Nichols Act reforms changed since you testified before the committee at your confirmation hearing on February 27, 2003?

Answer. No, my views have not changed. I continue to support full implementation of the Goldwater-Nichols Act, which strengthens civilian control; improves military advice; places clear responsibility on the combatant commanders for the accomplishment of their missions; ensures the authority of the combatant commanders is commensurate with their responsibility; increases attention to the formulation of strategy and to contingency planning; provides for more efficient use of defense resources; enhances the effectiveness of military operations; and improves the management and administration of the Department of Defense.

Question. Do you see the need for modifications of any Goldwater-Nichols Act provisions based on your previous experience as Assistant Secretary of the Army for Civil Works? If so, what areas do you believe it might be appropriate to address in these modifications?

Answer. Based on my previous experience as Assistant Secretary of the Army (Civil Works), I see no need for modification of any provisions of the Goldwater-Nichols Act. The Goldwater-Nichols Department of Defense Reorganization Act is as relevant today as it was in 1986 when enacted.

DUTIES

Question. In your response to previous advance policy questions submitted in February 2003, you stated your understanding of the duties and functions of the Assistant Secretary of the Army for Civil Works. Based on your experience in the Department since that time, what changes, if any would you make to your original response?

Answer. Section 3016 of Title 10 of the United States Code and Department of the Army General Orders No. 3 remain in effect and the duties of the Assistant Secretary of the Army (Civil Works) remain as stated in those documents, which I summarized in my previous answer. There is one modification to the Assistant Secretary's responsibilities with regard to Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery. That change now is codified in Department of the Army General Orders No. 13, dated October 29, 2004, which replaces an 18-year-old General Order. General Orders No. 13 assigns overall supervision of Arlington National Cemetery to the Under Secretary of the Army and clarifies that the Superintendent of Arlington National Cemetery reports directly to the Assistant Secretary of the Army (Civil Works) on the execution of the program of the Cemetery, including administration, operation and maintenance. The Assistant Secretary of the Army (Manpower and Reserve Affairs) remains responsible for burial policy.

Question. What recommendations, if any, do you have for changes in the duties and functions of the Assistant Secretary of the Army for Civil Works, as set forth

in section 3016 of Title 10, United States Code, and in regulations of the Department of Defense and Department of the Army?

Answer. I believe the duties and functions of the Assistant Secretary of the Army (Civil Works) are clearly and properly assigned in the above-referenced documents. During my previous service as Assistant Secretary of the Army (Civil Works) I recommended changes in oversight of Arlington National Cemetery, and those recommendations are reflected in the new General Orders No. 13, dated October 29, 2004.

Question. Assuming you are confirmed, what duties do you expect that the Secretary of the Army would prescribe for you?

Answer. If I am confirmed, I expect to carry out the duties and functions of the Assistant Secretary of the Army (Civil Works) as articulated in General Orders No. 3, dated July 9, 2002, and General Orders No. 13, dated October 29, 2004. In addition, I expect to support and assist the Secretary of the Army in carrying out critical departmental responsibilities, including Continuity of Operations.

RELATIONSHIPS

Question. If confirmed, what would your working relationship be with:

The Secretary of the Army.

Answer. I will work closely with the Secretary of the Army in furthering the goals and priorities of the President. Consistent with the General Orders, I expect the Secretary to rely on me to oversee the Civil Works program of the U.S. Army Corps of Engineers, and the programs of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery.

Question. The Under Secretary of Defense for Logistics and Materiel Readiness.

Answer. I will work through the Secretary of the Army to form a close and constructive relationship with the Deputy Under Secretary of Defense (Logistics, Materiel Readiness) in areas of mutual interest.

Question. The Under Secretary of the Army.

Answer. I will work closely with the Under Secretary of the Army in furthering the goals and priorities of the President and the Secretary of the Army, including Army national cemetery program. Under General Orders 13, October 29, 2004, the Under Secretary is responsible for overall supervision of the program, and the Assistant Secretary of the Army (Civil Works) is responsible for supervision of the program and budget.

Question. Deputy Under Secretary of Defense for Installations and Environment.

Answer. Having worked for the Deputy Under Secretary of Defense for Installations and Environment, I am very aware of the responsibilities of the position and look forward to a constructive relationship, working through the Secretary of the Army, in areas of mutual interest.

Question. The Assistant Secretary of Defense for Homeland Defense.

Answer. I will work through the Secretary of the Army to form a close and constructive relationship with the Assistant Secretary of Defense for Homeland Defense to ensure that the full array of assets of the U.S. Army Corps of Engineers is available to support the national defense, including the engineering and technical management and emergency response and recovery capabilities associated with the Army Civil Works Program.

Question. The Assistant Secretary of the Army for Installations and Environment.

Answer. I will work to form a close and constructive relationship with the Assistant Secretary of the Army (Installations and Environment) in areas of mutual interest.

Question. The Chief of Staff of the Army and the Army Staff.

Answer. I will establish and maintain a close, professional relationship with the Chief of Staff as he performs his duties as the senior military leader of the Army.

Question. The Commander, U.S. Army Corps of Engineers and Chief of Engineers.

Answer. I believe the relationship between the Assistant Secretary of the Army (Civil Works) and the Chief of Engineers that best serves the interests of the Nation is the one based on mutual respect, trust, and cooperation. Both positions have enormous responsibilities and demand great attention to very complex issues. During my previous service, the current Chief of Engineers, LTG Carl A. Strock, and I established such a relationship and I fully expect it to grow stronger. Our respective abilities to be responsive to the President's priorities and to the policy directives of Congress depend greatly on the success of this relationship.

Question. The General Counsel of the Army.

Answer. My relationship with the General Counsel of the Army must involve close and regular consultation, given the legal complexities of the Civil Works program of the U.S. Army Corps of Engineers. During my previous service, I had such a close

and constructive relationship with the General Counsel of the Army and, if confirmed, I will work to continue and strengthen that relationship.

Question. The Judge Advocate General of the Army.

Answer. If confirmed, I would maintain a constructive relationship with the Judge Advocate General of the Army in areas of mutual interest.

Question. The State Governors.

Answer. The Army and its U.S. Corps of Engineers must remain committed to working cooperatively with Governors and local authorities for the benefit of local citizens and for sustainable development and protection of the Nation's natural resources. These cooperative efforts must be undertaken in the context of civil works authorities and legal responsibilities. These responsibilities often require a balancing of diverse interests. The proper reconciliation of these interests demands open communication among all parties. I am committed to establishing and maintaining a full and open dialogue with the Governors on all issues of mutual interest.

MAJOR CHALLENGES AND PROBLEMS

Question. In your responses to previous advance policy questions submitted in February 2003, you identified as major challenges that would confront the Assistant Secretary of the Army for Civil Works the need to maintain the Corps of Engineers' existing infrastructure, the need to repair the damaged environment, and the need to ensure the physical security of the Corps' infrastructure around the country. What do you consider to be your most significant achievements in meeting these challenges during your previous service as Assistant Secretary?

Answer. During my previous service as Assistant Secretary of the Army (Civil Works) advances were made in addressing each of the three major challenges I identified in February 2003.

Concerning the need to maintain existing Corps infrastructure, the fiscal year 2006 budget includes more funding for Civil Works operation, maintenance, rehabilitation, and protection than any prior Civil Works budget—$2.353 billion. We held down operations costs in order to apply more funding to project maintenance, and then prioritized potential maintenance expenditures based on its criticality to the reliable, safe, and efficient performance of the navigation and flood damage reduction facilities operated by the Corps. Finally, we have reached agreement within the administration to explore, in conjunction with the development of the fiscal year 2007 budget, ways to improve the manner in which the budget funds major rehabilitation projects at Corps hydropower, inland navigation and flood damage reduction facilities, in order to ensure that funding is provided to those new and continuing major rehabilitation projects that yield a high economic return per dollar invested.

In my previous service as Assistant Secretary of the Army (Civil Works), we advanced several major ecosystem restoration programs and achieved a greater focus on environmental restoration both in planning new projects and in operating existing projects. We have finalizing the Programmatic Regulations for the Comprehensive Everglades Restoration Plan, produced the Louisiana Coastal Area Restoration Plan, and, after more than a decade of difficult work, implemented a new Master Manual for the operation of the Missouri River System that includes significant ecosystem restoration components. As Assistant Secretary, I emphasized that all our restoration efforts must be informed by good science and broad public participation.

Concerning physical security of Corps' infrastructure, I was successful in gaining administration support for $84 million in fiscal year 2005 and $72 million in fiscal year 2006 to continue implementing security measures for Corps of Engineers projects and facilities.

Question. Have these challenges changed since your appointment in August 2003, and, if confirmed, what are your plans for addressing the challenges you now anticipate?

Answer. Those challenges continue, and I would add two more: improving the Corps regulatory program and improving the Corps planning process.

In the past 18 months I have gained a much greater appreciation for the scope and importance of the U.S. Army Corps of Engineer's Regulatory Program. This program protects the Nation's precious aquatic resources. In more than 80,000 separate actions each year, hundreds of billions of dollars of the Nation's life-sustaining enterprise must receive the Corps' scrutiny through its Section 404 permit process. We must meet the challenge of serving the economic and environmental interests of our Nation with effectiveness and efficiency. As Assistant Secretary I have and, if I am confirmed, will continue to emphasize predictability and consistency as the hallmarks of a good regulatory program. From both my prior experience as Assistant Secretary and my experience as Virginia's Secretary of Natural Resources I know

that, with attention and commitment, business can be conducted in a way that makes sense for the environment.

In my previous service as Assistant Secretary, I began to implement a concept of designating one Corps district as lead regulatory district in each State, responsible for maintaining a close liaison with the State permitting authorities and ensuring State-wide consistency within the regulatory program. If confirmed, I intend to pursue interagency initiatives to improve the Civil Works business processes, like the one recently signed with the Office of Surface Mining that establishes parallel, rather than sequential, review of permit applications. Finally, where there are commonsense solutions available to help solve ecosystem problems like water quality or habitat degradation, we will try to create regulatory incentives to getting those solutions implemented.

Our Nation relies on the Corps to protect aquatic resources while allowing important economic development activities to proceed. The Corps annually performs over 100,000 wetlands jurisdictional determinations. As pointed out by the National Academy of Science, ensuring jurisdictional practices are consistent across the country has been a major challenge, especially since the Supreme Court's decision in the "SWANCC" case [Solid Waste Agency of Northern Cook County vs. U.S. Army Corps of Engineers]. We are working diligently with the Corps to collect information on jurisdictional practices to better understand the circumstances where consistency issues arise, and address them. If confirmed, I will work with the Corps and other agencies in developing internal guidance that will improve consistency of jurisdictional determinations across the Nation.

We can improve the Corps' planning process by completing the establishment of Centers of Expertise to efficiently handle independent technical review of Corps projects, economic model verification, and the issues surrounding Corps Reform. If confirmed, I am committed to work with the administration and Congress to make business process improvements allowing for an orderly and effective water resources development program for the Nation.

PRIORITIES

Question. In your responses to previous advance policy questions submitted in February 2003, you identified working to ensure effective management and administration of the Army Civil Works program and the Army's national cemetery program as one priority you would have. Additionally, you identified as a priority seeking ways to more efficiently use resources in the development and execution of programs to ensure that taxpayers' dollars are wisely spent. What do you consider to be your most significant achievements in addressing these priorities during your previous service as Assistant Secretary?

Answer. Last year I established three overarching priorities. First, identify clear programmatic goals for all major Corps mission areas. These goals form the basis for building and defending a performance-based budget. Second, seek continuous improvement in the analytical tools employed by the Corps to support decisionmaking. While the Corps generally does a good job in this area, it can always do better. Third, improve the effectiveness and efficiency of the regulatory program. This program touches virtually every community in America and protects many valuable aquatic resources.

There have been significant advances in all three areas.

In March 2004, the Corps issued its Civil Works Strategic Plan, setting out the agency's objectives in each of its major mission areas. With this Strategic Plan as a guide, the Corps has instituted a performance-based budgeting system for the Civil Works program and used performance principles in developing of the fiscal year 2006 President's budget for civil works.

To streamline project implementation, new model Project Cooperation Agreements have been developed, including one for navigation projects and one for environmental infrastructure assistance programs. Up-to-date model Project Cooperation Agreement support the delegation of oversight of this process, with resulting efficiency in the process, while still preserving national consistency, policy compliance, and legal sufficiency.

The Corps has entered into a memorandum of understanding with the American Association of Port Authorities, establishing shared partnership principles to guide Army and public ports in developing and maintaining the Nation's ports and harbors.

In May 2004, a cooperative agreement with the Netherlands Rijkswaterstaat was reached, leading to great benefits from exchanges between two of the world's most respected water resources agencies.

Corps Divisions have been delegated the authority to approve post-authorization decision documents that comply with policy and are below the threshold requiring reauthorization.

This past year, I have made the regulatory program a priority by encouraging performance based budgeting, participating in memorandums of agreement to achieve efficiencies when processing permits for energy projects (Deepwater Ports, Linear Transmission Projects, Joint 404–Surface Mining Control and Reclamation Act (SMCRA) Procedures), establishing lead corps districts in each State, and providing guidance on compensatory mitigation projects.

A survey of corps districts has identified key areas of greatest variance between their practices on making regulatory jurisdictional determinations. The Corps has adopted a new method for reporting determinations of non-jurisdiction to enable direct comparisons of practices among its districts.

The Corps has developed and implemented a nine-point plan and brochure to help the mining industry in Appalachia comply with the Clean Water Act through guidance, educational workshops, and processing a large permit application backlog caused by litigation. In the process the Corps issued clarifying guidance pertaining to mitigation of the effects of mountaintop surface coal mining to promote a watershed perspective, allow for consideration of SMCRA features as part of overall mitigation plans, and to make it clear that conservation easements are not an absolute requirement for every site.

The past year has also brought to fruition several major actions. After 13 years of effort, the Corps has issued a newly revised master manual governing operation of the Missouri River system. The revised master manual is a marked improvement over the 1979 Master Manual and has already sustained judicial scrutiny in one U.S. District Court.

The Corps also issued programmatic regulations for the Comprehensive Everglades Restoration Program (CERP). These rules establish the multi-agency program that will develop, integrate, implement, and monitor the extremely complex environmental restoration efforts in south Florida.

The Corps also has advanced important studies concerning both the restoration and navigation on the upper Mississippi River, and the loss of wetlands in the Louisiana coastal area.

Under my leadership, the Civil Works program has made great strides in improving effectiveness of its use of resources. For the six initiatives in the President's Management Agenda that apply to Civil Works, progress is "green" on four and "yellow" on two. This signifies that the Corps is improving its management of human capital, beginning to achieve efficiencies through competitive sourcing and the better use of e-government and real property management tools, basing budget decisions on economic returns and other performance metrics, and addressing audit and other financial management issues. In particular, the Corps has made great strides in basing the fiscal year 2006 budget on performance. Funding in the fiscal year 2005 and fiscal year 2006 budgets was allocated by business program with a nation-wide view, so that the most important work in each program received funding. In the fiscal year 2006 budget, additional steps were taken to concentrate funding for studies, design, and construction on the work likely to yield the highest returns. In addition, the fiscal year 2006 budget includes more funding for Civil Works construction, rehabilitation, operation, maintenance, and protection than any other budget in history. Finally, the Corps has achieved strong ratings for its recreation, emergency management, and regulatory programs, with the result that these programs have been budgeted at very healthy levels.

Question. If confirmed, what priorities would you establish, and what would be your plans for addressing them?

Answer. If confirmed, I will continue to pursue the priorities I stated during my prior service: establish clear programmatic goals for all major Corps mission areas; improve the analytical tools employed by the Corps to support decisionmaking; and improve the effectiveness and efficiency of the regulatory program.

I would pursue the goal of establishing clear performance goals, in part, through the initiatives of the President's Management Agenda, as follows:

- For human capital, make significant progress in reducing hiring time lags and integrate the accountability system into decisions.
- For competitive sourcing, plan for and carry out competitions as scheduled.
- For financial management, resolve audit issues.
- For e-government, establish an effective Enterprise Architecture, adhere to cost and schedule goals, secure currently unsecured IT systems, and implement applicable e-government initiatives.

- For budget-performance integration, improve the linkages between the strategic plan and performance, and improve performance metrics used in budget decisions.
- For real property asset management, develop and obtain approval of an asset management plan, an accurate and current asset inventory, and real property performance measures.

My plan, if I am confirmed, for addressing the challenge of improving the Corps' analytic tools is to place a high priority on completing economic modeling efforts now underway and to work closely with the Chief of Engineers to address the issues that arose in the National Research Council's Reports on the planning process conducted under Section 216 of Water Resource Development Act (WRDA) 2000. I also would work closely with the Chief of Engineers in further streamlining the planning process and establishing a workable framework for independent review of complex and controversial Corps' studies.

We have increased the President's Budget for the Corps regulatory program from $144 million for fiscal year 2004 ($140 million of which was appropriated), to $150 million for fiscal year 2005 ($145 million of which was appropriated), to $160 million for fiscal year 2006. If confirmed, I will continue to make the regulatory program a priority by supporting the National Wetlands Mitigation Action Plan, developing regional general permits for mining and aquaculture activities, and supporting efforts to develop regional field indicators that will help Corps regulators make consistent, predictable jurisdictional determinations in the arid southwest and Alaska. Over $200 billion of economic development depends upon the work of about 1,200 Corps regulators in 38 districts.

CIVILIAN OVERSIGHT OF THE ARMY CORPS OF ENGINEERS

Question. In your responses in February 2003, you described the relative authorities of the Chief of Engineers, the Assistant Secretary of the Army for Civil Works, the Secretary of the Army, the Army Chief of Staff, and the Secretary of Defense with regard to the civil works function of the Army Corps of Engineers. You indicated that you would seek ways for the Corps to become more innovative and creative, not only in domestic civil works and emergency responses, but also in the Nation's vital national security interests. Since your appointment in August 2003, what changes, if any, have taken place in the manner in which the Chief of Engineers and the Corps and the Assistant Secretary of the Army for Civil Works interact?

Answer. I am extremely pleased with the strong working relationship I have with both the Chief of Engineers and the Director of Civil Works. My experience during my previous service as Assistant Secretary has confirmed my initial belief and confidence in the integrity, commitment, and engineering excellence of these general officers.

Question. Are there additional changes you would seek to implement, if confirmed?

Answer. If confirmed, I would seek to strengthen the vertical and horizontal team concept emphasized in the Corps 2012 plan. Under this concept, concerns and issues are raised early in the development of projects, and a virtual or actual team is convened involving all levels of the organization that can contribute to early and final resolution of the issues. If confirmed, I would seek to promote this concept further by including the Office of the Assistant Secretary of the Army (Civil Works) in more cases, expediting the planning and design of projects, developing the administration position on these projects, executing project cooperation agreements, and resolving concerns of Members of Congress that are brought to my attention.

RELATIONS WITH CONGRESS

Question. The duties of the Assistant Secretary of the Army for Civil Works often involve issues of great significance to local communities, State governments, and the Senators and Congressmen who represent them in Congress. What is your assessment of the ability of the civilian and military leadership of the Army Corps of Engineers to respond to requests for support for State and local projects advanced by elected officials?

Answer. The Corps is unparalleled in providing disaster assistance and emergency preparedness. The Corps is well poised to support and respond to State and local requests not only in dealing with natural disasters, but also in responding to the Nation's water resources development needs. Throughout my previous service as Assistant Secretary, I often heard praise for the Corps disaster assistance and emergency response efforts from leaders in State and local governments.

ANALYSIS OF ARMY CORPS OF ENGINEER PROJECTS

Question. What is your view of the degree of independence that should be provided to the economists charged with assessing the economic viability of Corps projects and the role of the senior civilian and military leadership of the Corps in reviewing the work of those economists?

Answer. In my previous response, I stated that the technical and policy review process followed by the U.S. Army Corps of Engineers in managing feasibility studies needs to ensure that the many professionals who are involved in those studies are afforded an appropriate level of independence. I continue to strongly believe that Corps professionals at all levels need to follow established regulations, procedures, and policies in determining whether a project is, or is not, economically justified. Like any other organized system of analysis, the integrity of the process is critically dependent on all Corps of Engineers professionals doing their jobs in analyzing, assessing, and providing the documentation upon which the merits of a proposed Civil Works project may be weighed. The role of the senior civilian or military leadership is to ensure the integrity of the system to provide an independent policy, legal, and technical assessment of each proposed project, and then to rely on that documentation as the basis for their recommendations to policy decisionmakers to accept, reject, or modify a proposed action transparently.

Question. In October 2003, the General Accounting Office released a report about a flood protection project in Sacramento, California which concluded that the Corps did not fully analyze, or report to Congress in a timely manner, the potential for significant cost increases. In this case, costs rose from $44 million to over $270 million and resulted in a lack of funding to carry out a substantial portion of the original scope of work. If confirmed, what steps would you take to ensure Congress is properly notified of cost overruns and potential changes to the scope of work for specifically authorized projects?

Answer. This is a matter of keen interest to me. If I am confirmed, I will continue to work with the Chief of Engineers to ensure that proper risk-based engineering analysis is performed during the feasibility phase, commensurate with the degrees of uncertainty that could occur in the future with project conditions. Further, if confirmed, I will work with the Corps to place as much emphasis on costs as is placed on the benefit side of the equation. The Corps has made great strides in implementation of its MCACES cost estimating system. However, we must continue to provide updated tools that will enable the Corps cost estimators to determine, with reasonable assurance and during the feasibility phase of the study, the expected construction and real estate costs of potential projects. Whenever, despite these efforts, cost increases or potentially significant changes to the scope of work of projects occur, I will work with the Chief of Engineers to ensure that Congress is promptly notified.

Question. If confirmed, would you adhere to existing Corps policy that the Corps seek new spending authority from Congress if it determines, before issuing the first contract, that the Corps cannot complete the project without exceeding its spending limit?

Answer. Yes, if confirmed, I would adhere to that policy, which is well founded. For projects already underway, the intent behind the Corps policy is to ensure that contractual commitments can only be made up to the point of the cost limit established pursuant to Section 902 of the Water Resources Development Act of 1986. Any potential contract causing the "902" cap to be exceeded would not be advertised for bid solicitation until new authority was received. Similarly, a contract would not be awarded if, at the point of issuing the first contract on a new construction project, it is known that the project would exceed the "902" limit.

CONTRACTING FOR THE RECONSTRUCTION OF IRAQ

Question. Over the last 2 years, the Army Corps of Engineers has played a major role in executing and managing contracts for the reconstruction of Iraq. The reconstruction effort has run into considerable difficulties due in large part to the ongoing insurgency and related security problems in Iraq. What lessons have you learned about the ability of the Army Corps of Engineers and its contractors to execute large-scale construction projects in a dangerous environment?

Answer. Under General Orders No. 3, dated July 9, 2002, Department of the Army Secretariat oversight of U.S. Army Corps of Engineers activities in foreign lands that are not directly in support of U.S. military forces overseas is assigned to the Assistant Secretary of the Army (Civil Works). However, Department of the Army oversight of the reconstruction of Iraq, including U.S. Army Corps of Engineers reconstruction activities, has been assigned to the Assistant Secretary of the Army (Acquisition, Logistics, and Technology). During my previous service as Assist-

ant Secretary of the Army (Civil Works), I received periodic briefings on the Corps' work in Iraq, in order to remain aware of the situation.

Question. Do you believe that the Army Corps has had the full range of personnel in the field that it has needed to ensure proper oversight of these projects, or has oversight been hampered by the security situation on the ground?

Answer. Under General Orders No. 3, dated July 9, 2002, Department of the Army Secretariat oversight of U.S. Army Corps of Engineers activities in foreign lands that are not directly in support of U.S. military forces overseas is assigned to the Assistant Secretary of the Army (Civil Works). However, Department of the Army oversight of the reconstruction of Iraq, including U.S. Army Corps of Engineers reconstruction activities, has been assigned to the Assistant Secretary of the Army (Acquisition, Logistics, and Technology). During my previous service as Assistant Secretary of the Army (Civil Works), I received periodic briefings on the Corps' work in Iraq, in order to remain aware of the situation.

Question. What impact do you believe that security costs have had on the ability of the Army Corps of Engineers and its contractors to complete their reconstruction mission in Iraq? What additional steps, if any, do you believe that Army Corps could take to reduce these costs?

Answer. Under General Orders No. 3, dated July 9, 2002, Department of the Army Secretariat oversight of U.S. Army Corps of Engineers activities in foreign lands that are not directly in support of U.S. military forces overseas is assigned to the Assistant Secretary of the Army (Civil Works). However, Department of the Army oversight of the reconstruction of Iraq, including U.S. Army Corps of Engineers reconstruction activities, has been assigned to the Assistant Secretary of the Army (Acquisition, Logistics, and Technology). During my previous service as Assistant Secretary of the Army (Civil Works), I received periodic briefings on the Corps' work in Iraq, in order to remain aware of the situation.

Question. Do you believe that the Department of Defense is in a position to ensure the safety of contractor employees working under Army Corps contracts in Iraq? What additional steps, if any, do you believe that DOD or the Army Corps should take to ensure the safety of contractor employees?

Answer. Under General Orders No. 3, dated July 9, 2002, Department of the Army Secretariat oversight of U.S. Army Corps of Engineers activities in foreign lands that are not directly in support of U.S. military forces overseas is assigned to the Assistant Secretary of the Army (Civil Works). However, Department of the Army oversight of the reconstruction of Iraq, including U.S. Army Corps of Engineers reconstruction activities, has been assigned to the Assistant Secretary of the Army (Acquisition, Logistics, and Technology). During my previous service as Assistant Secretary of the Army (Civil Works), I received periodic briefings on the Corps' work in Iraq, in order to remain aware of the situation.

Question. What is your understanding of the current legal status of private security employees hired by Army Corps contractors in Iraq? Do you believe that additional legislation is needed to clarify the legal status and responsibility of security contractors in areas like Iraq?

Answer. Under General Orders No. 3, dated July 9, 2002, Department of the Army Secretariat oversight of U.S. Army Corps of Engineers activities in foreign lands that are not directly in support of U.S. military forces overseas is assigned to the Assistant Secretary of the Army (Civil Works). However, Department of the Army oversight of the reconstruction of Iraq, including U.S. Army Corps of Engineers reconstruction activities, has been assigned to the Assistant Secretary of the Army (Acquisition, Logistics, and Technology). During my previous service as Assistant Secretary of the Army (Civil Works), I received periodic briefings on the Corps' work in Iraq, in order to remain aware of the situation.

Question. What will be the continuing role of the Army Corps of Engineers in the execution and management of contracts for the reconstruction of Iraq, in view of last month's elections and the transition to Iraqi sovereignty?

Answer. Under General Orders No. 3, dated July 9, 2002, Department of the Army Secretariat oversight of U.S. Army Corps of Engineers activities in foreign lands that are not directly in support of U.S. military forces overseas is assigned to the Assistant Secretary of the Army (Civil Works). However, Department of the Army oversight of the reconstruction of Iraq, including U.S. Army Corps of Engineers reconstruction activities, has been assigned to the Assistant Secretary of the Army (Acquisition, Logistics, and Technology). During my previous service as Assistant Secretary of the Army (Civil Works), I received periodic briefings on the Corps' work in Iraq, in order to remain aware of the situation.

Question. In your view, can current practices and processes in construction management conducted by the Corps benefit from a study of private sector methods and

trends to seek innovative ways to improve the efficiency and customer response in military design and construction?

Answer. Under General Orders No. 3, dated July 9, 2002, Department of the Army Secretariat oversight of U.S. Army Corps of Engineers activities in foreign lands that are not directly in support of U.S. military forces overseas is assigned to the Assistant Secretary of the Army (Civil Works). However, Department of the Army oversight of the reconstruction of Iraq, including U.S. Army Corps of Engineers reconstruction activities, has been assigned to the Assistant Secretary of the Army (Acquisition, Logistics, and Technology). During my previous service as Assistant Secretary of the Army (Civil Works), I received periodic briefings on the Corps' work in Iraq, in order to remain aware of the situation.

CONTRACTS FOR THE RECONSTRUCTION OF THE IRAQI OIL INDUSTRY

Question. Two years ago, the Army Corps of Engineers was designated the executive agent for Iraqi oil infrastructure reconstruction. Because of urgent and compelling circumstances and in compliance with the Competition in Contracting Act, an April 2003 sole-source award was made for a "bridge" contract to reconstruct the Iraqi oil industry prior to the award of a competitive follow-on contract in January 2004. The Corps of Engineers stated that it would limit orders under the "bridge" contract "to only those services necessary to support the mission in the near term." Can you describe the urgent and compelling circumstances that led to the award of the "bridge" contract, the reason why this contract had a 2-year term and an estimated value of $7 billion, and the steps the Army Corps of Engineers took to limit work under this contract prior to the award of the competitive follow-on contract?

Answer. Under General Orders No. 3, dated July 9, 2002, Department of the Army Secretariat oversight of U.S. Army Corps of Engineers activities in foreign lands that are not directly in support of U.S. military forces overseas is assigned to the Assistant Secretary of the Army (Civil Works). However, Department of the Army oversight of the reconstruction of Iraq, including U.S. Army Corps of Engineers reconstruction activities, has been assigned to the Assistant Secretary of the Army (Acquisition, Logistics, and Technology). During my previous service as Assistant Secretary of the Army (Civil Works), I received periodic briefings on the Corps' work in Iraq, in order to remain aware of the situation.

Question. On January 13, 2004, the Defense Contract Audit Agency (DCAA) sent a memorandum to the Army Corps of Engineers alerting that its contractor on the Iraqi oil reconstruction contract did not have appropriate systems in place to estimate the costs of its work in Iraq. Three days later, the Army Corps awarded a new, competitive $1.2 billion contract with the company to continue its work on the reconstruction of the Iraqi oil industry. The source selection document indicates that the contractor was given a perfect score in the competition for its estimating system. Please explain how the Army Corps took into account the DCAA memorandum in its appraisal of the contractor's estimating system.

Answer. Under General Orders No. 3, dated July 9, 2002, Department of the Army Secretariat oversight of U.S. Army Corps of Engineers activities in foreign lands that are not directly in support of U.S. military forces overseas is assigned to the Assistant Secretary of the Army (Civil Works). However, Department of the Army oversight of the reconstruction of Iraq, including U.S. Army Corps of Engineers reconstruction activities, has been assigned to the Assistant Secretary of the Army (Acquisition, Logistics, and Technology). During my previous service as Assistant Secretary of the Army (Civil Works), I received periodic briefings on the Corps' work in Iraq, in order to remain aware of the situation.

Question. What steps are being taken to ensure that the Army Corps takes into consideration the concerns expressed by other appropriate DOD components, such as DCAA, when it evaluates the past performance and present capability of offerors? Do you believe that any additional steps are needed?

Answer. Under General Orders No. 3, dated July 9, 2002, Department of the Army Secretariat oversight of U.S. Army Corps of Engineers activities in foreign lands that are not directly in support of U.S. military forces overseas is assigned to the Assistant Secretary of the Army (Civil Works). However, Department of the Army oversight of the reconstruction of Iraq, including U.S. Army Corps of Engineers reconstruction activities, has been assigned to the Assistant Secretary of the Army (Acquisition, Logistics, and Technology). During my previous service as Assistant Secretary of the Army (Civil Works), I received periodic briefings on the Corps' work in Iraq, in order to remain aware of the situation.

DAM SAFETY

Question. The Corps of Engineers is a leader in developing engineering criteria for safe dams, and conducts an active inspection program of its own dams. The Corps has also carried out inspections at most of the dams built by others—Federal, State, and local agencies and private interests. Most Corps constructed flood protection projects are owned by sponsoring cities, towns, and agricultural districts, but the Corps continues to maintain and operate 383 dams and reservoirs for flood control. Recent press accounts have highlighted concerns for the condition, safety, and security of our national dam infrastructure. What is your assessment of the safety and security of the current dam infrastructure managed by the Corps?

Answer. The safety and security of U.S. Army Corps of Engineers dams is a major concern. The average age of Corps dams is approaching 50 years. Many of these dams have a relatively high risk for failure or not being able to function as designed, due to the likelihood of major or extremely large floods, seepage and piping through embankments and foundations, fatigue and fracture of gates, and other problems due to damage or deterioration. At a few of the dams (such as the Fern Ridge Dam in Oregon), normal operations currently are restricting because of dam safety problems that must be corrected. Other dams are being modified or restored using operation and maintenance funding.

The Corps has developed a dam safety strategic plan with specific goals, objectives and target dates to address these issues during the next 5 years. Dam safety projects and activities receive the highest priority in the President's fiscal year 2006 budget for Civil Works.

Question. What do you view as the greatest challenges facing the Corps with respect to the sustainment and protection of our dams?

Answer. The greatest challenge is to develop a cost-effective risk assessment and risk management policy for the Dam Safety Assurance, Major Rehabilitation and Major Maintenance programs. It is essential that the Corps accelerate the deployment of a Portfolio Risk Assessment in fiscal year 2005, in order to shape decisions in fiscal year 2006 and beyond.

Performing a Portfolio Risk Assessment will improve the Corps' ability to prioritize and justify dam safety investment decisions throughout the Corps. The Corps must balance vital dam safety requirements against competing needs, and a risk-based process provides valuable information for comparing the relative impacts of different types of dam safety problems, such as damage due to earthquakes; damage due to extremely large floods; erosion damage to spillways; gates that do not operate properly; and seepage and piping damage to embankment dams and foundations.

MILITARY TO CIVILIAN CONVERSION

Question. The Army has committed to converting billets currently being performed by military personnel to civilian positions wherever possible in order to enhance combat capability and operational readiness. What steps were taken during your previous tenure as Assistant Secretary of the Army for Civil Works to convert military billets in the Army Corps of Engineers, installations management, and other areas affecting the Civil Works mission of the Army to civilian position?

Answer. There were no conversions of uniformed military billets associated with the Civil Works program to civilian positions during my previous service as Assistant Secretary. I understand that approximately 40 uniformed military billets associated with the Corps Military Program were converted to civilian positions during the last two Total Army Analysis (TAA) reviews.

Question. What additional steps, if any, are being taken to further substitute civilian workers for military personnel and what limitations should be observed in doing so?

Answer. As far as I am aware, no steps are being taken at this time to substitute civilians for uniformed military associated with the Civil Works program. I understand that review of position requirements for the Military Program carried out by the Corps and decisionmaking on how best to fill them is a regular, ongoing process that takes into account the overall needs of the Army.

PUBLIC WORKS CRITICAL INFRASTRUCTURE ASSURANCE

Question. The U.S Army Corps of Engineers is the DOD lead component for Public Works Critical Infrastructure Assurance. In that role, it has a unique responsibility for working with the military services, other Federal agencies, and commercial sector entities to ensure adequate public works (i.e. electricity, water, and public works facilities) are available to support the warfighter. How have the Civil Works capa-

bilities of the Army Corps of Engineers been used to support the Army and DOD in ensuring that these capabilities are available?

Answer. In the Corps' role as the DOD lead component for Public Works Critical Infrastructure Assurance, a close partnership has been forged between the combatant commanders, the armed services, and the commercial sector in identifying public works assets that support the Department of Defense. Working within the existing DOD Directive 3020, authorities for Critical Infrastructure Assurance Program, the Corps has identified critical assets not only within its national harbor and inland waterway networks, but also its dams and reservoir complexes supporting critical DOD missions as well. The Corps has worked with DOD to identify whether vulnerabilities are evident and to identify means to assure these facilities remain available. The Corps shares its incident and monitoring activities with the DOD community and works closely with the other DOD critical infrastructure protection (CIP) infrastructure sector leads. Further, the Corps has built strategic relationships with other Federal agencies, to share critical infrastructure expertise. For example, protective design experts have worked closely with the Bureau of Land Management in conducting vulnerability assessments and designing protective design solutions for their dams. The Office of the Secretary of Defense and the Headquarters of U.S. Northern Command (NORTHCOM) are fully aware of the comprehensive Critical Infrastructure Assurance Program and rely upon the Corps for public works advice.

DEPARTMENT OF HOMELAND SECURITY AND PROTECTION OF HOMELAND INFRASTRUCTURE

Question. In a typical year, the Corps of Engineers responds to more than 30 Presidential disaster declarations, plus numerous State and local emergencies. Emergency responses usually involve cooperation with other military elements and the Department of Homeland Security in support of State and local efforts. What is your view of the current level of coordination and support provided between the office of the Assistant Secretary of the Army for Civil Works and the Department of Homeland Security?

Answer. During my previous service as Assistant Secretary, I had only occasional direct, personal interaction with the Department of Homeland Security.

However, the U.S. Army Corps of Engineers and the Department of Homeland Security have a very strong relationship and work closely on several major initiatives and projects. The Corps has three full-time liaisons at the Department of Homeland Security, one with the Coast Guard, one with the Science and Technology Directorate, and one with the Emergency Preparedness and Response Directorate, which includes the former Federal Emergency Management Agency. Close collaboration occurs in such areas as protection of critical infrastructure, research and development, and disaster response. The Corps constantly strives to strengthen and tailor the relationship to leverage resources and expertise, and create partnerships that benefit each other and State and local agencies. In addition, the Office of the Assistant Secretary of the Army (Civil Works) and the U.S. Army Corps of Engineers have been involved in the development of Operation Safe Commerce, which is now led by the Department of Homeland Security.

Question. What processes and new programs have been implemented, or would you propose if confirmed, to address heightened security and resource protection issues in civil works projects?

Answer. The Corps already is carrying out measures to protect its critical infrastructure through the Civil Works Critical Infrastructure Security Program. If confirmed, I will seek opportunities to support, through the appropriate programs, an increase in research and development for critical infrastructure protection. I will promote a better understanding of the interdependencies and vulnerabilities of key infrastructure sectors, in part through modeling and simulations. If confirmed, I also would seek practical and cost effective means to rapidly reconstitute critical infrastructure if it fails or is attacked. This is an essential cornerstone to any critical infrastructure protection strategy.

Question. How would you characterize the effectiveness of the working relationships between the Department of the Army and Federal, State, and local agencies responsible for crisis and consequence management?

Answer. I am not in a position to authoritatively characterize the effectiveness of the Department of the Army's working relationships with other governmental entities responsible for crisis and consequence management. However, I can say that the U.S. Army Corps of Engineers has an excellent relationship with other local, State, and Federal agencies. With over 40 offices across the country, the Corps is involved in planning and training exercises on a routine basis. The Corps district

offices and labs serve as centers of expertise for local officials in the areas of disaster planning, response and recovery.

In addition, the Corps strives to promote Public Private Partnerships. For example, The Infrastructure Security Partnership (TISP) (the Corps was a founding board member of TISP), has a wide variety of members from local, State, and Federal Governments, engineering associations and industry. TISP is involved in marshalling support of the engineering community in support of global disasters such as the Indian Ocean tsunami, to collaborating and facilitating knowledge, and technology transfer in protecting the Nation's critical infrastructure.

Question. What are the most significant problems, if any, that must be overcome in ensuring appropriate cooperation?

Answer. Again, I would limit my answer to problems being faced by the U.S. Army Corps of Engineers. The Corps utilizes funding within the Flood Control and Coastal Emergency account, in order to maintain a "readiness status" that allows it to respond to any contingency at any time. I am pleased to say that the President's fiscal year 2006 budget recently transmitted to Congress includes a funding level for flood control and coastal emergencies that is adequate to keep the Corps' capability available and ready.

NAVIGATION AND ENVIRONMENTAL RESTORATION

Question. In your responses to previous advance policy questions submitted in February 2003, you discussed the challenges facing the Army with respect to the execution of its navigation and environmental protection and restoration missions. What do you now view as the greatest challenges facing the Army with respect to the execution of these missions?

Answer. As I stated in 2002, the Army Corps of Engineers has a unique responsibility to balance environment and development in the public interest. If confirmed, I will preserve the integrity of Civil Works missions to protect and restore the environment and to promote national economic development by making environmental sustainability an integral part of all Civil Works activities.

The most significant challenge will be the ability to respond to the Nation's water resources needs in the face of scarce resources. Tough choices will need to be made. We are a Nation at war, and our focus must be on ensuring our security at home and abroad.

The Nation faces complex navigation and environmental challenges. One of the greatest challenges is to ensure that our analyses and decisions are backed up by firm science and technology. One example of how we are addressing this challenge is a new activity proposed in the President's fiscal year 2006 budget for a Science and Technology Program supporting restoration of the Coastal Louisiana area. This program would provide a platform for data acquisition, management, model development, and analysis enhancing Louisiana Coastal Area Plan implementation and additional large-scale, long-term planning, and project selection efforts.

Another major challenge is the need to continually seek balance and comity with and among States and other Federal agencies, which have equally important responsibilities in these areas. There is rarely a single, unanimously-supported answer to questions that arise in the planning and execution of navigation or environmental restoration projects. We must improve our ability to bring all interests to the table to address these questions collaboratively.

Question. Are there aspects of these missions which you believe should be transferred from the Department of the Army?

Answer. No, I do not believe there are elements of these programs that should be transferred from the Department of the Army. In my view, the Corps has performed and continues to perform effectively in the navigation and environmental restoration arena, as well as in its other mission areas. The Corps is well equipped with its professional staff of economists, environmental scientists, and engineers to continue to work with our project sponsors, Federal and State resource agencies, the public, and other stakeholders to provide for the Nation's water resources needs.

MISSION OF THE ARMY CORPS OF ENGINEERS

Question. If confirmed, how would you preserve the integrity of the Corps's environmental and civil works mission?

Answer. From both Civil Works study and project construction perspectives, it is absolutely essential that the studies the Corps performs, and the projects the Corps recommends for construction, are formulated on a watershed basis, recognizing the full range of Federal and non-Federal, public and private activities in the watershed and bringing into the decisionmaking process all interested parties, many of which have their own authorities, independent goals, and resources which can contribute

to a successful watershed management plan. Environmental and infrastructure development goals need to complement the goals under the Civil Works regulatory program.

Question. What are your views about the potential performance of regulatory functions presently performed by the Army Corps of Engineers by other governmental or non-military entities?

Answer. Since the Rivers and Harbors Act of 1899, the Corps has been involved in protecting navigable waters, and as a result of the Clean Water Act enacted in 1972, the Corps role was expanded considerably to include wetlands and other waters of the United States. The Corps has a well-trained, experienced cadre of about 1,200 regulators and decades of experience. From a purely technical point of view, it could be argued that another agency or a non-governmental organization could delineate wetlands and process permits. But in addition to extensive expertise, the Corps has a long history of working with multiple parties and stakeholders with the objective of achieving balance. The regulatory authorities granted to the Corps also complement its other water resources development missions, such as navigation and flood and storm damage reduction.

My view is that the Corps always should be neither a project proponent nor a project opponent. Their goal is to make fair and objective permit decisions, taking into account good science, available information, and the views of all interested parties. My experience is that the Corps culture is well-suited for taking on this tremendous responsibility—achieving the objectives set forth by Congress in statute while, at the same time, serving the regulated public.

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, and other communications of information. Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those differ from the administration in power?

Answer. As a political appointee, I consider it my duty to be an advocate for the policies of the administration. However, I will always be prepared to provide my best professional judgment when asked.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of the Army for Civil Works?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN WARNER

NATIONAL INFRASTRUCTURE PRIORITIES

1. Senator WARNER. Mr. Woodley, the mission of the Army Corps of Engineers is to provide quality, responsive engineering services to our Nation for the planning, design, construction, and operation of water resources and other civil works projects, such as navigation, flood control, environmental protection, and disaster response. In these roles, engineers in the Corps assess the conditions of our national infrastructure to determine the need for repairs and maintenance. In your view, what are the most urgent infrastructure requirements on which we should focus attention and resources?

Mr. WOODLEY. Mr. Chairman, the most urgent infrastructure requirements are to ensure the structural stability and soundness of our aging inland waterways system and the portfolio of dams numbering over 600 that the Corps operates and/or maintains. The inland waterway system is showing a trend upward for unscheduled closures requiring emergency repairs. This is an indicator of the challenge the Corps increasingly faces in maintaining the reliability of the system. The Corps is pursuing modernization projects and focusing its operation and maintenance dollars on

actions to reduce the risk of failures in the system such as was experienced at Greenup Lock and Dam on the Ohio River in the summer of 2003. In that case, the emergency closure cost an estimated $25 million to the economy in direct repair costs and economic impact of delay in waterway traffic. For the Corps portfolio of dams, we must continue to invest in dam safety studies and repairs of those dams requiring early attention. The Corps has recently adopted an approach on risk assessment of all dams to ensure those requiring repairs are prioritized across the Nation.

The Corps inspection program of federally constructed flood control projects that are operated and maintained by local governments is another important component of the Corps O&M program. The local governments retain responsibility for repairs of these structures, some of which have reached or exceeded the useful life to which they were engineered.

The Corps will continue to address those water resources infrastructure issues with the highest risk of failure or impacts to operational reliability.

IMPROVE CONSTRUCTION MANAGEMENT

2. Senator WARNER. Mr. Woodley, the Army Corps of Engineers is responsible for a significant amount of military construction in the Department of Defense. As a way to achieve cost savings, proposals have been made to improve construction project management by adopting private sector processes for expedient construction completion in order to reduce payments for contractor overhead and expenses related to time on a construction site. In your view, how can current practices and processes in construction management conducted by the Corps benefit from a study of private sector methods and trends to seek innovative ways to improve the efficiency of military design and construction?

Mr. WOODLEY. Your question is timely and very germane to a current initiative that is in response to the Army's Transformation imperative. The Corps of Engineers in concert with the Army's Office of the Assistant Chief of Staff for Installation Management (OACSIM) and the Installation Management Agency (IMA) is working under a mandate from the Assistant Secretary of the Army (Installations and Environment), to also transform the delivery of military construction. The prime drivers will be timely delivery at lower cost utilizing commercial practices and standards to the maximum extent practicable. To that end the Army delivery team will be conducting several industry forums in the near future to discuss and gain more private sector input into innovative project delivery strategies. One of the major delivery methods will be design-build, whereby the total responsibility for both the design and construction rests with the contractor. This method allows the private contractor to manage schedule and cost to achieve performance requirements established by the Government. We plan to incorporate new innovative delivery strategies and apply the lessons learned over the next several years to execute Army Transformation military construction as well as that necessitated by base closures, restationing, and regular programs. While I am fully committed and always interested in seeking ways to improve the construction practices of the Corps of Engineers, the proponent for military construction is the Assistant Secretary of the Army (Installations and Environment), with whom I have coordinated this response.

QUESTIONS SUBMITTED BY SENATOR JACK REED

NINIGRET AND CROSS MILLS POND PROJECT

3. Senator REED. Mr. Woodley, the New England District of the Corps recently informed my office that no further Federal funds are available for the habitat restoration components of the Ninigret and Cross Mills Pond project in Charlestown, Rhode Island. The Rhode Island Coastal Resources Management Council and the Corps have been working cooperatively on this project for several years, and the State has provided its required 35 percent match. While the Corps is moving forward with the dredging components of the project, the New England District now says it has no Section 206 funding to plant eelgrass in Ninigret Pond or restore a critical fish passage at Cross Mills Pond. These two components were the primary justification for the project and the reason the Rhode Island General Assembly provided the State match. I am concerned that a failure by the Corps to fulfill its commitments under this project will discourage the State from participating in future ecosystem restoration projects with the Army Corps of Engineers. Please describe the circumstances that resulted in a lack of funding for the corps to fulfill its commitment on the Ninigret and Cross Mills Pond project.

Mr. WOODLEY. The Ninigret and Cross Mills Pond project is an excellent project providing important ecosystem enhancements to coastal Rhode Island.

The first contract to be awarded was for the dredging at Ninigret Pond. Priority for allocation of fiscal year 2005 funding was given to projects listed in the committee reports accompanying the appropriations act. Ninigret and Cross Mills Pond received $200,000 in the fiscal year 2005 report language and $150,000 in fiscal year 2004 report language. The $684,000 allocated in fiscal year 2005 to support the dredging contract enabled the contractor to proceed at a more efficient rate during the environmental "window" for dredging, that closes on March 31, 2005.

The dredging contractor will be ready to resume work when the "window" reopens in October 2005, assuming that the project continues to enjoy the support of congressional appropriators and that sufficient fiscal year 2006 funds are made available.

The eelgrass planting at Ninigret Pond logically should take place at the completion of the dredging. This work could also take place in fiscal year 2006 should sufficient funds be made available by Congress. The fish passage construction at Cross Mills Pond also could take place in fiscal year 2006 subject to continued congressional support in the fiscal year 2006 appropriations.

4. Senator REED. Mr. Woodley, would it be possible for the Corps to secure additional section 206 or other funds to bring the Ninigret and Cross Mills Pond Project to completion?

Mr. WOODLEY. The availability of funds to continue work on the project in fiscal year 2006 will depend on committee actions on fiscal year 2006 appropriations for energy and water development. Priority for allocation of fiscal year 2006 funds will be given to projects named in committee reports accompanying the appropriations act. Any funds available for the Ninigret and Cross Mills Pond project would be used first to complete the previously awarded dredging contract.

[The nomination reference of John Paul Woodley, Jr., follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
January 24, 2005.

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

John Paul Woodley, Jr., of Virginia, to be an Assistant Secretary of the Army, vice Michael Parker.

[The biographical sketch of John Paul Woodley, Jr., which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF JOHN PAUL WOODLEY, JR.

On August 22, 2003, President George W. Bush appointed John Paul Woodley, Jr., as Assistant Secretary of the Army (Civil Works).

Mr. Woodley is responsible for the supervision of the Army's Civil Works program, including programs for conservation and development of the Nation's water and wetland resources, flood control, navigation, and shore protection.

Prior to his appointment as the Assistant Secretary of the Army (Civil Works), Mr. Woodley served as the Assistant Deputy Under Secretary of Defense (Environment). In this capacity Mr. Woodley oversaw the Defense environmental program, encompassing both environmental restoration and compliance and pollution prevention efforts. Mr. Woodley was also the principal advisor to the Secretary of Defense on environmental, safety and occupational health policy and programs.

Prior to his appointment as the Assistant Deputy Under Secretary of Defense (Environment), Mr. Woodley served as Secretary of Natural Resources in the Cabinet of Virginia Governor Jim Gilmore from January 1998 until October 2001. As Secretary of Natural Resources, Mr. Woodley supervised eight Virginia agencies responsible for environmental regulation, permitting and enforcement, natural and historic conservation, and outdoor recreation, including parks, fisheries, and wildlife management.

Mr. Woodley also served as Deputy Attorney General of Virginia for Government Operations beginning in 1994. The Government Operations Division of the Attorney General's Office represented all state agencies in the areas of administration, finance, transportation, economic development, and natural resources.

Mr. Woodley attended Washington & Lee University in Lexington, Virginia, on an Army R.O.T.C. scholarship. He received a Bachelor of Arts degree from Washington & Lee in 1974, and was elected to Phi Beta Kappa. Mr. Woodley also attended the Law School at Washington & Lee, where he received his juris doctor degree cum laude in 1977.

Mr. Woodley served on active duty with the U.S. Army Judge Advocate General's Corps from 1979 until 1985 and retired from the Army Reserve in August 2003 as a Lieutenant Colonel. He has been awarded the Legion of Merit, the Meritorious Service Medal (2nd Oak Leaf Cluster), the Army Commendation Medal (1st Oak Leaf Cluster), and the Army Achievement Medal. His civilian awards include the Secretary of Defense Medal for Outstanding Public Service. Mr. Woodley is a native of Shreveport, Louisiana.

[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 John Paul Woodley, Jr., in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
John Paul Woodley, Jr.

2. **Position to which nominated:**
Assistant Secretary of the Army (Civil Works).

3. **Date of nomination:**
January 24, 2005.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
September 28, 1953; Shreveport, Louisiana.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Priscilla Ingersoll.

7. **Names and ages of children:**
Elizabeth, 18.

Cornelia, 16.
John Paul, 13.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
B.A., Washington & Lee, 1974.
J.D., Washington & Lee, 1977.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
1977–1979, Law Clerk, USDC, Richmond, VA;
1979–1985, U.S. Army;
1985–1990, Private law practice;
1990–1994, Assistant Commonwealth's Attorney for Henrico County, Virginia;
1994–1998, Deputy Attorney General of Virginia for Government Operations;
1998–2001, Secretary of Natural Resources for the Commonwealth of Virginia;
2001–2003, Assistant Deputy Under Secretary of Defense for Environment;
1985–2003, Army Reserves, Judge Advocate General Corps, Lieutenant Colonel;
2003–2004, Assistant Secretary of the Army for Civil Works;
2005–present, Principal Deputy Assistant Secretary of the Army for Civil Works.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
See 9 above.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Virginia State Bar.

13. **Political affiliations and activities:**
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.
Richmond City Republican Committee, Member.
Henrico County Republican Committee, Member.
Third District Republican Committee, Chairman.
Republican National Lawyer's Association, Board Member.
Virginia Republican Lawyer's Association, Chairman.
Candidate for City Council of Lexington, Virginia.
(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.
See (a) above.
(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

30 October 1997	Gilmore for Governor	$100
12 November 1997	Friends of Jerry Kilgore	$100
12 December 1997	Republican Black Caucus	$100
12 September 1998	Campaign for Honest Change	$100
19 October 1998	Bliley for Congress	$100
27 May 1999	Hord for Delegate	$100
23 March 2000	Henrico Republican Committee	$100
07 July 2000	Republican National Lawyers Assn.	$500
16 March 2001	Republican National Lawyers Assn.	$100
6 May 2003	Bush-Cheney 2004	$2,000
22 October 2003	Barbour for Governor	$200
16 January 2004	Republican Party	$100
2 March 2004	Fairfax County Republican Committee	$160
29 March 2004	Bush-Cheney 2004	$2,000
24 October 2004	Council of Republicans for Environmental Advocacy	$100

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Legion of Merit; Meritorious Service Medal (2 oak leaf clusters); Army Commendation Medal (1 oak leaf cluster); Army Achievement Medal.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Published article in "The Military Engineer," May–June 2004 issue, entitled Civil Works and the Environment.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

I have made speeches to numerous groups and conferences. I have records of only a few of these, which I will provide. [Nominee responded and the information is retained in the committee's executive files.]

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

JOHN PAUL WOODLEY, JR.

This 3rd day of February 2005.

[The nomination of John Paul Woodley, Jr., was reported to the Senate by Chairman Warner on March 17, 2005, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on May 12, 2005.]

[Prepared questions submitted to Buddie J. Penn by Chairman Warner prior to the hearing with answers supplied follow:]

9 February 2005.

Hon. JOHN WARNER, *Chairman,*
Committee on Armed Services,
United States Senate,
Washington, DC.

DEAR MR. CHAIRMAN: Enclosed herewith are the answers to the advanced policy questions the Senate Armed Services Committee asked me to complete.

Sincerely,

B.J. PENN.

cc: Hon. Carl Levin,
Ranking Minority Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. Almost two decades have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. Do you support full implementation of these defense reforms?

Answer. Yes. The establishment of the combatant commands, the definition of responsibilities, and most importantly, the focus on "jointness" has enhanced the readiness and warfighting capabilities of the U.S. Armed Forces.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. I believe these defense reforms have been fully implemented and, judging from the performance of our joint forces in recent conflicts, are very effective.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. I consider the most significant value of these reforms to be the focus on joint operations. A central tenet of these defense reforms is to promote forces working jointly in combat operations. Current joint efforts in Afghanistan and Iraq validate the success of these reforms.

Question. The goals of Congress in enacting the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms can be summarized as strengthening civilian control over the military; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; enhancing the effectiveness of military operations; and improving the management and administration of the Department of Defense. Do you agree with these goals?

Answer. Yes.

Question. Do you anticipate that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

Answer. I am unaware of any specific proposals to amend Goldwater-Nichols. If confirmed, I will work with the Secretary of the Navy on any proposed changes that pertain to naval installations, environmental or safety concerns.

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of the Navy for Installations and Environment?

Answer. The role of the Assistant Secretary of the Navy for Installations and Environment is to formulate policy and procedures for the effective management of Navy and Marine Corps real property, housing, and other facilities; environmental protection ashore and afloat; occupational health for both military and civilian personnel; and timely completion of closures and realignments of installations under base closure laws. If confirmed, I will be responsible for these duties within the overall priorities of the Secretary of the Navy and pursue any other duties he may assign.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. As a career naval officer, I bring a significant depth of understanding and appreciation of the naval culture and heritage to the position. Serving as both the commanding officer of an aviation squadron as well as the commanding officer of a major naval air station, I understand how installations and facilities serve fleet readiness needs. I understand the value safety plays as a critical enabler of that readiness. My time in the civilian sector both inside and outside of government gives me a unique perspective from which to view current Navy and Marine Corps programs. My acquisition experience and joint program experience will undoubtedly assist me in working with other Service contemporaries in developing effective joint initiatives.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Assistant Secretary of the Navy for Installations and Environment?

Answer. If confirmed, I plan to seek and listen to the concerns and needs of the Navy and Marine Corps, as well as those who would appear to have alternative views. I have found that successful leaders devise practicable solutions that maximize successful outcomes for all parties.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of the Navy would prescribe for you?

Answer. I am not aware of any additional duties at this time beyond those outlined above that have traditionally been the province of this position.

RELATIONSHIPS

Question. In carrying out your duties, how will you work with the following?

The Secretary of the Navy.

Answer. If confirmed, I will seek to carry out the goals and priorities of the Secretary of the Navy.

Question. The Under Secretary of the Navy.

Answer. If confirmed, I will seek the counsel and guidance of the Under Secretary of the Navy and support his efforts to carry out the goals and priorities of the Secretary of the Navy.

Question. The Chief of Naval Operations.

Answer. If confirmed, I will provide the support that the CNO requires to execute his duties and responsibilities and achieve the mission of the Navy.

Question. The Commandant of the Marine Corps.

Answer. If confirmed, I will provide the support that the Commandant requires to execute his duties and responsibilities and achieve the mission of the Marine Corps.

Question. The Deputy Under Secretary of Defense for Installations and Environment.

Answer. If confirmed, I will work with the Deputy Under Secretary of Defense for Installations and Environment to develop and execute policies and initiatives of the President, the Secretary of Defense, and the Secretary of the Navy.

Question. The other Assistant Secretaries of the Navy.

Answer. If confirmed, I will work as part of a team to ensure that we present the best efforts to support the Secretary of the Navy's goals and priorities.

Question. The Assistant Secretaries of the Army and Air Force for Installations and Environment.

Answer. If confirmed, I will work closely with the Assistant Secretaries of the Army and Air Force for Installations and Environment to strengthen the cooperation between the Services. I will work to foster a cordial and productive working relationship with these colleagues.

Question. The General Counsel of the Navy.

Answer. If confirmed, I will work closely with the General Counsel of the Navy on areas of mutual interest.

Question. The Judge Advocate General of the Navy.

Answer. If confirmed, I will work closely with the Judge Advocate General of the Navy on areas of mutual interest.

Question. The Commander, Naval Facilities Engineering Command.

Answer. If confirmed, I will work with the Commander, Naval Facilities Engineering Command to identify and implement policies and practices that best support the needs of the Department of the Navy.

Question. The Commander, Navy Installations.

Answer. If confirmed, I will work with the Commander, Navy Installations to identify and implement policies and practices that best support the needs of the Department of the Navy.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that you would confront if confirmed as Assistant Secretary of the Navy for Installations and Environment?

Answer. One major challenge will certainly be implementing the Base Realignment and Closure 2005 recommendations in a timely and fiscally responsible manner that benefits the Navy while working with environmental regulators and local communities to expedite environmental cleanup and disposal of the property. Another challenge will be to continue the Department's environmental stewardship that will ensure future access to the seas and land areas requirements necessary to maintain military readiness needs. A third will be to foster greater awareness for safety while seeking to avoid personal injuries and property damage while and maintaining fleet readiness.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I plan to work closely with Congress, the Secretary of the Navy, the Chief of Naval Operations, the Commandant of the Marine Corps, the Deputy Under Secretary of Defense (Installations and Environment), as well as other governmental and non-governmental organizations where appropriate.

Question. What do you consider to be the most serious problems in the performance of the functions of the Assistant Secretary of the Navy for Installations and Environment?

Answer. I am unaware of any serious problems in the performance of the functions of the Assistant Secretary of the Navy for Installations and Environment.

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

Answer. If confirmed, I will work closely with the Secretary of the Navy to evaluate the present situation and develop a strategic plan to address areas requiring attention.

PRIORITIES

Question. What broad priorities would you establish, if confirmed, in terms of issues which must be addressed by the Assistant Secretary of the Navy for Installations and Environment?

Answer. If confirmed, I will establish priorities consistent with those of the Secretary of Defense and the Secretary of the Navy.

HOUSING AND BARRACKS PRIVATIZATION

Question. Congress has repeatedly expressed its support for improving military family and unaccompanied housing through a variety of methods. One option that has frequently been used to accelerate the improvement of family housing is for a military service to enter into an agreement with a private entity for the improvement, maintenance, and management of family housing inventories at military installations. To date this alternate method for the acquisition and improvement of family housing has produced very encouraging results, but no projects to privatize unaccompanied housing have been accomplished. If confirmed for the position of Assistant Secretary of the Navy for Installations and Environment you would have a key role in any decisions regarding military family and unaccompanied housing. What are your views regarding the privatization of military housing?

Answer. As a career naval officer, I am well aware of the importance of military housing to the morale and welfare of sailors, marines, and their families. The ability to leverage government resources through partnership with the private sector helps the Navy and Marine Corps to obtain better housing faster.

Question. What is your view of the structure, pace, and general goals of the Navy's current housing privatization program? Do you think the program should be continued, and if so do you believe the program should be modified in any way?

Answer. I am generally aware of the Navy and Marine Corps housing privatization programs and schedules. If confirmed, I will seek to ensure the continued success of this effort.

Question. The Department of Defense has established 2008 as a goal to improve the standards of military family housing. Do you believe this goal is realistic and achievable for the Department of the Navy?

Answer. I understand that both the Navy and Marine Corps have budgeted programs to eliminate inadequate homes. If confirmed, I will work with the Secretary of the Navy, the Chief of Naval Operations, and the Commandant of the Marine Corps to attain this goal.

Question. What are your views regarding the feasibility of privatizing unaccompanied housing?

Answer. I believe the core benefits of privatization, i.e., use of private sector capital to acquire new units or rehabilitate existing ones and use of seasoned property management corporations to operate and maintain homes, has the potential to greatly benefit housing for unaccompanied military members just as it has done for military family housing.

Question. What do you believe must be done to make the privatization of unaccompanied housing a viable program?

Answer. If confirmed, I will pursue implementation of the demonstration projects authorized by Congress to validate this innovative concept.

BACHELOR ENLISTED QUARTERS

Question. In recent years the Department of Defense has pursued the so-called "1+1" standard for unaccompanied housing. While building to this standard increases costs, many believe the greater privacy the "1+1" standard offers our enlisted personnel is important to recruiting and retaining quality personnel. Others argue that the "1+1" standard could reduce unit cohesion and slow the integration of new personnel into the military culture. The Marine Corps, and more recently the Navy, have sought and received waivers to build to a "2+0" standard that affords less privacy but allows them to build new unaccompanied housing faster. What is your view of the "1+1" standard?

Answer. I recognize that the "1+1" standard represents an effort to improve living conditions and privacy for enlisted personnel. If confirmed, I will work with the Deputy Under Secretary of Defense for Installations and Environment, the Chief of Naval Operations, the Commandant of the Marine Corps, and my counterparts in the Army and Air Force to ensure that we have the flexibility to apply the best solution, including the option to build to private sector standards, to further improve living conditions.

Question. Do you believe the Navy and Marine Corps should build to the same standards as the Army and the Air Force or continue their recent waivers of the "1+1" standard?

Answer. I have not yet been fully briefed on the waivers to the 1+1 standard. If confirmed, I will work to ensure sailors and marines have a quality place to live and that we establish adequate housing in a timely manner.

Question. The Navy recently embarked on an investment program to construct unaccompanied housing for sailors currently living aboard ships while docked in homeports. What goals and priorities has the Navy established for this program? Do you believe the goals are realistic?

Answer. I understand that the Navy has established the goal to budget by fiscal year 2008 housing ashore for unaccompanied sailors currently living aboard ships while the ship is in homeport. As a career naval officer, I applaud this initiative. If confirmed, I will work with the Secretary of the Navy and the Chief of Naval Operations to bring this goal to reality.

Question. Do opportunities exist for the Navy to use the unaccompanied housing privatization program to provide sailors adequate barracks while in homeport?

Answer. I understand that the Navy has a solicitation underway for proposals from developers to provide privatized unaccompanied housing for sailors in San Diego, California, including those currently living aboard ship. It is also seeking approval from the administration to proceed with a second project in Hampton Roads, Virginia. If confirmed, I will work to bring these demonstration projects to fruition.

BASE REALIGNMENT AND CLOSURE

Question. The Department of Defense is currently authorized to conduct one round of base realignment and closure (BRAC) in 2005. What changes to the Navy's locations around the world do you foresee as a result of the Department of Defense's global basing strategy review and what impact will these changes have on BRAC decisions?

Answer. I have not participated in the Navy's BRAC analytical process and thus I am not in a position to offer an opinion as to what impact DOD's global basing strategy review will have on the Navy's BRAC decisions. If confirmed, I will look into this question and advise the Secretary of the Navy accordingly.

Question. The Secretary of Defense has stated that "through base realignment and closure we will reconfigure our current infrastructure into one in which operational capacity maximizes both warfighting capability and efficiency." If confirmed for the position of Assistant Secretary of the Navy for Installations and Environment, what role will you have in making recommendations to the Secretary of the Navy regarding the realignment and/or closure of Navy installations?

Answer. I have not discussed with the Secretary of the Navy what role I will play in the BRAC 2005 process. If confirmed, I will provide whatever support the Secretary requires to prepare the Department's recommendations for closure and/or realignment of Navy and Marine Corps installations.

Question. The DOD installation closure process resulting from BRAC decisions has historically included close cooperation with the affected local community in order to allow these communities an active and decisive role in the reuse of property. Do you support the current BRAC property disposal process and specifically the role of local communities in that process?

Answer. Yes. I have reviewed the base closure law and find that it sets forth a clearly defined role for local communities to prepare a redevelopment plan for the property. It would seem to provide sufficient flexibility for the military department to use a variety of property disposal methods based upon individual circumstances.

INVESTMENT IN INFRASTRUCTURE

Question. Witnesses appearing before the committee in recent years have testified that the military services underinvest in both the maintenance and recapitalization of facilities and infrastructure compared to private industry standards. Decades of underinvestment in our installations have led to substantial backlogs of facility maintenance activities, created substandard living and working conditions, and made it harder to take advantage of new technologies that could increase productivity. If confirmed, what recommendations would you propose to restore and preserve the quality of our infrastructure?

Answer. Earlier in my career I was fortunate to serve in the Navy as a pilot in an A–3 squadron, the commanding officer of a VAQ EA–6B squadron, and the commanding officer of Naval Air Station North Island, CA. If confirmed, I believe I would bring to the position a unique blend of experience in how high quality infrastructure can best serve our warfighters and their families.

ENCROACHMENT PROBLEMS

Question. How should the Navy and Marine Corps address encroachment problems associated with increased population growth and development near Navy and Marine Corps installations and ranges?

Answer. I believe we need to work closely with local communities as they develop land use management plans and zoning restrictions. We need to explain how local land use planning can affect our ability to meet military training and readiness needs.

Question. What are the biggest challenges to military readiness caused by population encroachment?

Answer. The number of bases and ranges we use for training and readiness is unlikely to increase substantially, so it is critical that we maximize effective use of existing facilities. Being qualified to fly numerous different military and civilian aircraft, I recognize the competing needs for air space and the pressures brought by residential and commercial development next to our bases, ranges, and below military flight paths. Population encroachment can also destroy habitat, driving wildlife, including endangered species, onto military bases, thereby increasing stewardship responsibilities and potentially affecting military missions performed on the base.

Question. To what extent should the Navy and Marine Corps turn to military buffers and easements to reduce population encroachment?

Answer. Buffers and restrictive use easements around military bases and ranges can be effective tools and we should look for opportunities to use those tools where prudent. Buffers and easements alone, however, will not solve the problem. We need to work with state legislatures and local governments to ensure that land use plans consider military training requirements needs and seek to avoid future encroachment issues.

SUSTAINABLE RANGE MANAGEMENT PLAN

Question. The Department of Defense is developing a sustainable range management plan (SRMP) which helps develop a current and future inventory of range requirements and a plan to ensure such requirements can be maintained in the future. Please describe how the Navy and Marine Corps are involved in developing the Department's SRMP and specifically how the SRMP will help maintain testing and training capabilities at Navy and Marine Corps ranges.

Answer. As a former naval aviator, I understand the vital role that our ranges serve to train our forces and test our platforms and weapons. I also understand that both the Navy and Marine Corps have range sustainability programs to develop site-specific range sustainment plans, analyses of mission capabilities, and assessments to determine if contaminants from training activities will adversely affect human health and the environment. The range management plans will include actions to apply best range management. If confirmed, I will work to ensure that management plans are implemented to ensure the long-term viability of our ranges.

UNEXPLODED ORDNANCE CLEANUP

Question. What is the status of the Department of the Navy's cleanup of unexploded ordnance at former Navy and Marine Corps ranges?

Answer. While I do not know the status of programs to clean our closed ranges, I do know that we have a legal responsibility to do so and that both the Navy and Marine Corps have efforts underway for range cleanup. I plan to learn more about these programs if confirmed and ensure that the Department's cleanup obligations are fulfilled.

COMPETITIVE SOURCING

Question. Over the past several years, DOD has increased its reliance on the private sector to perform activities that are commercial in nature, including many functions relating to running and maintaining our military installations. What approach would you take, if confirmed, to balance the need to maintain necessary decisionmaking functions and technical capabilities in the government's civilian workforce, including the knowledge necessary to be a "smart buyer," and skills such as civil engineering within the military, with the savings that may be available from outsourcing?

Answer. I am aware that the Department has a process to evaluate functions to determine whether they are potential candidates for outsourcing, however I am unfamiliar with the details of that process. If confirmed, I will work to ensure that the Department obtains the optimum balance of private sector and in-house capability to best support the operations and maintenance of our military installations. I

believe that the Department must maintain an objective and transparent process for establishing potential candidates for outsourcing.

Question. Do you support the principle of public-private competitions as the preferred means to make the "sourcing" decision for such function?

Answer. If confirmed, I will work with the Secretary of the Navy and the Department of the Navy staff to evaluate the issue of public-private competition and whether it should be the preferred means to make the "sourcing" decision for such function. I support the underlying principle of competition to make sourcing decisions for functions that are commercial in nature. Competition requires all parties to be innovative and cost effective in the delivery of a product or service.

Question. Do you believe that public-private competition results in significant savings to the Department of Defense regardless of which side wins the competition?

Answer. I am aware of data gathered from the Department's official tracking system that demonstrates an average 36 percent savings from the original cost to perform the competed effort, regardless of which side wins the competition. I also understand that the government workforce has won the preponderance of public/private competitions the Department has conducted.

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, and other communications of information. Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. As a political appointee, I consider it my duty to be an advocate for the policies of the administration. However, I will always be prepared to provide my best professional judgment when asked.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of the Navy for Installations and Environment?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN WARNER

ENCROACHMENT OF NAVAL INSTALLATIONS

1. Senator WARNER. Mr. Penn, a growing problem facing our military is the growing constraints on the use of military bases and ranges due to the requirements of environmental laws and regulations and increased urban development. In your view, how should this Nation address the growing encroachment of our naval facilities in order to meet the long-term test, training, and readiness needs of the United States Navy in the coming decades?

Mr. PENN. I believe we need to work closely with local communities as they develop land use management plans and associated zoning restrictions. We need to explain how local land use planning can affect our ability to meet military training and readiness needs. I am aware of recent initiatives by some states to ensure that land use planning consider the impact that new development might have on military bases and activities. I am also aware that land conservation authority Congress provided in the National Defense Authorization Act for Fiscal Year 2003 can help establish buffer zones and restrictive use easements to enhance training and readiness and provide insurance against future encroachment.

CENTRALIZED MANAGEMENT OF INSTALLATIONS

2. Senator WARNER. Mr. Penn, the Navy decided in recent years to centralize the management of naval installations in one agency, Commander, Navy Installations (CNI) for the Navy. This reorganization removed the control of Operations and

Maintenance resources from the local installation commander and placed these responsibilities with regional offices and a national headquarters. Concerns have been raised that the commanders charged with accomplishing the mission no longer have insight into where funds are actually needed. What is your opinion of centralizing naval installation management?

Mr. PENN. I was an installation commander of Naval Air Station North Island, CA, earlier in my Navy career when the Navy's shore infrastructure was managed by as many as 18 different commands. There was a lot of duplication among the various bases along the San Diego waterfront. For example, each base might have its own offices for billeting, security, budget, etc., and develop its own policies and priorities that may or may not be consistent with those on another base just down the road.

I believe centralized installation management, as has been accomplished with the establishment of Commander, Navy Installations, can improve efficiency and consistency, while reducing installation support costs, especially as the Navy continues to consolidate and transform the way it operates in an electronically connected world.

3. Senator WARNER. Mr. Penn, has this change impacted the ability of installations and their commanders to support mission requirements?

Mr. PENN. I believe the intent of centralized management of installations was to improve the Navy's ability to support the warfighter while reducing infrastructure costs. I plan to visit Navy regional commands and installations to assess for myself how well this new organizational structure is performing, and seek to resolve any impediments to success that I may encounter.

ENVIRONMENTAL REMEDIATION FOR BRAC REAL PROPERTY

4. Senator WARNER. Mr. Penn, a major activity within the disposal and re-use of property affected by a base realignment and closure (BRAC) decision will be the determination of the acceptable amount of environmental cleanup and remediation. Historically in prior BRAC action, those parties receiving the property have always wanted the cleanest site possible, while the government has always strived to clean up the site to minimum acceptable standards in order to save money. While a difficult problem to rectify, the military departments worked diligently in the past rounds to come up with a compromise on intended use of the property that was acceptable to all parties. If you are confirmed, will you continue the process of working with local communities to determine and agree on an acceptable use before establishing an environmental remediation plan?

Mr. PENN. Yes, I expect the Department of the Navy to continue to closely coordinate property cleanup and disposal activities with Federal and State environmental regulators as well as community based Restoration Advisory Boards. It is important to note that, in contrast to the installations closed in earlier BRAC rounds 10 to 15 years ago, the Department's cleanup program at Navy and Marine Corps bases is much further along, with environmental cleanup completed or well underway at most sites, and the nature and extent of the contamination much better understood on the remaining sites.

BRAC RE-USE POLICY

5. Senator WARNER. Mr. Penn, as the President's nominee to be the Assistant Secretary of the Navy for Installations and the Environment, one of your primary responsibilities will be the timely completion of closures and realignments of installations in accordance with base closure laws. We will have the difficult task of working with communities in the coming years to close military bases as a result of decisions made in the 2005 BRAC round. You have stated in written responses that you agree that current law sets forth a clearly defined role for local communities to prepare a redevelopment plan for the properties made available by BRAC. That is consistent with congressional intent. What is your interpretation of congressional intent in relation to the Navy seeking fair market value for the property?

Mr. PENN. I understand that the base closure law requires the Administrator of General Services to delegate to the Secretary of Defense the authority to dispose of surplus property at closed or realigned military installations, and requires the Secretary to do so in accordance with the regulations governing disposal of surplus property under the Federal Property and Administrative Services Act of 1949. Another section of the base closure law provides authority to convey property to the local redevelopment authority for purposes of job generation on the installation. In

amending that provision in the National Defense Authorization Act for Fiscal Year 2002, Congress directed the DOD to seek to obtain consideration in an amount equal to the fair market value of the property. The conference report accompanying that change stated, "The conference agreement would require the Secretary of Defense to obtain fair market value for economic development conveyances in most cases, unless the Secretary determines the circumstances warrant a below-cost or no-cost conveyance."

6. Senator WARNER. Mr. Penn, in your view, will the Navy's desire to seek a maximum financial return interfere or trump the requirement to work with the local community, to assist them with economic development and renewal?

Mr. PENN. I do not believe that seeking maximum financial return will be the overriding Navy goal in disposing of property at closed or realigned installations, and I do not expect it will interfere with or trump the requirement to give deference to the redevelopment plan submitted by the redevelopment authority for the installation. I expect the Navy to use all of the available property disposal authorities in the proper circumstances, including economic development conveyances, public benefit conveyances, and public sales. In that context, use of the public sale property disposal authority can be a very effective means of assisting a local community with economic development and renewal and other property reuse objectives. For example, I understand that the Navy's recent sale of property at the former Marine Corps Air Station El Toro will result in up to 70 percent of the property being dedicated by the property purchaser to the local government for public purposes, and that developer fees will pay for many of the improvements needed to implement the desired public uses.

QUESTIONS SUBMITTED BY SENATOR JOHN MCCAIN

BASE CONTROL FUNCTIONS

7. Senator MCCAIN. Mr. Penn, several years ago the Navy chose to regionalize many of its bases within geographic areas. This process has removed many functions that a base commanding officer used to exercise control over and sent them to another base in the region. I have heard many commanding officers express their frustration with the process. Do you expect the Navy to continue down this path and if so, what do you think needs to change with the program to reestablish some element of oversight and control to the base commanding officer?

Mr. PENN. The Navy's efforts to consolidate its shore infrastructure under a new Commander Navy Installations has been in effect for about 1½ years, with savings from organizational efficiencies projected into the Future Years Defense Plan. I plan to visit Navy regional commands and installations to assess for myself how well this new organizational structure is performing, and take action to resolve any concerns.

INSTALLATIONS FUNDING REVIEWS

8. Senator MCCAIN. Mr. Penn, in the National Defense Authorization Act for Fiscal Year 2005 (under Title XXVII-General Provisions, Items of Special Interest p. 441 "Central management of installations) there is a legislative provision that requires the Secretary of the Navy to submit a report to the Senate Armed Services Committee by February 1, 2005 that assesses several elements of the chronic under funding of facility sustainment and base operations accounts under Commander, Navy Installations. Are you aware of the report? Do you know that it has not been submitted on time? If confirmed, would you review it for completeness and forward it to Congress after your review?

Mr. PENN. Yes. The report was signed out to Congress on February 8, 2005. I will familiarize myself with this report and the trends that it portrays.

9. Senator MCCAIN. Mr. Penn, although the Naval Academy is an installation and falls under the purview of CNI—it is very different from most installations. It has many historical and cultural buildings that are on the National Register and needs more to upkeep and maintain because of their age and historical aspects of their infrastructure. Additionally, the Naval Academy is the very soul of the Navy, the repository of its core values, history and traditions, the benchmark of its leadership. Many young men and women and their parents visit the Naval Academy and based on their visit determine whether they will make the Navy or Marine Corps a career. Since CNI has become responsible for the Naval Academy installation, overall funding for Naval Academy services has declined by 24–30 percent. Can we continue to

afford the shortfalls in services, infrastructure maintenance, and construction at the Naval Academy and what do you intend to do about it?

Mr. PENN. The Naval Academy serves a unique role as a beacon of naval culture and in shaping the core leadership values of future naval warriors. As such, Naval Academy facilities warrant special consideration. I am told that CNI and the U.S. Naval Academy have developed a collaborative solution that defines certain areas as prestige areas that are to be resourced at a capability level above comparable areas at other shore stations. The remaining areas of the institution will remain resourced similar to other Navy shore stations. This will allow the Naval Academy to maintain an appropriate public appearance, remain competitive with other service academies, and promote pride and professionalism in the present and future leaders of the U.S. Navy.

I will seek to ensure that facilities at the Naval Academy, along with facilities at all other Navy and Marine Corps bases, have the necessary resources to meet their mission requirements.

QUESTIONS SUBMITTED BY SENATOR LINDSEY O. GRAHAM

JOINT MILITARY COMPLEX

10. Senator GRAHAM. Mr. Penn, one of the stated goals of the BRAC process is jointness, including establishing joint military complexes. Our military facilities in Charleston are already informally working in that direction. The Charleston Air Force Base Commander and the Weapons Station Commanding Officer dialogue on a regular basis and have many common goals. They share ranges, explosive ordnance unit support, and working dogs to mention a few. Unfortunately, although they have common missions and responsibilities that could be combined, no one has figured out how to fund this or other joint complexes. What are your views on the concept of a joint military complex?

Mr. PENN. I believe there will be many opportunities in the near future to expand joint facilities opportunities across the Department of Defense. Many nearby installations, like those you cite in the Charleston area, already use interservice support agreements to facilitate host-tenant agreements as a first step toward improving services and reducing costs. I understand that an effort is underway by the Office of the Secretary of Defense and the military departments to facilitate more advanced joint facility opportunities by defining common output levels of service. This will allow all components to have a common understanding of the level of services that they can expect to receive and pay for, or will be expected to provide at a joint base. I will join with my colleagues in the Department of Defense to help promote greater opportunities for joint facilities where practicable, particularly with respect to any joint basing decisions that may emerge from BRAC 2005.

JOINT MILITARY COMPLEX

11. Senator GRAHAM. Mr. Penn, how would you apportion the funding and what would be the allocation mechanism?

Mr. PENN. I have no preconceived opinions on apportioning funds for joint basing. Some believe that each component should retain its installation funding, and negotiate annual agreements with the component who will provide the service to include the work to be performed and the reimbursement mechanisms. This approach would provide greater flexibility to each component. Others believe that designation of a single component with overall responsibility, along with a one-time budget based transfer provides for simpler accountability and predictable resources. There are of course many variations between these positions. I will work with my colleagues to pursue joint funding approaches that are practicable, efficient, and responsive to the needs of the components.

CONSEQUENCES OF BRAC

12. Senator GRAHAM. Mr. Penn, as we move forward with BRAC, I have a real concern for the impact on people, particularly civil service engineers. We have a large shortage of engineers throughout DOD. In past BRACs we experienced a loss of 40 to 60 percent of civil servants in some cases because they did not want to move to new locations and there was available work in the civil sector. You have seen in your experience in DOD and the commercial sector that subordinate units and workers do not need to be collocated with headquarters to operate efficiently and effectively. In many respects we live in a virtual world. I would like to hear your

view on the shortage of DOD engineers and the risks we take to realign units with headquarters simply to have them collocated.

Mr. PENN. Military and civilian engineers play a very important role in the Navy, perhaps no more vital than military engineers assigned to Navy SEABEE construction battalions that provide forward deployed construction support to warfighters. I will work with the Assistant Secretary of the Navy for Manpower and Reserve Affairs along the Commander, Naval Facilities Engineering Command to ensure that the Navy and Marine Corps can continue to attract and retain highly qualified military and civilian engineers from a broad array of disciplines to support our facilities and environmental mission requirements.

13. Senator GRAHAM. Mr. Penn, along these same lines, commercial industry seems to be following a model of locating its operations in low labor cost areas, yet we see DOD operating or considering consolidating some activities in high labor cost areas such as the west coast or the north east that are up to 30 percent more expensive that locations in my State. In some instance, the civil service grade level is also higher for the same position. Do you think this makes good business sense for the DOD?

Mr. PENN. The cost of operations in a new area is taken into account for each BRAC 2005 scenario that is considered. While cost efficiencies are certainly desirable, military operational considerations and readiness needs, as specified in the BRAC statute, will be the primary driver for closure and realignment recommendations made by the Secretary of Defense. BRAC law sets out a very fair process and requires all bases be treated equally. All recommendations are to be based on a 20-year force structure plan, infrastructure inventory and published selection criteria; all data used is certified as accurate and complete and provided to the Commission and Congress; and all DOD recommendations will be reviewed by independent Commission and President.

SPACE AND NAVAL WARFARE MODEL

14. Senator GRAHAM. Mr. Penn, the Space and Naval Warfare (SPAWAR) Systems Center Charleston is the most cost effective engineering center in the Navy and is providing a strong return on investment from the 1993 BRAC consolidation and modernization. It is located on a joint use base and operates as a major transformation hub by providing command, control, communications, computers, intelligence, surveillance, and reconnaissance (C^4ISR) systems and capabilities to all the Services, most combatant commands, and the Department of Homeland Security. All of this is accomplished within a working capital fund organization operating as the most efficient of all the Navy engineering and warfare centers. Do you see this as an effective model for other DOD activities to follow?

Mr. PENN. It appears that this model has worked well in this case; however this may not be true in all cases. Other organizations may have particular needs or circumstances and might not benefit in the same way as Charleston.

QUESTION SUBMITTED BY SENATOR DANIEL K. AKAKA

WAIVING OF DEPOT LAWS

15. Senator AKAKA. Mr. Penn, on November 15, 2002, Secretary of Defense Donald Rumsfeld announced the first steps in implementing the new 2005 BRAC law. These included development of a force structure plan, comprehensive inventory of military installations, and establishment of criteria for selecting bases for closure and realignment. However, under BRAC law, it is my understanding that the conferees of the National Defense Authorization Act did not give the DOD the authority to waive the depot laws through BRAC. Does the Navy understand that DOD does not have the authority to waive the depot laws through BRAC?

Mr. PENN. Yes, the Navy understands that DOD does not have the authority to waive the depot laws through BRAC.

[The nomination reference of Buddie J. Penn follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
January 25, 2005.

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

Buddie J. Penn, of Virginia, to be an Assistant Secretary of the Navy, vice H.T. Johnson.

[The biographical sketch of Buddie J. Penn, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF BUDDIE J. PENN

Mr. Penn was appointed Director, Industrial Base Assessments on October 2, 2001. In this position, he is responsible for the overall health of the U.S. Defense industrial base; the Department's policies and plans to ensure existing and future industrial capabilities can meet the Defense missions; guidelines and procedures for maintaining and enhancing and transformation of the Defense industrial base, industrial base impact assessments of acquisition strategies of key programs, supplier base considerations, and offshore production. He provides oversight for several regulatory programs involving the defense industrial base such as assessments of domestic mergers, acquisitions and takeovers for any anti-competitive impacts under the Hart-Scott-Rodino anti-trust statute, national security review of foreign acquisitions of defense-related U.S.-located firms under the Exon-Florio Amendment to the Defense Production Act, and management of a contract priority performance system, the Defense Priorities and Allocations System under Title I of the Defense Production Act. He is responsible for financial assessments of the defense industrial base and interface with Wall Street analysts that manage accounts relating to defense firms.

Mr. Penn began his career as a Naval Aviator. He amassed over 6,500 flight hours in 16 different types of aircraft. He was EA–6B Pilot of the Year in 1972. Significant leadership assignments include: Executive Officer/Commanding Officer VAQ 33, Battalion Officer at the U.S. Naval Academy (including Officer-in-Charge of the Plebe Detail for the class of 1983), Air Officer in U.S.S. *America,* Special Assistant to the Chief of Operations, Commanding Officer of NAS North Island, CA, and Deputy Director of the Navy Office of Technology Transfer & Security Assistance.

Mr. Penn joined the Sector staff of Loral Federal Systems in 1995 as Director, International Business. Primary assignments involved airborne Electronic Warfare and Defensive Electronic Counter Measure Systems. When Lockheed Martin acquired Loral, he was assigned to the Corporate Staff to develop markets in Central and Eastern Europe. In 1998, he transferred to Naval Electronics and Surveillance Systems working Advanced Programs. In this capacity, he supported development of the Interoperability Concept of Operations (CONOPs) for JSF, technology refreshment for the F–16 and development of Unmanned Aerial Vehicle and Autonomous Undersea Vehicle efforts and C^4ISR initiatives.

Mr. Penn was born and raised in Peru, IN. He received his BS from Purdue University, West Lafayette, IN and his MS from The George Washington University, Washington, DC. He has also received certificates in Aerospace Safety from the University of Southern California and in National Security for Senior Officials from the Kennedy School, Harvard University.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Buddie J. Penn in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Buddie Joe Penn.
B.J. Penn.
Buddie J. (BJ) Penn.

2. **Position to which nominated:**
Assistant Secretary of the Navy (Installations and Environment).

3. **Date of nomination:**
January 24, 2005.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
04–02–38; Peru, Indiana.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Loretta Medlock.

7. **Names and ages of children:**
Emily Jeneva Penn Grooms, 40.
Eric Jeffrey Penn, 40.
Brian Joseph Penn, 41.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Peru High School, 1952–1956, High School Diploma.
Purdue University, 1956–1960, Bachelor of Science, 1960.
George Washington University, 1978–1980, Master of Science, 1980.
Harvard University, 1990, Certificate, National Security.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Director, Industrial Base Assessment, DOD, 1745 Jeff Davis Hwy., Crystal Square 4, Ste. 501, Arlington, VA, 10/01–present.
Manager, C^4I Systems, Lockheed Martin Corp., Manassas, VA, 02/98–10/01.
Director, NIS Tactical Systems Sector, Lockheed Martin Corp., 1725 Jeff Davis Hwy., Crystal Sq. 2, Ste 900, Arlington, VA, 06/96–02/98.
Director Business Development Liaison, Loral Federal Systems, 6600 Rockledge Dr., Bethesda, MD, 06/95–06/99.
BJ Penn and Associates, President, B.J. Penn, Fort Lauderdale, FL, 03/95–06/95.
Pilot, KALAIR, London Heathrow Airport, London UK, UB35AP, 05/92–02/95.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Not applicable.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Bush-Cheney 2000 and Bush-Cheney 2004, Inc.
Antioch Baptist Church, 1999–present, no office held.
Antioch Bible Institute, 2003–present, no office held.
Hopewell Baptist Church, 1993–1996, no office held.
National Naval Officers Association, 1973–present, President.
Association of Naval Aviation, 1994–2004, no office held.
Tailhook Association, 1970–2004, no office held.
Association of Retired Officers, 1991–2004, no office held.
The Old Crows, 1972–2004, no office held.
Alpha Phi Alpha Fraternity, 1974–present, no office held.
City Club of Washington, 2002–present, no office held.
Army Navy Club, 1988–present, no office held.
Fairfax Rod and Gun Club, 1998–present, no office held.
National Rifle Association, 2001–present, no office held.
The Canadian Goose Hunting Club, 1974–present, no office held.
Quantico Flying Club, 2004, no office held.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

Bush-Cheney 2000 and Bush-Cheney 2004, Inc.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

Not applicable.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

Bush-Cheney 2000, $2000.
Bush-Cheney 2004, Inc., $2004.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

Legion of Merit (2).
Meritorious Service Medal.
Air Medal (10).
Meritorious Unit Commendation.
Navy Commendation Medal.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Not applicable.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

Not applicable.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

BUDDIE J. PENN.

This 26th day of September 2004.

[The nomination of Buddie J. Penn was reported to the Senate by Chairman Warner on February 17, 2005, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on February 17, 2005.]

[Prepared questions submitted to ADM William J. Fallon, USN, by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. Almost two decades have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. You have had an opportunity to observe the implementation and impact of these reforms, particularly in your assignments as Commander, Carrier Air Wing EIGHT, in 1991 during Operation Desert Storm, as Assistant Chief of Staff for Plans and Policy for Supreme Allied Command, Atlantic, from 1993 to 1995, and as Deputy Commander and Chief of Staff for United States Atlantic Command from 1996 to 1997. Do you support full implementation of these defense reforms?

Answer. Yes. I support full implementation of the Goldwater-Nichols Act reforms.

Question. What is your view of the extent to which these defense reforms have been implemented in the Navy vis-a-vis the other Services?

Answer. In my experience, the Department of Defense and the Armed Services have embraced these reforms. The Navy, like the other Services, went through some difficult adjustments in the initial stages of implementing the Goldwater-Nichols reforms. Traditional attitudes and approaches had to give way to innovation and change. The Services work and operate together much better today than pre-Goldwater-Nichols. The Navy faces a unique challenge in that our people operate at sea and the premium we place on gaining experience in that environment has made it difficult for some officers to complete the joint educational requirements of Goldwater-Nichols. Recently, there has been substantial progress in this area.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. First and foremost, the reforms have improved our collective warfighting effectiveness and efficiency. In addition to strengthening civilian control of the military and clarifying chain of command relationships, they provided a clear delineation of the combatant commanders' responsibilities and authorities as they relate to the planning and execution of their missions. We have made significant progress in joint training, exercises and experiments.

Question. The goals of Congress in enacting the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms can be summarized as strengthening civilian control over the military; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; enhancing the effectiveness of military operations; and improving the management and administration of the Department of Defense. Do you agree with these goals?

Answer. Yes.

Question. Do you believe that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you think it might be appropriate to address in these proposals?

Answer. I do not have any recommendations to amend Goldwater-Nichols at this time; however, if confirmed, I would not hesitate to offer proposals in the future should I see something that might be helpful.

DUTIES

Question. What is your understanding of the duties and functions of the Commander, U.S. Pacific Command?

Answer. The duties and functions of Commander, U.S. Pacific Command include exercising command authority over commands and forces assigned to the Pacific Command and prescribing, organizing, and employing subordinate commands and forces to carry out the Pacific Command's assigned mission. Fundamentally, that mission is to deter attacks against the United States and its territories, possessions, and bases, and to protect Americans and American interests and, in the event that deterrence fails, to fight and win.

As a combatant commander, the Commander of U.S. Pacific Command is responsible to the President and the Secretary of Defense for the performance of these duties, the preparedness of assigned forces, and the execution of its missions.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I have benefited from a broad range of assignments during my nearly 38 years in uniform, from tactical to operational command, and have considerable experience with joint and coalition operations, including combat operations. I was privileged to command Carrier Air Wing EIGHT in U.S.S. *Theodore Roosevelt* in 1991 during Operation Desert Storm. In 1995, as a flag officer, I served as Commander, Carrier Group EIGHT and Commander, Battle Force, U.S. SIXTH Fleet during NATO's Operation Deliberate Force in Bosnia. During these operations, I worked closely with joint U.S. and combined forces in planning, coordinating, and executing sustained combat operations. I also served as Deputy Director for Operations, Joint Task Force Southwest Asia in Riyadh, Saudi Arabia, directing air operations in the Iraqi No-Fly Zones. I have additional experience in joint and combined planning and operations at both the operational and strategic levels through assignments as Assistant Chief of Staff, Plans and Policy, for Supreme Allied Commander, Atlantic and as Deputy Commander and Chief of Staff for the U.S. Atlantic Fleet and the former U.S. Atlantic Command, the predecessor to U.S. Joint Forces Command. For nearly 3 years, I served as Commander, U.S. Second Fleet and NATO Striking Fleet Atlantic, working directly with all U.S. armed services as well as those of our NATO allies in training and in developing and testing joint and combined tactics for the entire spectrum of combat operations. As Vice Chief of Naval Operations from 2000 to 2003, I worked in close cooperation with OSD, the Joint Staff, and the other armed services developing transformational strategies and joint requirements. In my current assignment as Commander, U.S. Fleet Forces Command, I serve as Naval component commander to U.S. Joint Forces Command, and support U.S. Northern Command and U.S. Strategic Command. The widely varied opportunities I have had during my career have given me a deep appreciation of, and experience with, all branches of our Armed Forces and many of our allies.

Question. Do you believe that there are any steps that you need to take to enhance your expertise to perform the duties of the Commander, U.S. Pacific Command?

Answer. I intend to solicit the experience, advice and counsel of members of this committee, the U.S. Government, specifically, Department of Defense and Department of State personnel, as well as leaders and knowledgeable people throughout the Asia-Pacific region in order to broaden my understanding of U.S. positions and relationships in the region. I will meet with U.S. Pacific Command staff divisions, subordinate organizations and component commanders to understand fully the issues and challenges they face. I intend to develop personal working relationships with the military and civilian leadership of the nations throughout the Pacific region, to better understand their concerns while continuing to represent U.S. national interests.

RELATIONSHIPS

Question. Section 162(b) of title 10, United States Code, provides that the chain of command runs from the President to the Secretary of Defense and from the Secretary of Defense to the commanders of the combatant commands. Other sections of law and traditional practice, however, establish important relationships outside the chain of command. Please describe your understanding of the relationship of the Commander, U.S. Pacific Command, to the following officials because the question is related to PACOM, relations to other than the SECDEF and Chairman are reasonably inferred:

The Secretary of Defense.

Answer. Commander, U.S. Pacific Command performs his duties under the authority, direction, and control of the Secretary of Defense, and is directly responsible to him to carry out its assigned missions.

Question. The Deputy Secretary of Defense.

Answer. The Deputy Secretary of Defense performs duties as directed by the Secretary, and performs the duties of the Secretary in his absence. Commander, U.S. Pacific Command is responsible to ensure that the Deputy Secretary has the information necessary to perform these duties, and coordinates with him on major issues.

Question. The Under Secretary of Defense for Policy.

Answer. Under secretaries are key advocates for combatant commander requirements. Commander, U.S. Pacific Command coordinates and exchanges information with the Under Secretary of Defense for Policy on strategic policy issues involving the Asia-Pacific region.

Question. The Under Secretary of Defense for Intelligence.

Answer. Commander, U.S. Pacific Command coordinates and exchanges information with the Under Secretary of Defense for Intelligence as needed to set and meet the U.S. Pacific Command's priorities and requirements for intelligence support.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The Chairman is the principal military advisor to the President, National Security Council, and Secretary of Defense. Section 163 of title 10, U.S. Code, allows communication between the President or the Secretary of Defense and the combatant commanders to flow through the Chairman. As is custom and traditional practice, and as instructed by the Unified Command Plan, I would communicate with the Secretary through the Chairman of the Joint Chiefs of Staff.

Question. The Secretaries of the Military Departments.

Answer. The secretaries of the military departments are responsible for the administration and support of forces assigned to the combatant commands. Commander, U.S. Pacific Command coordinates closely with the secretaries to ensure that requirements to organize, train, and equip Pacific Command forces are met.

Question. The Chiefs of Staff of the Services.

Answer. Commander, U.S. Pacific Command communicates and exchanges information with the Service Chiefs to support their responsibility for organizing, training, and equipping forces. Successful execution of U.S. Pacific Command's mission responsibilities requires close coordination with the Service Chiefs. If confirmed, I intend to work closely with the Service Chiefs of Staff to understand their service capabilities and to effectively employ those capabilities as required to execute the missions of U.S. Pacific Command.

Question. The other Combatant Commanders.

Answer. Commander, U.S. Pacific Command maintains close relationships with the other combatant commanders. These relationships are critical to the execution of our National Military Strategy, and are characterized by mutual support, frequent contact, and productive exchanges of information on key issues.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the next Commander, U.S. Pacific Command?

- Stability on the Korean Peninsula, complicated by North Korean development of WMD and proliferation of these weapons and delivery systems.
- China/Taiwan cross-strait tensions, combined with China's emergence as a regional power and the increase in Chinese military capabilities.
- Terrorism and other transnational threats. Narcoterrorism, piracy, proliferation, and human trafficking, linked through illegal banking and finance, threaten the region. This is a particular challenge in the southeast Asian archipelagos where extremist Islamic ideology and terrorist-linked movements exist.
- Transforming U.S. global force posture to respond to a complex security environment that includes irregular, catastrophic, traditional, and disruptive challenges to our national interests.
- The scope and span of the region, which encompasses the three most populous countries in the world—China, India, and Indonesia—and the vast expanse of the Pacific and Indian Oceans, an area of 100 million square miles.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. Specifically, I intend to:

- Support U.S. national interests and policies.

• Work in close consultation with U.S. agencies and military commanders, and with our many friends in the region to develop a clear understanding and appreciation of U.S. national interests and the issues facing the nations in the U.S. Pacific Command region.
• Identify steps that can be taken to signal the strong resolve of the United States to support U.S. national interests and to enhance regional stability.
• Posture U.S. forces to ensure readiness, agility, flexibility, and readiness, emphasizing the ability to respond and deploy rapidly if required.

HOMELAND DEFENSE

Question. What is your understanding of the role and responsibility of U.S. Pacific Command in homeland defense?

Answer. The Secretary of Defense's Contingency Planning Guidance and the Chairman of the Joint Chiefs of Staff Joint Strategic Capabilities Plan direct PACOM to deter attacks against the homeland as early and as far away as possible, defend the PACOM domestic AOR, and to work with and provide support to civil authorities. (Specific taskings within these documents are classified.) As part of the larger effort, U.S. Pacific Command's plan complements and is integrated with the ongoing global war on terrorism, combating weapons of mass destruction, homeland security, and relevant contingency planning and activities.

Question. What is your understanding of how U.S. Pacific Command and U.S. Northern Command work to ensure that their overlapping missions in this area do not create "seams" that might be exploited by our adversaries and how this process might be improved?

Answer. In October 2003, Commander, U.S. Pacific Command and Commander, U.S. Northern Command signed a Command Arrangement Agreement, to "establish procedures and delineate responsibilities" between the two commands. This agreement also prescribes employment of U.S. Pacific Command forces in support of U.S. Northern Command missions and the control of forces operating in Northern Command's area of responsibility. Both commands, by conducting Joint Exercises, have validated the arrangements, demonstrating commitment to homeland defense. We will continue to develop a close working relationship between the two commands.

Question. What is your assessment of the Regional Maritime Security Initiative, and what steps should be taken to improve upon it?

Answer. The Regional Maritime Security Initiative offers an opportunity to address transnational threats collectively with participating states. The initiative is gaining momentum in the Asia-Pacific region. Its effectiveness can be increased through better information sharing and investing the time and effort to improve understanding of the challenges and needs of the partner nations. This will remain a high priority effort.

Question. How could U.S. Pacific Command forces and expertise contribute to more effective homeland defense capabilities?

Answer. U.S. Pacific Command's military and intelligence activities in the western approaches to the continental United States contribute to the Nation's active, layered defense. Improvements in our ability to collect actionable intelligence and maintain situational awareness are critical to our ability to combat threats. Active regional engagement is a key to success. We will facilitate this effort by maintaining and building on Pacific Command's Theater Security Cooperation Program.

GLOBAL DEFENSE POSTURE REVIEW

Question. Perhaps more than in any other combatant command, military exigencies in the U.S. Pacific Command are subject to the "tyranny of distance" in getting forces to points of conflict. How important is the forward homebasing strategy to the ability of U.S. Pacific Command to execute its operational contingencies, and is the ongoing Global Posture Review taking this into account?

Answer. The forward basing and presence of rotational forces is key to U.S. Pacific Command's ability to assure allies and friends in the region, deter potential adversaries, and execute operational contingencies when required. U.S. Pacific Command is fully integrated into the ongoing Global Posture Review, adjusting our posture from a static Cold War orientation to one that is more agile and flexible, with improved capabilities to better address current and potential threats.

Question. What are the implications of the proposed global force structure changes with respect to U.S. Pacific Command's AOR, particularly in Korea and Japan?

Answer. The objective of the proposed changes is to better position U.S. forces to respond to present and future challenges. I intend to study the proposed changes immediately so that I fully understand the details of the proposals, and their implications for our global and regional defense strategies.

Question. What impact, if any, will the proposed changes in posture have on our ability to defend South Korea and Japan, and to react to a crisis in the Taiwan Strait?

Answer. As I understand the proposed posture changes, U.S. forces will continue to be in a position to defend South Korea and Japan, and to react to a crisis in the Taiwan Strait.

NORTH KOREA

Question. North Korea represents one of the greatest near term threats to U.S. national security interests in Asia. What is your assessment of the current security situation on the Korean peninsula and the diplomatic efforts to persuade North Korea to verifiably dismantle its nuclear weapons program?

Answer. North Korea's nuclear weapons and missile programs remain a serious concern. Additionally, the North Korean conventional force posture, particularly the forward basing of a large percentage of its most-capable forces, creates a volatile threat environment. U.S. Pacific Command's job is to facilitate ongoing diplomatic efforts aimed at addressing the threat, while maintaining a credible deterrent posture.

Question. What is your assessment of the threat posed to the United States and its allies by North Korea's ballistic missile and WMD capabilities and the export of those capabilities?

Answer. North Korea's continuing development and proliferation of WMD and ballistic missile capabilities pose a serious threat to the U.S. and our allies.

Question. What, if anything, should be done to strengthen deterrence on the Korean peninsula?

Answer. While diplomatic efforts continue, PACOM will maintain a strong deterrence together with our ROK ally through demonstrated capabilities and exercises.

REPUBLIC OF SOUTH KOREA

Question. Since the end of World War II, the U.S.-ROK alliance has been a key pillar of security in the Asia Pacific region. This relationship has gone through periods of inevitable change. What is your understanding of the current U.S. security relationship with South Korea?

Answer. The U.S.-ROK security relationship is robust and strong. It has been the key to deterrence on the Korean peninsula over the past 50 years. Adapting to new security challenges, the Republic of Korea has become the third largest contributor of forces in Iraq, while also sending support forces to Afghanistan, the Western Sahara and East Timor. They have continued an aggressive effort to modernize their military forces to improve interoperability.

Question. If confirmed, what measures, if any, would you take, in conjunction with the Commander of U.S. Forces Korea, to improve the U.S.-South Korean security relationship?

Answer. The Commander in Chief, U.N. Command/Combined Forces Command's primary focus is on deterrence of a North Korean attack specifically on the Korean peninsula, and should that deterrence fail, the ability to fight and win against that threat. He is also a sub-unified commander to U.S. Pacific Command as the Commander of U.S. Forces Korea. If confirmed, I will work closely with him to ensure transformation initiatives enhance readiness and deterrence.

Question. Do you support expanding the number of personnel assigned to Korea for 2 or 3 years of duty?

Answer. I generally support the idea of longer tours, which would provide better staff continuity, stability within our units, and improve morale for our troops accompanied by their families. However, it should be noted that this brings with it the costs of providing additional base infrastructure, housing, medical/dental facilities, and schools. If confirmed, I intend to consult with the Commander of U.S. Forces Korea as soon as possible to study this matter so that I fully understand it and can make informed recommendations. Increasing the tour length of married personnel stationed in Korea on unaccompanied orders from 1 year to 2 or 3 years would, in my judgment, have a negative impact on morale.

CHINA

Question. Many observers believe that one of the key national security challenges of this century is how to manage China's emergence as a major regional and global economic and military power. How would you characterize the U.S. security relationship with China?

Answer. The U.S. relationship with China is constructive. We seek to promote shared interests with China as a growing regional and economic power. Although

the economic relationship between the U.S. and China is expanding, we must gain greater insight into China's growth in military spending, its intentions towards Taiwan, and its regional strategy in Asia and the Pacific.

Question. What is the current state of U.S.-China military-to-military relations, and do you favor increased military-to-military contacts with China?

Answer. Our military-to-military relations are limited to non-warfighting venues, such as high-level and academic exchanges and ship visits. I support continued contact to promote a constructive relationship with China, to gain greater insight into its intentions, and to impart a clear understanding of our defense strategies.

Question. How do you assess the current cross-strait relationship, and how can we help to prevent miscalculation by either side?

Answer. The cross-strait relationship between China and Taiwan is a concern. It is in the U.S. interest to prevent miscalculation and to maintain a steady signal of deterrence with ready, credible forces. The foundation of our discourse is and will continue to be the Taiwan Relations Act and the three U.S./China Joint communiqués. As stated by the President, the United States opposes any attempt by either side to unilaterally change the status quo in the Taiwan Strait.

Question. China's economy is growing by as much as 10 percent per year, and China is using that economic growth to fund a substantial military modernization. In your view, what is China's intent in pursuing such a rapid military modernization?

Answer. I believe that China is rapidly pursuing military modernization in order to determine its own destiny without undue influence from other nations. China desires greater influence over the course of events within the Asia-Pacific region and to be recognized as a global power.

Question. On April 1, 2001, a Chinese jet collided in mid-air with a U.S. Navy EP–3 aircraft endangering the U.S. personnel and resulting in the death of the Chinese pilot. Describe the steps that have been taken to prevent incidents of this nature in the future.

Answer. The Military Maritime Consultative Agreement (MMCA) was established in 1998 to promote common understanding regarding activities undertaken by U.S. and PRC maritime and air forces when operating in accordance with international law. The MMCA has addressed the issues of surveillance aircraft and interceptors and separation distances. Compliance with the MMCA is closely monitored by U.S. Pacific Command and they are working with OSD policy to improve implementation with China.

Question. What other areas, both geographic and operational, present potential problems for conflict with Chinese military forces, and what steps, if any, still need to be taken to prevent incidents?

Answer. Whenever our forces operate in close proximity, there is a need for vigilance and adherence to safe and professional operating procedures.

TAIWAN

Question. What are the priorities, in your view, for U.S. military assistance to Taiwan?

Answer. It is important that the U.S. assist Taiwan in strengthening its defensive posture through improvement of their joint operating capacity and modernization of their military capabilities.

Question. What is the relationship between the type of assistance we offer and regional stability?

Answer. U.S. assistance is primarily aimed at systems that improve Taiwan's ability to defend itself without being characterized as offensive in nature. A strong defensive capability enhances regional stability. We need to continue to make it clear that the U.S. opposes any attempt by either side to unilaterally change the status quo in the Taiwan Strait.

REPUBLIC OF THE PHILIPPINES

Question. What is the current state of U.S.-Philippine military-to-military relations and activities?

Answer. The U.S.-Philippine military relationship is based on the Mutual Defense Treaty of 1952 and is characterized by small-scale exercises and advisors to Philippine military. Our military-to-military relationship is substantive. It is focused on enhancing their ability to defeat insurgencies and to promote long-term institutional change through the Philippine Defense Review.

INDONESIA

Question. Indonesia is a key Asian power, and is the largest Muslim country in the world. Consequently, it is important to build on opportunities to improve and expand U.S. relations with Indonesia where possible. To what extent is the Indonesian Government cooperating with the United States in the global war on terrorism?

Answer. The Government of Indonesia has cooperated with the U.S. and our Australian allies in investigating and prosecuting the perpetrators of the October 2002 Bali bombing and the subsequent August 2003 Marriott and the September 2004 Australian Embassy bombings. Since the Bali bombing, Indonesia has captured or detained over 100 suspected terrorists, passed a new anti-terror law and worked with the U.S. in creating a new anti-terror police unit.

Question. Is the Indonesian Government cooperating in the investigation into the American deaths in Papua in August 2002?

Answer. My understanding is the government of Indonesia is working closely with the FBI on the Timika investigation.

Question. If confirmed, would you recommend more or less military-to-military contacts with Indonesia? Why? If yes, under what conditions?

Answer. The U.S. would benefit from increased military contacts in areas such as civil-military reform and countering transnational threats. The Armed Forces of Indonesia (TNI) is important to the stability, unity and future of Indonesia as it consolidates its democracy. In turn, Indonesia's continued democratic development is important to U.S. interests in combating terrorism and the security and stability of Southeast Asia. Increasing TNI professionalism and commitment to democratic rule of law should lead to increased U.S.-Indonesian military-to-military contacts.

INDIA

Question. What is the current state of the U.S.-India military-to-military relationship, and what specific priorities would you establish for this relationship?

Answer. Our military-to-military relations with India are good and improving.

If confirmed, my priorities for the U.S.-India military-to-military relationship will be to expand contacts and discussion with an objective of a deeper and more substantive relationship. We will seek increased levels of cooperation and interoperability between our forces, the value of which has been highlighted in recent tsunami relief operations.

U.S. PACIFIC COMMAND TSUNAMI ASSISTANCE

Question. U.S. Pacific Command has made enormous contributions to tsunami recovery and relief efforts since the tragic events of December 26, 2004. Do you believe there is a continuing role for U.S. Pacific Command in the long-term recovery effort?

Answer. Yes, but U.S. Pacific Command's extensive and successful relief efforts are essentially complete. Pacific Command does have a role in the long-term recovery of the region. We shall be prepared to offer whatever follow-on assistance may be desired by affected nations and agreed to by the U.S. Government.

Question. Due to the massive number of killed and injured, the evacuation of severely injured U.S. citizens from nations affected by the tsunami was sometimes a problem. How did military forces under U.S. Pacific Command participate in evacuation efforts and otherwise lend assistance to injured U.S. citizens?

Answer. Pacific Command did not receive any request for assistance from U.S. country teams in the disaster area for evacuation or medical support for U.S. citizens. The welfare of U.S. citizens was certainly a principal concern, and in coordination with our Embassies, U.S. forces were always prepared to provide transportation and medical assistance.

Question. What improvements, if any, would you recommend to ensure that U.S. citizens who have been injured are promptly assisted?

Answer. Concurrent with the execution of tsunami relief efforts, Pacific Command has initiated a comprehensive lessons learned program to capture both the successes and deficiencies of the relief effort. This effort is ongoing and the lessons regarding assistance and support to U.S. citizens will be incorporated into our disaster relief procedures.

Question. Do you believe new opportunities for strengthening military-to-military ties and advancing U.S. interests in the AOR have been created as a result of the tsunami tragedy and the relief effort? If so, how do you expect to build on such opportunities?

Answer. Despite the tragic consequences of the tsunami, the spirit of cooperation and the successful combined response of many nations and governments in affected

countries, provides an opportunity to improve the relationships between the militaries of the U.S. and affected nations. Conditions have been set for greater cooperation and the U.S. Pacific Command will continue to enhance the relationships, common operating procedures, and trust developed during the course of the relief operation.

MISSILE DEFENSE

Question. What is your understanding of the current relationship between U.S. Pacific Command, U.S. Northern Command (NORTHCOM), and U.S. Strategic Command (STRATCOM) with respect to ballistic missile defense deployment and operations?

Answer. All three commands have responsibilities that collectively address the missile defense threat across the Unified Command Plan boundaries. STRATCOM has overarching responsibility for planning, integrating, and coordinating global ballistic missile defense. STRATCOM develops enabling capabilities for BMD. PACOM shares responsibility for defense of the homeland with NORTHCOM; specifically the defense of Hawaii and the U.S. territories in the Pacific. PACOM closely coordinates with NORTHCOM and STRATCOM in the performance of the missile defense mission.

Question. What is your understanding of the arrangement whereby Aegis-class destroyers and cruisers of the U.S. Pacific Fleet will be made available, or dedicated, to ballistic missile defense missions, and what impact will this arrangement have on the capability of U.S. Pacific Command and U.S. Pacific Fleet to fulfill their other missions involving Aegis-class ships?

Answer. We will employ our emerging capabilities in missile defense where they can best be utilized in support of our national interests. Through an established rotational ship schedule and a system of readiness conditions for missile defense, our forces, to include Aegis-capable ships, will be prepared to meet mission requirements.

Question. How would you propose to strike an appropriate balance between missile defense and non-missile defense missions for ships of the U.S. Pacific Fleet (USPACFLT)?

Answer. I will solicit the recommendations of Commander, USPACFLT about how best to address the issue and ensure the command's capability to employ available forces is balanced between missions.

SPECIAL OPERATIONS COMMAND

Question. What is your understanding of the relationship between Special Operations Command teams working to fulfill the global terrorism mission, U.S. Pacific Command, and the Ambassadors in the relevant countries?

Answer. The relationship among Special Operations Command teams, U.S. Pacific Command and Ambassadors in relevant countries has been positive and productive. U.S. Pacific Command maintains operational control of special operations deployments throughout the AOR. All activities concerning PACOM's efforts in the global war on terrorism are fully coordinated with U.S. Ambassadors in relevant countries. If confirmed, I intend to maintain that close relationship.

TECHNOLOGY PRIORITIES

Question. U.S. Pacific Command has been active in the Advanced Concept Technology Development (ACTD) process and currently has several projects on the transition list, including the future tactical truck system and theater effects based operations. What processes, contacts, and tools will you use to make your requirements known to the Department's science and technology community to ensure the availability of needed equipment and capabilities in the long term?

Answer. U.S. Pacific Command analyzes major operations plans, and global war on terrorism and homeland defense responsibilities to determine the capabilities needed to execute assigned plans and to identify any gaps in current and programmed capabilities. These gaps form the basis for U.S. Pacific Command's annual Integrated Priority List, which identifies priority capability needs to the Department of Defense's science, technology, and acquisition communities.

The U.S. Pacific Command is active in the ACTD process. If confirmed, I would continue participation in this program. ACTD projects offer our warfighters direct impact on technology development and acquisition, potentially speed acquisition of needed capabilities, and sometimes provide capabilities to directly support current operations. For example, in Operation Iraqi Freedom today, U.S. Pacific Command ACTD projects are providing capabilities for explosive ordnance disposal operations,

medical information management, sniper detection, and language and document translation.

EXERCISES AND TRAINING

Question. What is your assessment of current U.S. Pacific Command exercises and training for peace and stability operations? Are they sufficient in your opinion, and, if not, how would you change them, if confirmed?

Answer. U.S. Pacific Command conducts about 20 joint exercises a year, with service components adding an estimated 200 service-specific exercises every year. I assess the U.S. Pacific Command exercise program as extremely valuable. The success of relief operations under Operation Unified Assistance can be directly attributed to U.S. Pacific Command's annual Cobra Gold exercise in Thailand (focused on peace and stability operations), in which several nations, including Thailand, Singapore, and the U.S., train together.

U.S. Pacific Command strives to focus limited training resources to enhance readiness, sustain and improve theater security cooperation, deter potential adversaries, and win the global war on terrorism. Due to the vast distances in the Pacific theater, significant amounts of strategic lift, including military air, sealift, and commercial carriers, are required for operations and large-scale exercises. This means the strategic lift necessary for the Chairman's Exercise Program (CEP) is very important, especially for large-scale joint and combined exercises

Question. How might U.S. Pacific Command work with U.S. Joint Forces Command (JFCOM) to improve or augment training and exercises for peace and stability operations?

Answer. JFCOM provides Joint Warfighting Center support to several PACOM joint exercises every year, and JFCOM has assigned a full-time liaison officer at PACOM. The Pacific Warfighting Center (PWC) will be integrated into JFCOM's global grid of warfighting centers that will make up the Joint National Training Capability (JNTC). The PWC and JNTC will allow PACOM and JFCOM to cooperatively develop transformational training concepts and infrastructure.

POW/MIA ACCOUNTING EFFORTS

Question. The Joint POW/MIA Accounting Command, U.S. Pacific Command, is critical to the recovery and identification of remains of missing military members. Recovery of remains of U.S. service members from World War II, the Korean War, and the Vietnam war continue to be a very high priority. What is your understanding of the responsibilities of the Joint POW/MIA Accounting Command, U.S. Pacific Command, and its relationship to the Defense Prisoner of War and Missing Personnel Office?

Answer. I fully understand the priority our Nation places on the identification and recovery of missing Americans. The Joint POW/MIA Accounting Command (JPAC) conducts operations to support a full accounting of personnel unaccounted for as a result of hostile acts. U.S. Pacific Command provides higher headquarters support and direction, and the interface between JPAC and the Joint Staff and/or OSD, as necessary. The Defense POW/Missing Personnel Office (DPMO) exercises policy, control, and oversight within the Department of Defense for the entire accounting process. DPMO and JPAC coordinate directly with one another on routine POW/MIA issues.

Question. If confirmed, what plans do you have, if any, to enhance POW/MIA recovery efforts in the AOR of the U.S. Pacific Command?

Answer. JPAC's resources and accounting efforts are focused not only in the Pacific Command region, but throughout the world. I will encourage full cooperation by the host nations where we conduct POW/MIA activities and continue to reinforce U.S. Government priorities in our accounting and recovery efforts.

Question. If confirmed, what steps would you take, if any, to assess the adequacy of resources available for this work?

Answer. I will provide JPAC the full support of the U.S. Pacific Command in the conduct of their mission, and continuously assess the adequacy of resources in the performance of this important mission.

QUALITY OF LIFE

Question. Combatant commanders are responsible for establishing and sustaining a high quality of life for military personnel and their families assigned within their AOR. If confirmed, how would you define and ensure appropriate resources are available for quality of life programs for military members and their families within the U.S. Pacific Command?

Quality of service (QOS) for our men and women is one of my top priorities. Inseparable from combat readiness, QOS is more than just good quality of life. It means providing the high quality operating facilities, the tools and information technology necessary for our personnel to achieve their goals and execute their missions effectively and efficiently.

QOS requires continuous assessment of housing, schools, commissary and exchange services, medical/dental facilities, morale, welfare and recreation (MWR) programs/facilities, pay and entitlement programs, spousal employment opportunities and childcare facilities.

Question. What are the potential effects and challenges associated with global rebasing on the quality of life of members and their families in the U.S. Pacific Command AOR?

Answer. Implementation of global rebasing must and will reflect our commitment to our peoples' QOS.

POLICIES REGARDING SEXUAL ASSAULT

Question. As a result of deficiencies in DOD and Service policies regarding sexual assault in the Armed Forces, the Department and the individual Services are required under section 577 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 to develop comprehensive policies aimed at preventing and responding to sexual assaults involving members of the Armed Forces and ensuring, among other things, appropriate law enforcement, medical, and legal responses, integration of databases to report and track sexual assaults, and development of victim treatment and assistance capabilities. If confirmed as Commander, U.S. Pacific Command, what steps would you take to ensure the Army, Navy, Air Force, and Marine Corps forces under your command are appropriately implementing policies aimed at preventing sexual assaults and appropriately responding to victims of sexual assault?

Answer. I am strongly committed to implementing comprehensive measures to prevent sexual assault, provide responsive care and treatment for victims of sexual assault, and hold accountable those who commit the crime of sexual assault. If confirmed, I will take all actions to protect our people from assault, and direct consistent and appropriate responses to victims of sexual assault.

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, and other communications of information. Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. I agree.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. I agree.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as Commander, U.S. Pacific Command?

Answer. I agree.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. I agree.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR DANIEL K. AKAKA

CARRIER PLACEMENT

1. Senator AKAKA. Admiral Fallon, at the full committee hearing on February 10, 2005, Admiral Vernon Clark said that the Department was still reviewing the possibilities for basing a carrier in Hawaii or Guam. It is my understanding that the report titled "Strengthening U.S. Global Defense Posture," submitted to Congress by DOD in September 2004, states that DOD intends to carry out "the forward deployment of additional expeditionary maritime capabilities and long-rate strike assets"

in the Pacific regions. Is it still the strategy for the Navy? If so, does the Navy still plan to forward base another carrier in Hawaii or Guam?

Admiral FALLON. Carrier Strike Groups (CSGs) remain critical to ensuring effective dissuasion, capable deterrence, and rapid contingency response in the Asia-Pacific region. We continue to examine options to determine the optimum basing posture for these very capable assets. Both Hawaii and Guam have been studied as a potential location for a CSG forward in the Pacific.

2. Senator AKAKA. Admiral Fallon, at the full committee hearing on February 10, 2005, Admiral Clark stated that the basing of carriers in the Pacific would be determined by BRAC. Are all decisions pertaining to home porting of carriers dependent on the BRAC? If not, then what is the criteria used to determine if the BRAC applies to one situation over another?

Admiral FALLON. Carrier basing decisions depend upon many factors including strategic considerations, joint readiness, cost, infrastructure, contingency response time, and the recommendations of the BRAC Commission. It is my understanding that any basing issues this year will be considered as part of the BRAC process.

[The nomination reference of ADM William J. Fallon, USN, follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
January 31, 2005.

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

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Admiral

ADM William J. Fallon, 0304.

TRANSCRIPT OF NAVAL SERVICE FOR ADM WILLIAM JOSEPH FALLON, USN

30 December 1944 - Born in East Orange, New Jersey.
16 September 1963 - Midshipman, U.S. Naval Reserve, Naval Reserve Officers Training Corps.
15 May 1967 - Ensign to rank from 7 June 1967.
01 July 1968 - Lieutenant (junior grade).
01 July 1970 - Lieutenant.
01 July 1976 - Lieutenant Commander.
01 April 1982 - Commander.
01 September 1988 - Captain.
23 August 1993 - Designated Rear Admiral (lower half) while serving in billets commensurate with that grade.
01 October 1994 - Rear Admiral (lower half).
01 January 1997 - Rear Admiral.
20 September 1996 - Vice Admiral.
06 October 2000 - Designated Admiral while serving in billets commensurate with that grade.
01 November 2000 - Admiral, service continuous to date.

Assignments and Duties:

	From	To
Naval Air Basic Training Command, U.S. Naval Air Station, Pensacola, FL (DUINS)	May 1967	Nov. 1967
U.S. Naval Air Technical Center, Glynco, GA (DUINS)	Nov. 1967	Dec. 1967
U.S. Naval Station, New York, NY	Dec. 1967	Jan. 1968
Reconnaissance Attack Squadron THREE (DUINS)	Jan. 1968	Dec. 1968
Naval Justice School (DUINS)	Dec. 1968	Feb. 1969
Reconnaissance Attack Squadron FIVE, (Reconnaissance Attack Navigator)	Feb. 1969	Oct. 1970
Commander, Reconnaissance Attack Wing ONE, (Administrative Officer)	Oct. 1970	July 1972

	From	To
Staff, Commander Fleet Air, Jacksonville, FL (Flag Lieutenant/Flag Secretary)	July 1972	July 1973
DEP COMNA V AIRLANTTACAIR (Aide/Administrative Officer)	July 1973	June 1974
Attack Squadron FOUR TWO (DUINS)	June 1974	Dec. 1974
Attack Squadron SEVEN FIVE (Avionics/Armament Officer/Training Officer)	Dec. 1974	July 1977
Naval War College (DUINS)	July 1977	July 1978
Attack Squadron FOUR TWO (DUINS)	July 1978	Oct. 1978
Attack Squadron SIX FIVE (Operations Officer/Executive Assistant)	Oct. 1978	Feb. 1981
Commander, Operational Test and Evaluation Force (Operational Test Coordinator of Attack Weapons Systems)	Feb. 1981	July 1982
Attack Squadron FOUR TWO (DUINS)	July 1982	Nov. 1982
XO, Attack Squadron SIX FIVE	Nov. 1982	May 1984
CO, Attack Squadron SIX FIVE	May 1984	Sep. 1985
Commander, Naval Air Force, U.S. Atlantic Fleet (DUINS)	Sep. 1985	Dec. 1985
Carrier Air Wing EIGHT (Deputy Air Wing Commander)	Jan. 1986	July 1987
Commander, Naval Air Force, U.S. Atlantic Fleet (Air Wing Training and Readiness Officer)	July 1987	Jan. 1989
Commander, Medium Attack Wing ONE	Jan. 1989	Feb. 1990
Commander, Carrier Air Wing EIGHT	Mar. 1990	Aug. 1991
National Defense University (DUINS)	Aug. 1991	June 1992
Office of the CNO (Deputy Director, Aviation Plans and Requirements Branch) (N880B)	July 1992	Sep. 1993
Commander, Joint Task Force Southwest Asia (Deputy Staff Operations Officer, J–3)	Aug. 1992	Nov. 1992
SACLANT (Assistant Chief of Staff for Plans and Policy)	Sep. 1993	June 1995
Commander, Carrier Group EIGHT	June 1995	Feb. 1996
COMLANTFLT (Deputy and Chief of Staff)	Feb. 1996	Sep. 1996
U.S. Atlantic Command (Deputy Commander in Chief and Chief of Staff)	Sep. 1996	Nov. 1997
Commander, SECOND Fleet/Commander, Striking Fleet Atlantic	Nov. 1997	Oct. 2000
Vice Chief of Naval Operations	Oct. 2000	Oct. 2003
Commander, U.S. Atlantic Fleet and Commander, Fleet Forces Command	Oct. 2003	To Date

Medals and awards:

Defense Distinguished Service Medal with Oak Leaf Cluster
Defense Superior Service Medal
Legion of Merit with three Gold Stars
Bronze Star Medal with Combat "V"
Meritorious Service Medal with two Gold Stars
Air Medal with Bronze Numeral "6", Gold Star, and Combat "V"
Navy and Marine Corps Commendation Medal with one Gold Star, and Combat "V"
Joint Service Commendation Medal
Navy and Marine Corps Achievement Medal
Joint Meritorious Unit Award
Navy Unit Commendation with two Bronze Stars
Meritorious Unit Commendation with one Bronze Star
Navy "E" Ribbon with two Es
Navy Expeditionary Medal with one Bronze Star
National Defense Service Medal with one Bronze Star
Armed Forces Expeditionary Medal with one Bronze Star
Vietnam Service Medal with two Bronze Stars
Southwest Asia Service Medal with two Bronze Stars
Sea Service Deployment Ribbon with one Silver Star
Republic of Vietnam Gallantry Cross Unit Citation
Republic of Vietnam Campaign Medal with Device
Kuwait Liberation Medal with Device (Saudi Arabia)
Kuwait Liberation Medal (Kuwait)
NATO Medal

Special qualifications:

BA (Social Science) Villanova University, 1967
MA (International Studies) Old Dominion University, 1982
Graduate of Naval War College, 1978
Graduate of National War College, 1992
Designated Naval Flight Officer, 1967
Designated Joint Specialty Officer, 1995
Language Qualifications: French (Knowledge)

Personal data:

Wife: Mary Elizabeth Trapp of Scarsdale, New York
Children: Susan K. Fallon (Daughter), Born: 1 March 1971

Barbara L. Fallon (Daughter), Born: 21 November 1973
William P. Fallon (Son), Born: 31 July 1976
Christina A. Fallon (Daughter), Born: 4 March 1983

Summary of joint duty assignments:

Assignment	Dates	Rank
*Commander, Carrier Air Wing EIGHT	Jan. 91–Apr. 91	Capt.
SACLANT (Assistant Chief of Staff for Plans and Policy)	Sep. 93–June 1995	RDML
USCINCLANT (Deputy Commander in Chief and Chief of Staff)	Sep. 96–Nov. 97	VADM
Commander, SECOND Fleet/Commander, Striking Fleet Atlantic	Nov. 97–Oct. 00	VADM

* Desert Storm

[The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by ADM William J. Fallon, USN, in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
William J. Fallon.

2. **Position to which nominated:**
Commander, United States Pacific Command.

3. **Date of nomination:**
January 31, 2005.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
December 30, 1944; East Orange, NJ.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Mary E. Trapp Fallon.

7. **Names and ages of children:**
Susan K. Fallon, 33.
Barbara L. Fallon, 31.
William P. Fallon, 28.
Christina A. Fallon, 21.

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the executive branch.

None.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Occidental College Global Affairs Advisory Board.

10. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

American Automobile Association.
American Meteorological Society.
Army and Navy Club.
Association of Naval Aviation.
Deer Run Condominium Owners Association Board (Big Sky, MT).
Bishopsgate (Virginia Beach, VA) Civic League.
Hampton Roads World Affairs Council.
Knights of Columbus.
Mercedes Benz Club of America.
National Geographic Society.
National War College Alumni Association.
Navy Federal Credit Union.
Old Dominion University Alumni Association.
Smithsonian Institute.
Our Lady Star of the Sea (Virginia Beach, VA) Catholic School Board.
Tailhook Association.
U.S. Naval Institute.
Veterans of Foreign Affairs.
Villanova University Alumni Association.
Villanova University Varsity Club.
Villanova University Wildcat Club.

11. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the committee by the executive branch.

Villanova University Alumni Loyalty Award.
Old Dominion University Distinguished Alumnus Award.
Naval War College Distinguished Alumnus Award.
Camden Catholic High School Distinguished Alumnus Award.

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

13. **Personal views:** Do you agree, when asked before any duly constituted committee of Congress, to give your personal views, even if those views differ from the administration in power?

Yes.

[The nominee responded to the questions in Parts B–E of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–E are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

WILLIAM J. FALLON.

This 27th day of January 2005.

[The nomination of ADM William J. Fallon, USN, was reported to the Senate by Chairman Warner on February 17, 2005, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on February 17, 2005.]

TO CONSIDER CERTAIN PENDING CIVILIAN AND MILITARY NOMINATIONS

THURSDAY, FEBRUARY 17, 2005

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:49 a.m. in room SH–216, Hart Senate Office Building, Senator John Warner (chairman) presiding.

Committee members present: Senators Warner, McCain, Inhofe, Sessions, Collins, Ensign, Talent, Chambliss, Graham, Dole, Thune, Levin, Kennedy, Lieberman, Reed, Akaka, Bill Nelson, E. Benjamin Nelson, Bayh, and Clinton.

Committee staff members present: Judith A. Ansley, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Charles W. Alsup, professional staff member; Ambrose R. Hock, professional staff member; Gregory T. Kiley, professional staff member; Thomas L. MacKenzie, professional staff member; Elaine A. McCusker, professional staff member; Lucian L. Niemeyer, professional staff member; Stanley R. O'Connor, Jr., professional staff member; Paula J. Philbin, professional staff member; Lynn F. Rusten, professional staff member; Robert M. Soofer, professional staff member; Scott W. Stucky, general counsel; Diana G. Tabler, professional staff member; and Richard F. Walsh, counsel.

Minority staff members present: Richard D. DeBobes, Democratic staff director; Daniel J. Cox, Jr., professional staff member; Evelyn N. Farkas, professional staff member; Richard W. Fieldhouse, professional staff member; Creighton Greene, professional staff member; Gerald J. Leeling, minority counsel; Peter K. Levine, minority counsel; Michael J. McCord, professional staff member; and William G.P. Monahan, minority counsel.

Staff assistants present: Alison E. Brill, Bridget E. Ward, and Nicholas W. West.

Committee members' assistants present: Cord Sterling, assistant to Senator Warner; Christopher J. Paul, assistant to Senator McCain; John A. Bonsell, assistant to Senator Inhofe; Chris Arnold, assistant to Senator Roberts; Arch Galloway II, assistant to Senator Sessions; Mackenzie M. Eaglen, assistant to Senator Collins; D'Arcy Grisier, assistant to Senator Ensign; Lindsey R. Neas, assistant to Senator Talent; Clyde A. Taylor IV, assistant to Senator Chambliss; Meredith Moseley, assistant to Senator Graham; Christine O. Hill, assistant to Senator Dole; Russell J. Thomasson, assistant to Senator Cornyn; Bob Taylor, assistant to Senator Thune;

Sharon L. Waxman, Mieke Y. Eoyang, and Jarret A. Wright, assistants to Senator Kennedy; Terrence E. Sauvain, assistant to Senator Byrd; Frederick M. Downey, assisant to Senator Lieberman; Elizabeth King, assistant to Senator Reed; Richard Kessler, assistant to Senator Akaka; William K. Sutey, assistant to Senator Bill Nelson; Eric Pierce, assistant to Senator Ben Nelson; Todd Rosenblum, assistant to Senator Bayh; and Andrew Shapiro, assistant to Senator Clinton.

Chairman WARNER. A quorum being present, I ask the committee to consider one civilian nomination, one flag officer nomination, and a list of 2,598 pending military nominations.

First I ask the committee to consider the nomination of Buddie Penn to be the Assistant Secretary of the Navy for Installations and Environment. His nomination has been before the committee the required length of time. No objections have been brought to the attention of the chairman or the ranking member. Is there a motion to favorably report Mr. Penn's nomination to the Senate?

Senator LEVIN. So moved.

Chairman WARNER. Second?

Senator DOLE. Second.

Chairman WARNER. All in favor say aye. [A chorus of ayes.]

Opposed? [No response.]

The ayes have it. Mr. Penn's nomination is confirmed by this committee and will be reported to the floor.

Next I ask the committee to consider the nomination of Admiral William Fallon, USN, to be Commander, U.S. Pacific Command. His nomination has been before the committee the required length of time. Is there a motion to favorably report Admiral Fallon's nomination to the Senate?

Senator LEVIN. So moved.

Chairman WARNER. Second?

Senator DOLE. Second.

Chairman WARNER. Opposed? [No response.]

All in favor say aye. [A chorus of ayes.]

Finally, is there a motion to now consider the list of 2,598 military nominations?

Senator LEVIN. So moved.

Chairman WARNER. Second?

Senator DOLE. Second.

Chairman WARNER. Any opposed? [No response.]

All in favor say aye. [A chorus of ayes.]

Thank you very much.

[The nomination reference of Buddie J. Penn follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
January 24, 2005.

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

Buddie J. Penn, of Virginia to be an Assistant Secretary of the Navy, vice H.T. Johnson.

[The nomination reference of ADM William J. Fallon, USN, follows:]

NOMINATION REFERENCE AND REPORT

SENATE OF THE UNITED STATES,
January 31, 2005.

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

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Admiral

ADM William J. Fallon, 0304.

[The list of nominations considered and approved by the committee follows:]

MILITARY NOMINATIONS PENDING WITH THE SENATE ARMED SERVICES COMMITTEE WHICH ARE PROPOSED FOR THE COMMITTEE'S CONSIDERATION ON FEBRUARY 17, 2005.

1. Rear Admiral Terrance T. Etnyre, USN to be vice admiral and Commander, Naval Surface Force, U.S. Pacific Fleet (Reference No. 14).
2. In the Army there is one appointment to the grade of Colonel (Robert A. Lovett) (Reference No. 15).
3. In the Army there is one appointment to the grade of Lieutenant Colonel (Martin Poffenberger, Jr.) (Reference No. 16).
4. In the Army there is one appointment to the grade of Lieutenant Colonel (Timothy D. Mitchell, Jr.) (Reference No. 17).
5. In the Army there are three appointments to the grade of Lieutenant Colonel (list begins with William F. Bither) (Reference No. 18).
6. In the Army there is one appointment to the grade of Colonel (William R. Laurence, Jr.) (Reference No. 19).
7. In the Army there are five appointments to the grade of Colonel (list begins with Megan K. Mills) (Reference No. 20).
8. In the Army there are four appointments to the grade of Colonel (list begins with Timothy K. Adams) (Reference No. 21).
9. In the Army Reserve there are two appointments to the grade of Colonel (list begins with Joseph W. Burckel) (Reference No. 22).
10. In the Army Reserve there is one appointment to the grade of Colonel (Frank J. Miskena) (Reference No. 23).
11. In the Army Reserve there are eight appointments to the grade of Colonel (list begins with Rosa L. Hollisbird) (Reference No. 24).
12. In the Army Reserve there are two appointments to the grade of Colonel (list begins with Bruce A. Mulkey) (Reference No. 25).
13. In the Army Reserve there is one appointment to the grade of Colonel (Matthew R. Segal) (Reference No. 26).
14. In the Army Reserve there are two appointments to the grade of Colonel (list begins with Casanova C. Ochoa) (Reference No. 27).
15. In the Army Reserve there are two appointments to the grade of Colonel (list begins with Kenneth R. Greene) (Reference No. 28).
16. In the Army Reserve there are six appointments to the grade of Colonel (list begins with James E. Ferrando) (Reference No. 29).
17. In the Army Reserve there are nine appointments to the grade of Colonel (list begins with Billy J. Blankenship) (Reference No. 30).
18. In the Army Reserve there are nine appointments to the grade of Colonel (list begins with Mark E. Coers) (Reference No. 31).
19. In the Army Reserve there are eight appointments to the grade of Colonel (list begins with Jeffery T. Altdorfer) (Reference No. 32).
20. In the Army Reserve there are four appointments to the grade of Colonel (list begins with David C. Barnhill) (Reference No. 33).
21. In the Army Reserve there is one appointment to the grade of Colonel (David B. Enyeart) (Reference No. 34).
22. In the Army Reserve there is one appointment to the grade of Colonel (David A. Greenwood) (Reference No. 35).
23. In the Army Reserve there is one appointment to the grade of Colonel (Sandra W. Dittig) (Reference No. 36).

24. In the Army Reserve there is one appointment to the grade of Colonel (John M. Owings, Jr.) (Reference No. 37).
25. In the Army Reserve there is one appointment to the grade of Colonel (Daniel J. Butler) (Reference No. 38).
26. In the Army there are 21 appointments to the grade of Colonel (list begins with Scott W. Arnold) (Reference No. 42).
27. In the Army there are 33 appointments to the grade of Colonel (list begins with Paul T. Bartone) (Reference No. 44).
28. In the Army Reserve there are 10 appointments to the grade of Colonel (list begins with Cynthia A. Chavez) (Reference No. 45).
29. In the Army Reserve there are 17 appointments to the grade of Colonel (list begins with Francis B. Ausband) (Reference No. 46).
30. In the Army Reserve there are 34 appointments to the grade of Colonel (list begins with Loretta A. Adams) (Reference No. 47).
31. In the Army Reserve there are 60 appointments to the grade of Colonel (list begins with Robert D. Akerson) (Reference No. 48).
32. In the Army Reserve there are 37 appointments to the grade of Colonel (list begins with Priscilla A. Berry) (Reference No. 49).
33. In the Army Reserve there are 856 appointments to the grade of Colonel (list begins with George A. Abbott) (Reference No. 50).
34. In the Air Force there is one appointment to the grade of Lieutenant Colonel (Thomas S. Hoffman) (Reference No. 51).
35. In the Air Force there are two appointments to the grade of Lieutenant Colonel (list begins with Herbert L. Allen, Jr.) (Reference No. 52).
36. In the Air Force there is one appointment to the grade of Lieutenant Colonel (Leslie G. Macrae) (Reference No. 53).
37. In the Air Force there is one appointment to the grade of Major (Omar Billigue) (Reference No. 54).
38. In the Air Force there are three appointments to the grade of Major (list begins with Corbert K. Ellison) (Reference No. 55).
39. In the Air Force there is one appointment to the grade of Major (Gretchen M. Adams) (Reference No. 56).
40. In the Air Force there is one appointment to the grade of Colonel (Michael D. Shirley) (Reference No. 57).
41. In the Air Force there are three appointments to the grade of Major (Gerald J. Huerta) (Reference No. 58).
42. In the Air Force there is one appointment to the grade of major (Michael F. Lamb) (Reference No. 59).
43. In the Air Force there are 11 appointments to the grade of major (list begins with Dean J. Cutillar) (Reference No. 60).
44. In the Navy there is one appointment to the grade of Captain (Steven P. Davito) (Reference No. 61).
45. In the Navy there is one appointment to the grade of Commander (Edward S. Wagner, Jr.) (Reference No. 62).
46. In the Navy there are 36 appointments to the grade of Lieutenant Commander (list begins with Samuel Adams) (Reference No. 63).
47. In the Marine Corps there are 346 appointment to the grade of Lieutenant Colonel (list begins with Jason G. Adkinson) (Reference No. 65).
48. In the Air Force Reserve there are 21 appointments to the grade of major general and below (list begins with Mark W. Anderson) (Reference No. 124).
49. Major General Karl W. Eikenberry, USA, to be lieutenant general and Commander, Combined Forces Command-Afghanistan (Reference No. 127).
50. In the Air Force there is one appointment to the grade of Colonel (James S. Shaffer) (Reference No. 129).
51. In the Air Force Reserve there are 207 appointments to the grade of Colonel (list begins with Thomas William Acton) (Reference No. 130).
52. In the Navy there are 14 appointments to the grade of lieutenant commander (list begins with Jason K. Brandt) (Reference No. 133).
53. Vice Admiral Robert F. Willard, USN, to be admiral and Vice Chief of Naval Operations (Reference No. 134).
54. Admiral John B. Nathman, USN, to be admiral and Commander, U.S. Fleet Forces Command (Reference No. 135).
55. In the Marine Corps there are 10 appointments to the grade of Major General (list begins with BGEN Thomas A. Benes) (Reference No. 139).
56. In the Marine Corps there are 12 appointments to the grade of Brigadier General (list begins with Col. George J. Allen) (Reference No. 140).
57. In the Air Force there are two appointments to the grade of Colonel (list begins with Barbara S. Black) (Reference No. 141).

58. In the Air Force there is one appointment to the grade of Colonel (Glenn T. Lunsford) (Reference No. 142).
59. In the Air Force there is one appointment to the grade of Colonel (Frederick E. Jackson) (Reference No. 143).
60. In the Air Force there are two appointments to the grade of Lieutenant Colonel (list begins with Robert G. Pate) (Reference No. 144).
61. In the Air Force there is one appointment to the grade of Captain (Kelly E. Nation) (Reference No. 145).
62. In the Air Force Reserve there are seven appointments to the grade of Colonel (list begins with Lourdes J. Almonte) (Reference No. 146).
63. In the Air Force there are 128 appointments to the grade of Lieutenant Colonel (list begins with Brian F. Agee) (Reference No. 147).
64. In the Air Force there are 63 appointments to the grade of Major (list begins with Michelle D. Allenmccoy) (Reference No. 148).
65. In the Air Force there are 355 appointments to the grade of Major (list begins with James R. Abbott) (Reference No. 150).
66. In the Air Force there are 45 appointments to the grade of Colonel (list begins with Joseph B. Anderson) (Reference No. 151).
67. In the Air Force there are 22 appointments to the grade of Colonel (list begins with Jeffery F. Baker) (Reference No. 152).
68. In the Air Force there are 45 appointments to the grade of Major (list begins with Corey R. Anderson) (Reference No. 153).
69. In the Air Force there are 16 appointments to the grade of Lieutenant Colonel (list begins with Janice M. Allison) (Reference No. 154).
70. In the Army there are 47 appointments to the grade of Lieutenant Colonel (list begins with Jan E. Aldykiewicz) (Reference No. 155).
71. In the Marine Corps there are two appointments to the grade of Lieutenant Colonel (list begins with Jorge E. Cristobal) (Reference No. 156).
72. In the Marine Corps there are two appointments to the grade of Lieutenant Colonel (list begins with Ronald C. Constance) (Reference No. 157).
73. In the Marine Corps there is one appointment to the grade of Lieutenant Colonel (Frederick D. Hyden) (Reference No. 159).
74. In the Marine Corps there is one appointment to the grade of Lieutenant Colonel (list begins with Kathy L. Velez) (Reference No. 160).
75. In the Marine Corps there is one appointment to the grade of Major (John R. Barclay) (Reference No. 161).
76. In the Marine Corps there are four appointments to the grade of Major (list begins with Matthew J. Caffrey) (Reference No. 162).
77. In the Marine Corps there are five appointments to the grade of Major (list begins with Jeff R. Bailey) (Reference No. 163).
78. In the Marine Corps there are two appointments to the grade of Major (list begins with Jacob D. Leighty III) (Reference No. 164).
79. In the Marine Corps there are four appointments to the grade of Major (list begins with Steven M. Dotson) (Reference No. 165).
80. In the Marine Corps there are eight appointments to the grade of Major (list begins with William H. Barlow) (Reference No. 166).
81. In the Marine Corps there are two appointments to the grade of Major (list begins with Andrew E. Gepp) (Reference No. 167).
82. In the Marine Corps there are five appointments to the grade of Major (list begins with William A. Burwell) (Reference No. 168).
83. In the Marine Corps there are five appointments to the grade of Major (list begins with Kenrick G. Fowler) (Reference No. 169).
84. In the Marine Corps there are two appointments to the grade of Major (list begins with James P. Miller, Jr.) (Reference No. 170).
85. In the Marine Corps there is one appointment to the grade of Major (David G. Boone) (Reference No. 171).
86. In the Marine Corps there is one appointment to the grade of Major (Michael A. Lujan) (Reference No. 172).
87. In the Marine Corps there are two appointments to the grade of Major (list begins with Michael A. Mink) (Reference No. 173).
88. In the Air Force Reserve there is one appointments to the grade of Colonel (Eloise M. Fuller) (Reference No. 175).
89. In the Marine Corps there are two appointments to the grade of Lieutenant Colonel (list begins with John T. Curran) (Reference No. 176).
Total: 2,598.

[Whereupon, at 9:51 a.m., the nomination hearing adjourned and the committee proceeded to other business.

NOMINATION OF HON. ANTHONY J. PRINCIPI TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

TUESDAY, MARCH 15, 2005

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 4:48 p.m. in room SR–222, Russell Senate Office Building, Senator John Warner (chairman) presiding.

Committee members present: Senators Warner, McCain, Inhofe, Dole, Cornyn, Thune, Kennedy, Lieberman, Akaka, E. Benjamin Nelson, and Clinton.

Committee staff members present: Judith A. Ansley, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Gregory T. Kiley, professional staff member; Lucian L. Niemeyer, professional staff member; Scott W. Stucky, general counsel; Diana G. Tabler, professional staff member; and Richard F. Walsh, counsel.

Minority staff members present: Richard D. DeBobes, Democratic staff director; Michael J. Kuiken, professional staff member; Peter K. Levine, minority counsel; and Michael McCord, professional staff member.

Staff assistant present: Nicholas W. West.

Committee members' assistants present: Cord Sterling, assistant to Senator Warner; John A. Bonsell, assistant to Senator Inhofe; Arch Galloway II, assistant to Senator Sessions; Mackenzie M. Eaglen, assistant to Senator Collins; Clyde A. Taylor IV, assistant to Senator Chambliss; Christine O. Hill, assistant to Senator Dole; Russell J. Thomasson, assistant to Senator Cornyn; Bob Taylor and Matt Zabel, assistants to Senator Thune; Mieke Y. Eoyang, assistant to Senator Kennedy; Frederick M. Downey, assistant to Senator Lieberman; Darcie Tokioka, assistant to Senator Akaka; William K. Sutey, assistant to Senator Bill Nelson; and Eric Pierce, assistant to Senator Ben Nelson.

OPENING STATEMENT OF SENATOR JOHN WARNER, CHAIRMAN

Chairman WARNER. The committee meets this afternoon to consider the nomination of the Honorable Anthony J. Principi to be a member of the 2005 Defense Base Closure and Realignment Commission. If confirmed, Mr. Principi will be the President's choice to chair this very important commission.

We congratulate you on your nomination and I note today the President announced the remaining eight individuals to complete the membership of the commission. The President has moved timely on this because we have a very strict time line. It is the intention of this Senator and I think all Senators to adhere to that time line.

It is a great pleasure to welcome you back before this committee, which was once your home away from home for many years as a senior member of our staff, as you prepare to embark on yet another opportunity in public service. You have an impressive legacy of service to our Nation, ranging from your appointment to the United States Naval Academy, followed by 10 years of military service as a combat decorated naval officer, with a tour in Vietnam, followed by years of service on this committee, as I said, and on the Committee on Veterans Affairs, and culminating in your recent outstanding service to the men and women of the Armed Forces and their families as Secretary of Veterans Affairs (VA).

I want to thank you, Mr. Principi, and I thank your family, who I understand could not be here today, but their hearts are with us. I hope they are, because you have a tough job ahead. You better have that support, Mister, or you have a problem.

I think I will just put the balance of this very well prepared statement in the record. It all reads just about like the first page.

[The prepared statement of Senator Warner follows:]

PREPARED STATEMENT BY SENATOR JOHN WARNER

The Armed Services Committee meets this afternoon to consider the nomination of the Honorable Anthony J. Principi to be a member of the 2005 Defense Base Realignment and Closure (BRAC) Commission. If confirmed, Mr. Principi will be the President's choice to chair the Commission. We congratulate you on your nomination. I note that today, the President has announced the remaining eight individuals to complete the BRAC Commission.

Mr. Principi, it is a distinct pleasure to welcome you back before this committee as you prepare to embark on yet another opportunity of public service. You have an impressive legacy of service to our Nation, ranging from your appointment to the United States Naval Academy, followed by 10 years of military service as a combat decorated Naval officer with a tour in Vietnam, followed by years of service on this committee and the Senate Committee on Veteran's Affairs, and culminating in your recent outstanding service as Secretary of Veterans Affairs for the past 4 years. I want to sincerely thank you for taking on this most difficult, yet important assignment.

If confirmed as a BRAC Commissioner and chosen by the President to be the chairman, your greatest challenge over the next 6 months will be to ensure that the selection of bases for realignment, closure, or in some cases privatization, is as open and fair as possible. The effected communities deserve to have every consideration reviewed and assessed by the Commission prior to any final decisions. The most important task of the Commission will be to preserve the integrity of the process, so that in the end, while decisions may be unpopular, all can be assured that the decision-making process was clear, consistent, and untainted by outside influence.

You and your fellow commissioners will determine whether the Secretary of Defense's recommendations are consistent with the force structure plan the Secretary has proposed, as well as the selection criteria set forth by Congress last year. The criteria establishes the priority of "military value" as the most important factor in determining the contributions of military bases to our Nation's defense. I ask that you ensure the consistent and even-handed application of the criteria to the Secretary's BRAC recommendations. I also ask that, in your analysis of the bases needed to support our military forces, you carefully consider—and apply—the force structure and major force unit requirements for the next 20 years as proposed in the report by the Joint Chiefs of Staff.

I have long been a supporter of the BRAC process and have led, in the face of considerable opposition, the efforts in the Senate to establish and preserve the 2005

round. Congress adopted a BRAC process that is intended to be fair, transparent, and objective. We have enhanced the law guiding the process to remove as much politics as we possibly can from the final decisions. However, the recommendations of the Department of Defense and your Commission must be supported by careful and thoughtful analysis of our national security requirements so as to ensure that the integrity of the process cannot be called into question. You face a formidable task to complete the work of the Commission and to deliver your recommendations to the President by September 8, 2005. I have confidence and trust in your ability to carry out this critical responsibility with the same degree of dedication and commitment you have demonstrated in your many years of public service. I know you are ready for the challenge and that your efforts will be in the best interests of our Nation.

Senator INHOFE. Well, I want to hear it all. [Laughter.]

Chairman WARNER. I also place the opening statement of Senator Collins in the record.

[The prepared statement of Senator Collins follows:]

PREPARED STATEMENT BY SENATOR SUSAN M. COLLINS

I am pleased to welcome Mr. Principi to testify before this committee and would like to praise his vast accomplishments during his 4-year tenure as Secretary of Veterans Affairs. Fighting for our country's veterans is an honorable cause and I am thankful for his dedication.

Given the importance of today's topic on the upcoming Base Realignment and Closure (BRAC), I would like to take this opportunity to highlight the extraordinary contributions made by the State of Maine to our Nation's defense. Although Maine occupies a far corner of our Nation's territory, it is a corner that serves as the principle gateway to our Nation's largest and most densely populated metropolitan areas, a region of over 22 million people. Military installations in Maine defend land, sea, and air approaches into New England and the Mid-Atlantic regions. Our strategic location, valuable infrastructure, and highly-skilled and experienced workforce are models for the rest of the Nation.

The Naval Computer and Telecommunications Station in Cutler, Maine transmits a command and control broadcast, which is the backbone of the submarine broadcast system for the entire Atlantic fleet. The Air National Guard Base at Bangor is home to the 101st Air Refueling Wing whose mission is to provide refueling, airlift, and mobility missions in support of our Nation's defense needs in the Northeast and across the North Atlantic. The base at Bangor also supports the deployment and redeployment of many servicemembers overseas fighting in Operations Enduring and Iraqi Freedom.

Brunswick Naval Air Station is the only military facility capable of providing aerial surveillance and interdiction on the U.S. northeast coast and maritime approaches, a capability that is absolutely essential for effective homeland security and homeland defense. Brunswick is the home of four active and two Reserve P–3 squadrons. P–3s from Brunswick supported Operation Iraqi Freedom (OIF) and, more recently, tsunami relief efforts in southeast Asia. Brunswick is the only fully capable and operational Active-Duty airfield remaining in the northeastern United States.

Portsmouth Naval Shipyard in Kittery, Maine, also provides essential and irreplaceable services and manpower for our Nation's defense needs. It is the only naval shipyard with a full spectrum of nuclear and diesel submarine maintenance experience, including reactor servicing, overhaul, modernization, testing and other emergency repair. Another shipyard hallmark is its impressive performance record, leading the Nation in timely and cost-effective submarine overhaul, modernization, and repair. The facility also home-ports three Coast Guard cutters, expanding its homeland security role.

Finally, I would like to commend the fine contributions of Maine's men and women in uniform. I have had the great honor to meet with Maine servicemen and women before their deployment in Iraq and Afghanistan, while stationed overseas, and, most happily, when they return home. From the 112th Medical Company to the 136th Transportation Company, from the 304th Regiment currently training the Iraqi military with 25 Mainers participating to the recently returned 619th Transportation Company and the 133rd Engineering Battalion, these brave troops have shown the highest standards of service to our Nation. The exemplary work and dedication to service continues as the 152nd Maintenance Company, based in Augusta with an attachment in Bangor, is currently awaiting deployment orders to Iraq.

Maine's military installations enjoy a proud history of supporting our Nation's defense. Portsmouth Naval Shipyard is the oldest naval shipyard continuously operated by the U.S. Government. Public institutions such as the Maine Military Academy in Castine continue to train young men and women for professions in the Armed Forces. Our proud heritage continues through today and into the future with a legacy of the finest service, sharpest innovation and strongest dedication our Nation has to offer. With today's shifting priorities and demands, Maine's location, experience, and ongoing contributions remain essential in ensuring that our defense and homeland security requirements are fulfilled and the most significant task of defending our homeland is achieved.

Chairman WARNER. Senator Lieberman.

Senator LIEBERMAN. Thank you, Mr. Chairman. I join you in greeting Secretary Principi and thanking him for his long-term service to our country and his willingness to take on this latest assignment.

I looked over your bio and I was reminded that you were born in New York, and it struck me that the famous song will guide you and give us confidence here: "If you can make it there, you can make it anywhere," including in the Base Realignment and Closure (BRAC) process.

I want to just say a few words of welcome and thanks for agreeing to serve our country in this very important and challenging assignment. Given the strain on our national defense budget with the cost of the global war on terror and the need to ensure our forces have the best, most modern equipment available, it is important that we spend our defense dollars wisely. BRAC offers an opportunity to generate some savings so that we have the money available to fight and win the global war on terror and so that our service men and women remain the best equipped and best trained military in the world.

But when we look at bases to find those savings, it is important that we carefully weigh all the relevant issues surrounding those military facilities. We must be sure to arrive at the right long-term decisions that leave our country strong, including the protection of our defense base, the special concern that we have heard before this committee expressed, specifically in response to a question the chairman asked about concern about concentration of facilities geographically, where you put many assets in one place and therefore they are more vulnerable to the possibility of attack.

I will say that I was very encouraged by the answers you provided to the committee in response to the written questions, which suggested you are intent in this position in looking at some of the broader questions: first, military value of course; but second, other questions like impact on the communities surrounding the bases.

The bottom line, we have to be sure that our country remains strong. I know I do not have to tell you this after your extraordinary service in the military, but also to America's service men and women and veterans: They have to have the backup, the structure, they need to continue to excel. We have to make sure that we do not inadvertently through this BRAC process complicate their mission or increase the risk to them.

Bottom line, you are a good man and I am very grateful that you are willing to take on this assignment.

Thank you, Mr. Chairman.

Chairman WARNER. Thank you.

Are there other colleagues desiring to make a few opening remarks? Senator McCain.

Senator MCCAIN. Well, Mr. Chairman, I have known Mr. Principi for many years and worked with him in many ways and he is totally unqualified for the position. [Laughter.]

Mr. PRINCIPI. May I leave now?

Senator MCCAIN. Should I ask for unanimous consent——

Chairman WARNER. To correct the record? I deny that unanimous consent. Let the record stand. [Laughter.]

Senator MCCAIN. I am very pleased, Mr. Chairman, that Tony Principi is going to bear these responsibilities. He has experience and knowledge in a broad variety of areas and I am very pleased.

Chairman WARNER. I share that sentiment, Senator.

Yes, Senator Kennedy.

Senator KENNEDY. Just quickly, Mr. Chairman. I appreciate it. I saw Mr. Principi yesterday outside of the office building looking for a ride. I dare say that probably if every Member of the Senate knew he was out there, they would have gone back and given you a ride to just about wherever you want to go. [Laughter.]

In any event, I just want to join in the welcome. We have had, as I am sure others have, the challenges of the VA health issues. You were enormously forthcoming in terms of the meetings, in giving consideration to people's views, extremely patient, extraordinarily tolerant, and showed a lot of good common sense and judgment. There were some extraordinarily tough issues there, as there are here.

So we welcome you to this position. I will say, just very briefly, I think all of us understand, to have the best military, you need the best-trained, best-led men and women in the world with the best technology. The technology for the Services and the development of that technology is, as you well know, a combination of the best in terms of research in the military working with the private sector, I think in association with university-based and with well-trained and highly-skilled individuals. Those are some centers around the country that play a very important role. I know you are going to be looking at these and be making some judgments on it, and we certainly look forward to your deliberations on many of those up our way.

I thank you, Mr. Chairman.

Chairman WARNER. Thank you, Senator Kennedy.

Other colleagues?

Senator INHOFE. I do not want to be left out, I guess. It does not seem like it was 3½ years ago that you went with me to dedicate the memorial cemetery down at Eglin Air Force Base. I have always appreciated working with you and working very closely with you, and I will be looking forward to doing that in the future.

Mr. PRINCIPI. Thank you, Senator.

Chairman WARNER. Others? Yes, the distinguished Senator from North Carolina.

Senator DOLE. Secretary Principi, I want to take this opportunity to congratulate you on the nomination as chairman of the 2005 BRAC commission. The President has not only selected as chairman a person of unquestioned integrity, but an individual with a wealth of experience, extensive military experience, experience on

this committee during a previous BRAC round, and experience transforming Veterans Affairs' medical infrastructure to keep pace with medical innovations and changing demands.

The magnitude of the job ahead of you is extraordinary. I have been extremely supportive of the Department of Defense (DOD) in its effort to increase efficiency and streamline operations. With our current world commitments, we must do everything possible to ensure that no taxpayer dollars are wasted and that every resource and installation is essentially dedicated to keeping our military men and women safe and effective. This BRAC round must be, more than anything, untarnished by political influence.

That being said, North Carolina supports a unique military infrastructure in that all of our military installations and training ranges are located in the eastern part of the State, creating an unrivaled region of military value. The strong joint mission ties between Seymour Johnson and Pope Air Force Bases, Fort Bragg, Camp Lejeune, and Marine Corps Air Station Cherry Point, to include the naval depot, are only a hint of the possibilities that exist for expansion, not closure.

Secretary Principi, again congratulations and I look forward to hearing your testimony today.

Mr. PRINCIPI. Thank you.

Chairman WARNER. Well spoken.

I see the Senator from Texas.

Senator CORNYN. Thank you, Mr. Chairman, for the opportunity to make a few opening remarks.

It is good to see you, Mr. Secretary. Like others on this committee, I have had the chance in my short time in the Senate to work with Secretary Principi on a number of matters, and I cannot imagine a better choice to chair the BRAC commission than Secretary Principi. I, like Senator Kennedy, had experience with him, and others here no doubt, working through the veterans hospitals issues through the Capital Asset Realignment for Enhanced Services (CARES) Commission, and I found him to have exactly the kind of temperament, including the patience and sensitivity to community issues, that are so important to dealing with what is necessarily a painful process.

No doubt with BRAC, we will see similar pain experienced in some places. I, like others, look at this reluctantly, but with a sense of resignation of the necessity of it, because we want to make sure that our military continues to be the best equipped, best trained, most professional fighting force on the planet, and we do not want to have the taxpayers burdened with unnecessary infrastructure.

So thank you very much for your willingness to take it on. I appreciate your service very much.

Chairman WARNER. Senator Thune.

Senator THUNE. Thank you, Mr. Chairman.

I also want to say welcome to Secretary Principi. It is nice to have you with us. I thank you for your great service to our country in the military and then as Secretary of the VA. I had the opportunity to work with you and you put up an exemplary record as the Secretary there. We did some great things, I think, in terms of quality of service to our veteran community and we appreciate

the great work that you did there and we look forward to having your involvement with this important process.

I would also say that one of the qualities I think that you bring to this is that you are a fair-minded person. I know that any fair-minded person will see the value of Ellsworth Air Force Base in South Dakota. I am just following up on Senator Dole here.

But that being said, you mentioned in response to one of the questions that was submitted to you, that you wanted to ensure that communities and people impacted by the BRAC process have an opportunity to be heard. You had also mentioned, I think, to the extent possible that you would like to visit some of these places. I would certainly like to extend an invitation for you to come to South Dakota and to visit Ellsworth Air Force Base and to see the great work that the men and women who serve our country are doing there, and also the tremendous relationship that that base has with the community of Rapid City.

Thank you, Mr. Chairman.

Chairman WARNER. Thank you very much.

Senator Akaka.

Senator AKAKA. Thank you, Mr. Chairman. I would like to add my welcome to Mr. Principi on his nomination to be a member of the Defense Base Closure and Realignment Commission.

I have so many good things to tell you, but I welcome you here. I also want to tell you that we are expecting the commission to be open, to be transparent, and to follow the laws. For me, there is no question that you are the man to ensure that. I am here to tell you that you have my support on your nomination and confirmation to this position.

Thank you very much.

Chairman WARNER. Thank you very much.

In accordance with all our procedures on advice and consent in this committee, the chair will now propound to you a series of questions. First, have you adhered to applicable laws and regulations governing conflicts of interest?

Mr. PRINCIPI. Yes, sir.

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

Mr. PRINCIPI. No, sir.

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

Mr. PRINCIPI. Yes, sir.

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

Mr. PRINCIPI. Yes, sir.

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

Mr. PRINCIPI. Yes, sir.

Chairman WARNER. Do you agree if confirmed to appear and testify upon request before this committee?

Mr. PRINCIPI. Yes, sir.

Chairman WARNER. Do you agree to give your personal views when asked by this committee?

Mr. PRINCIPI. Yes, sir.

Chairman WARNER. Even if those views might differ from the mission on which you are empowered at the request of the President and in contradiction possibly of the administration's viewpoint?

Mr. PRINCIPI. Yes, sir.

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

Mr. PRINCIPI. Yes, sir.

Chairman WARNER. Senator Levin and I were together here early this afternoon. He had to go to the Intelligence Committee. He asked that I convey his strong support for your nomination and regret that he could not be here.

The chair also notes the presence in the hearing room of Charles Battaglia. I was privileged to be on the Intelligence Committee when you were one of our most valued staff members and to work with you while you were Staff Director of the Veterans Committee. So we welcome you today. Thank you.

Do you have a prepared statement by way of opening remarks?

Mr. PRINCIPI. Just a brief oral statement, Mr. Chairman. Shall I begin?

Chairman WARNER. Yes, of course.

STATEMENT OF ANTHONY JOSEPH PRINCIPI, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

Mr. PRINCIPI. Mr. Chairman, members of the committee: I thank you. It is a pleasure to appear before you and it is certainly a pleasure to be back in the hearing room where I feel I grew up professionally on Capitol Hill. I also thank you, Mr. Chairman and members, for expediting my confirmation hearing so that if I am confirmed I will have the opportunity to begin to build staff and put together the organizational structure to meet our enormous responsibilities.

In preparation for today's hearing, I read the hearing transcript of Senator Dixon's confirmation hearing to be the chairman of the 1995 BRAC Commission, and I noted that many of his former colleagues on the committee questioned his mental stability on taking on this responsibility. I must confess that I had similar thoughts about myself over the past month.

But in all honesty, it is a great honor to have been nominated by the President to serve on the commission and, if confirmed, to be the chairman, because it is so critically important to our national security, as painful and as difficult as our work will be. It is critically important because I believe that resources that are spent inefficiently are resources that will not be available to maximize our operational readiness and capabilities, will not be available to modernize our Armed Forces, and certainly would not be available to improve the quality of life for the men and women in uniform.

So I take this responsibility very seriously and will ensure that our commission carefully reviews the recommendations of Secretary Rumsfeld to ensure that they conform to the force structure plan and the selection criteria that must be used in making determinations as to which bases should be closed and/or realigned.

Second, national security and military value is a priority in the law and we will certainly treat it that way. I will be mindful of the other selection criteria in the law with regard to return on investment, economic impact, community infrastructure, as well as environmental considerations. As some of you have indicated, as Secretary of Veterans Affairs I faced very similar type challenges in attempting to transform the VA health care system that had a legacy infrastructure, an aging infrastructure, to the modern technologies and delivery mechanisms in medical care. In doing so, I visited many of the communities that would be impacted by those decisions and learned firsthand about the economic impact, and certainly will keep those factors in mind as we deliberate. But of course, national security will be our highest priority.

In closing, Mr. Chairman, members of the committee, let me just say that I commit to you that there are certain principles that I will adhere to: that this commission will be independent, it will be fair, it will be open. We will have, of course, our hearings in Washington. We will have regional hearings. Commissioners will visit military installations impacted by the recommendations so that we can hear from State and local officials and the people in the community. This commission will be bipartisan. I believe that if we politicize this process we will only increase the level of cynicism around the country and really doom it to failure.

I intend to fully comply with both the intent and the spirit of the BRAC law as amended to include this 2005 round. I commit to you there will be no ex parte communications, that we will work collaboratively, that I will seek all and any information I need from the Department of Defense to make the right decisions, and I have been assured that that information will be forthcoming if requested, and we will certainly share that with the Hill.

We will work very hard, Mr. Chairman, members of the committee, to do the right thing for our national security and for our men and women in uniform.

Thank you very much.

Chairman WARNER. Thank you very much.

I am going to allocate part of my time to Senator McCain. He has to depart. Senator, go ahead.

Senator MCCAIN. Go ahead, Mr. Chairman.

Chairman WARNER. No, you go right ahead.

Senator MCCAIN. Thank you, Mr. Chairman. Mr. Principi, I would like to talk with you about this issue of environmental cleanup. Many opponents of BRAC have said that we have experienced unexpected costs associated with environmental cleanups when we close the bases. I understand that, but is it not also true that they would have to be cleaned up at some time?

I mean, the logic seems to be that if we just ignore the problem it is not going to cost us any money. In some cases the problem gets worse if the environment is not cleaned up. So can you tell me how that factors into the decisionmaking process, the fact that you

may come across some very significant costs at one base or another that would be associated with environmental cleanup?

Mr. PRINCIPI. Yes, Senator McCain. Clearly it is one of the criteria that the Secretary of Defense and the commission has to review in making its determination. Again, national security has priority, but it is one of the other factors that we need to look at. In doing so, we are required to look at the cost of restoration, waste management, and contamination. We will do that, but I agree with you that these bases do need to be cleaned up in any event.

There are perhaps ways to work with the community to address those issues. Parts that are contaminated obviously should not be transferred, but other parts that are clean can be leased to the private community. So I think it is a partnership between DOD and the community to find some common ground as to how that can be accomplished.

Senator MCCAIN. Well, again it bothers me a little bit that if you find some place that really is badly in need of addressing an environmental problem, we will not close the base and we will just leave it alone. That does not make any sense to me, quite frankly. In fact, you might be able to make an argument that we should address environmental problems when we find them because of the hazard that they pose to the health of the community.

Mr. PRINCIPI. I agree.

Senator MCCAIN. Again, I hope that the commission will take into consideration both short-term and long-term aspects of that. But I would argue that the overwhelming criteria, as you stated, is our national security. There may be some close calls, but national security is obviously most important. Does it matter, the relations between the local community and the base?

Mr. PRINCIPI. I am sorry, sir? The relationship between the local community and the base?

Senator MCCAIN. Yes.

Mr. PRINCIPI. Again, that is a factor that we need to look at, the economic impact. We need to look to see that both current and potential receiving locations have the infrastructure to accommodate the increased force structure that may be at that facility. So I do think that the relationship needs to be assessed.

But again, it is one of those other criteria that is secondary to our national security. But I think we need to look at it.

Senator MCCAIN. I thank you and I wish you every success. As one of those who has believed that this was absolutely necessary as defense dollars become scarcer and scarcer, I am sure you will do an outstanding job, you and the other members of the commission.

I want to thank you, Mr. Chairman.

Chairman WARNER. Thank you very much, Senator McCain.

I will defer the chair's questions until the end to accommodate my members. Mrs. Dole, you were the first one here.

Senator Dole.

Senator DOLE. Thank you, Mr. Chairman.

Secretary Principi, how will you factor in transformational plans into your review process—Army transformation, Marine Corps restructuring, Guard and Reserve rebalancing? All of these initiatives could dramatically affect future force structure and infrastructure

requirements. I wonder how you factor those in and, given the rigid timetable, how do you intend to adequately analyze criteria that is only now beginning to take shape?

Mr. PRINCIPI. Well, it is going to be a difficult challenge, Senator. But it is one of the things that we are required to do. Certainly the Secretary of Defense in his report to the commission is required to take those into consideration and has indicated that that restructuring, that transformation, will be part of the BRAC process. So it is going to be part of the work we are going to have to do.

We just have to have the data and the information upon which we can do our analytical review to make sure that it has been taken into consideration.

But the time lines are very tight. We get the report from the Secretary in mid-May and we have to submit a report to the President in September. That is a very tight time line. But we are going to assemble an appropriate professional staff that I am sure we will have confidence in.

Senator DOLE. In previous BRAC rounds the individual Services had direct input into what installations were considered excess or of reduced military value. This year the base closure decisions are being made by the Department of Defense through cross-service steering groups, I understand, and executive councils. Do you think this approach will complicate the commission's review?

Mr. PRINCIPI. Very possibly, Senator. I really do not know at this point. It may require some changes in how we are organized. In past BRAC rounds the staff were organized along service lines. This year the staff may have to be organized along functional lines, similar type categories. We are going to have to take a look at that.

But clearly, the joint cross-service groups are playing a critical role in the deliberations and the resulting list of base closures and realignments that will come to us.

Senator DOLE. One further question. How do you intend to factor overseas realignments into the commission's decisionmaking process? Will you be interfacing with the overseas basing commission? I think they are due to report in August. If so, how?

Mr. PRINCIPI. Certainly that is one of the special considerations that is contained in the statute, that the Secretary of Defense must take into consideration the need for and the availability of overseas bases. That needs to be part of his deliberations and will come to us. So certainly we will take a look at that, and certainly to the degree we can in the time limits that we have try to get an assessment from that overseas base commission.

Chairman WARNER. Thank you. Thank you very much, Mr. Chairman.

Senator DOLE. Thank you, Mr. Chairman.

Chairman WARNER. Senator Lieberman.

Senator LIEBERMAN. Thank you, Mr. Chairman.

Again, thank you, Mr. Principi, for your willingness to serve. In my opening statement I referred to an exchange that occurred when the Chief of Naval Operations (CNO), Admiral Clark, appeared before this committee in which he expressed his discomfort about the overcentralization of facilities. He particularly made reference to that with regard to naval ports. He said he was worried, in the classic phrase, about having our eggs all in one basket in

a way that would make the fleet vulnerable to a number of scenarios, including a terrorist incident or even a natural disaster.

I agree, myself, and I wanted to ask you whether you will take steps to guide the commission in a way that will ensure the need for efficiency through fewer bases is balanced against the need from a national security point of view to maintain dispersed bases and ports so that our forces do not become single-threated and vulnerable?

Mr. PRINCIPI. Senator, our responsibility and the purview of our commission is to ensure that the requirements that are set out in the law that the Secretary of Defense has to follow with regard to force structure plan and inventory of bases, as well as the selection criteria, are followed and that, if he should substantially deviate from those requirements, then of course we reject, change, or perhaps add bases to the list.

To the degree that centralization or decentralization becomes an issue before the commission, we certainly will review it very carefully.

Senator LIEBERMAN. I appreciate that answer. I know that you said earlier that military value, and I agree of course, is the number one consideration. But there are other considerations beyond that and I wonder if you would state some of those that you think ought to be considered in the decision you would make?

Mr. PRINCIPI. Well, I think there are four considerations that are very important. They are set out in the statute. The first being what I call the return on investment, looking at the extent and the time line for the net savings and the costs of the realignment and closures.

I think second, very importantly, as part of this secondary level of criteria is the economic impact on the community. There will be an impact, both social and economic, in the short term and we need to review that.

Third, do the current and potential receiving stations, the communities, have the infrastructure to support the forces at that installation. That becomes another factor that we need to consider.

Then finally, as Senator McCain talked about, is the environmental issues, the cost and consideration of those.

So yes, they are very important. We will do so, but of course national security has to be our highest priority.

Senator LIEBERMAN. I agree with you. I thank you for mentioning those. I would add, though it is not on the list, just from a matter of evaluating the return for considering closing of a base, the investments that have been made, particularly in recent times. The Department of Defense has been very aggressive in recent years, fortunately, in trying to build up, for instance, housing for service people.

A lot of it has come to a position where it is really at a level we would like it to be. I hope that you will find a way to consider what might be called recent investments in infrastructure, which it would seem to be a shame to negate by closing a facility.

Mr. PRINCIPI. We certainly will. I think that a very important component of our work, is to take a look at the model that the Department of Defense will use with regard to the costing, both short-term and long-term, and to make sure that the figures, to the best

of our ability, that the figures, the savings, and the costs are accurate. It can be a very important point.

Senator LIEBERMAN. Thank you very much. I look forward to working with you. I know we are going to have a chance to talk tomorrow one-on-one and I welcome that opportunity. Thank you very much for being willing to serve.

Mr. PRINCIPI. Thank you, Senator.

Senator LIEBERMAN. All the best.

Chairman WARNER. Thank you, Senator Lieberman, for joining us at this hearing. It is very important.

Senator Thune.

Senator THUNE. Thank you, Mr. Chairman.

Again, Secretary Principi, thank you for your willingness to do this job. A couple of questions following up on what Senator Lieberman asked and Senator McCain's question earlier. My question has to do with the process by which you evaluate DOD's evaluated potential community impact. The question is will you evaluate the process the Department uses to determine potential community impact before it submits its closure list to your commission? In other words, having the site visits, the regional hearings, and meetings with local community leaders after the base has been selected for closure is one thing, but once a base is on the list it may be too little, too late.

So I guess my question is, is that something that you would give consideration to and look at before the list is submitted?

Mr. PRINCIPI. I do not think that would be possible, Senator Thune. I think we need to wait until we receive that list on May 16 and then very carefully and comprehensively analyze the data that has been provided. The Secretary of Defense needs to take a look at all of these criteria. They need to be the basis, along with the force structure plan, for his decisions. Then once we get that information, then we will begin, of course, the second round of hearings and site visits to determine whether he has deviated substantially from what you set out in the law.

Senator THUNE. You noted earlier that the law does say that economic impact on the local community is one of the criteria that the Secretary of Defense must consider. You had indicated in your written response to the committee that commissioners would, to the extent possible, visit those impacted bases. As I said earlier, I would love to have you come prior to any decisions. I think after a decision has been made about that it is too late.

But the follow-up question to my earlier question has to do with following the receipt of the Secretary's recommended closure list, if the commission found that DOD and the Services had failed to adequately consider community impact for a base on that list, given that the law says that that is something they have to look at, would that constitute a deviation from the final criteria to warrant the commission overturning a decision or a recommendation that is made by the Secretary?

Mr. PRINCIPI. It is hard to say, Senator. I can assure you if they did not adequately or accurately assess the economic impact that certainly would mitigate, if you will, perhaps some of the military value. Whether it would be adequate to overturn it or not, I do not know. I think the standard that we must use by law is, did the Sec-

retary of Defense deviate substantially from those criteria that you just mentioned, one being economic impact, or the force structure plan, the 20-year assessment based upon probable threats to the country.

If we find one or the other of those, then certainly it is open to question whether that base should be on the list. But there are other considerations, being national security, and it might outweigh the economic impact issue. But we would look at it very carefully.

Senator THUNE. I appreciate the answer to that and would simply say again that I know you have to weigh these issues. National security clearly is the priority in this, but the law also says there are these other issues. That is one that in my judgment is very important.

I would also add what Senator Lieberman mentioned about looking at the investment, the recent investment in infrastructure, because there are a number of bases where we have expended in military construction (MILCON) projects in the past few years a lot of money improving facilities and everything else, and I think that is also a factor. It may not be enumerated in the law, but it is something I would hope you would take into consideration.

But the economic impact criteria is obviously something I think that would weigh heavily close behind, obviously first and foremost being national security.

Mr. PRINCIPI. I fully expect that the Secretary of Defense and the Department of Defense have taken those into consideration in making their recommendations. It is our job to be that independent check to make sure that has been done.

Senator THUNE. Thank you.

Thank you, Mr. Chairman.

Chairman WARNER. I thank the Senator from South Dakota.

Senator Ben Nelson.

Senator BEN NELSON. Thank you, Mr. Chairman.

Mr. Secretary, congratulations on your nomination to this important and challenging assignment. I did not think you could top what you just finished for difficulty, but you may have found a way. But I think, based on our experience while serving on the Veterans Affairs Committee, I know that you have the capacity to do this, and I think the President has made an excellent choice.

As you may know, I did not support the most recent BRAC round. I know every system has inefficiencies and redundancies and so it has not been a question in my mind as to whether or not perhaps we ought to do it, but I always felt we had the process backwards. That we were not determining what transformation would be, where that would take us, what end strength would be, and how we were going to reconstitute our military operations, that once we did that then I thought we could probably decide where we were going to house them. I could not quite grasp that the system was reversed. We decide primarily what bases we need versus what military we needed.

But in any event, I guess I would say that I was hopeful we would find a peaceful time. I know we are at war, but does it make any difference in your mind whether we are at war or at peace

when we try to make these decisions and take into consideration what our needs are versus what they may become?

Mr. PRINCIPI. No, Senator, I do not. Of course it is always a little bit more challenging and difficult in times of war. But I think it is so terribly critical to our national security that the dollars we spend are spent indeed to maximize our readiness, our capabilities, and our modernization. Those are issues that are very important in times of war. If we are spending money on excess capacity, we are diverting scarce resources to ensuring that we have that capability.

So I think it is equally important, sir, in both peace and war. But obviously, during war it becomes a little bit more difficult.

Senator BEN NELSON. We are having enough trouble determining end strength. Transformation is a major challenge. Is this something that we can undertake in the midst of these changes as well? What I am trying to find out is whether we have the system backwards or not. It would seem to me that we would have to know what we want our military to be, then we could work toward where they are located, that is a secondary issue, albeit totally important when it comes to the dollars and spending them wisely for sure.

But I heard your answer. I still raise the question, not so much because I have not heard your answer. I am very concerned that we have chosen this format and we are going to stick with it, rather than—I wanted to call it base closing and realignment, BRAC, but I did not like the word "closing." I mean, I do not know why we start off with almost a presumption that something is going to close before we have gone through the process of analysis. But I think I even tried to get that as a friendly amendment. It was not accepted in a friendly way, so I did not succeed.

But I think if you see my point, I am not looking for an answer so much as I am just wanting to give you my thoughts. As you go through this, hopefully keep them in mind because it is too easy to draw a conclusion for cost-saving purposes: We have to close this, it is expensive, it is old, whatever. But that may not be the primary consideration. It may be the best place when we realign and transform the military.

Mr. PRINCIPI. Well, I would briefly answer, Senator. I understand your point. One of the important criteria that needs to be assessed and I am confident it is being assessed by the Secretary of Defense and certainly will be by the commission, is the ability to accommodate mobilization contingency planning and future force requirements.

Senator BEN NELSON. Force requirements as well.

Mr. PRINCIPI. Yes indeed. So that should be a very important part of the analysis that the Secretary undertakes and that we will look upon.

Senator BEN NELSON. Well, thank you, Mr. Chairman, and I know that you will do your very best.

Mr. PRINCIPI. Thank you.

Senator BEN NELSON. Good luck.

Chairman WARNER. Thank you, Senator.

Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman.

Mr. Principi, I did something I do not very often do. I read all of your questions and all of your answers that were submitted early, and you were very specific and very thorough. I appreciate it.

Question number 3 is talking about the staff. The staff is so important. You say that they need to be impartial, professional, and free of political influence. I agree with that. But I would assume that under the heading of professional you have someone who understands military values, somebody who has a background that would be conducive to making determinations, where they have some kind of innate experience in that?

Mr. PRINCIPI. Absolutely, Senator, without question they will have that experience and expertise to analyze those criteria under military value.

Senator INHOFE. Then also, on staffing, it is my understanding that there will be a change. Before you have always had the Services directly go out and make recommendations. But now with jointness, cross-service and all that, you are going to be taking a little different approach and looking at functions as opposed to services, am I correct, and would you respond to that?

Mr. PRINCIPI. I believe that that might be a very pronounced change in how we are organized, because of these joint cross-service groups. We are going to have to adjust to that.

Senator INHOFE. Several people have talked about the economic impact on communities. Of course, we are all concerned with that. To me, though, something that is more important is community support. I know that is one thing that all five installations in Oklahoma have done, where we have the community providing infrastructure, roads, health care for dependents on post or on base, and many other areas where normally it would be paid for by the military.

I would assume that that is going to be a major consideration.

Mr. PRINCIPI. Absolutely. That is one of the important criteria. Again, it is secondary to national security that we are required to follow, but community infrastructure, the ability to accommodate increased levels of force units, is something that we need to take into consideration—roads, schools, housing—all very important.

Senator INHOFE. Finally, we fought what I refer to right now as the Battle of Vieques and lost. I had 3 years of my efforts put into that. One of the reasons was, because of a lot of the environmental movements, particularly in Western Europe and other places, and here in the United States, live ranges are disappearing. They are an endangered species.

I am very much concerned about that. Right now we have watched the influence of the European Union change the attitude toward our use of live ranges in Western Europe. We know that contributes to what will be a movement back stateside of a lot of the deployments that are over there in Western Europe.

I would hope that you would take that into consideration as you look and keep in mind that we cannot afford to give up any opportunities to use live ranges. I am sure you already are aware of that and that your staff will be aware of that.

Mr. PRINCIPI. Absolutely. The availability of land, facilities, and associated air space for training purposes, ranges, is an important

criteria that is spelled out and that we will look at carefully to ensure that it has been considered by the Secretary in making his recommendations.

Senator INHOFE. That is great. Thank you very much.

Mr. PRINCIPI. Yes, sir.

Senator INHOFE. Thank you, Mr. Chairman.

Chairman WARNER. Senator Inhofe, I think it was very important that you bring that up. Both you and I know full well the thoroughness with which this committee tried to work on the question of Vieques. That is over and done with, but there is no substitute for live-fire training. Around this table there are some who have been through that and know full well the value of it. You can have all the simulators and the rest of the stuff you want, but there is something about that live-fire training that that soldier, sailor, airman, or marine will never forget if they have the misfortune to ever be in a combat situation.

Senator INHOFE. Thank you, Mr. Chairman. I remember the first time I experienced live-fire training. It sure was different than the inert.

Chairman WARNER. Yes, I assure you that, too. Well, there sits a highly decorated hero, very silent about his service, but he knows of what I speak.

Secretary Principi.

Senator Clinton, we welcome you.

Senator CLINTON. Thank you very much, Mr. Chairman. I appreciated the last exchange because I cannot resist saying Fort Drum, New York, has live-fire training ranges that are totally without any objection from anyone anywhere, and we could grow considerably, Mr. Secretary.

I thank you for being here and I thank you for this continuation of your public service. It has been a real pleasure to work with you in the past and I look forward to continuing our relationship. I really appreciated the answers that you gave to the questions that we submitted to you in advance, and I am particularly grateful for the way you answered with respect to what was required of you as chairman.

Just for the record, I think this really bears repeating. I quote: "As chairman, I believe it is important to set the tone for our deliberations, to ensure that our work is devoid of politics, to address potential conflicts of interest, to be independent, fair, open, and equitable, to build consensus, and to ensure the communities and people impacted by the BRAC process have an opportunity to be heard."

I could not have anticipated a better response. It really fits with everything that I know about you and the work that we have done together.

Obviously, each of us is concerned about our overall configuration for the future, where bases will be, what those bases' missions will be, how we move people from overseas back home. There are just a lot of large, unanswered questions that you will have a major role in helping us answer.

Then we each have to be concerned about what happens in our individual States. I know that you are aware of the long history of New York's contributions to our military. In fact, I think, Mr.

Chairman, I was told the other day that, certainly going back to the very beginning of our Nation, New York has sacrificed more people in the service of our country than any other State. We are very proud of that.

But we did not have a good experience in the last BRAC process. I was not part of it, but I have talked to enough people who have reported to me the demoralizing, discouraging impact of having the professional recommendations at the last minute for political reasons overturned. We ended up losing two Air Force bases, Griffiss and Plattsburgh, that ended having any significant Air Force presence along our northern border for most of the United States.

Now of course, with the additional needs of moving quickly across the Atlantic to Iraq and Afghanistan, with our homeland security demands, in retrospect that may not have been a wise decision.

So we are looking forward to and counting on you to be able to fulfil those very significant pledges that you made in your answers to our questions.

One matter I would like to raise is I know that there was some problem with the CARES process that you were very receptive to dealing with, that a lot of local communities felt they did not get a chance to be heard. Have you given any thought as to how you will ensure that communities have an adequate opportunity to make sure their views are heard?

Mr. PRINCIPI. Yes, Senator. I think it is terribly important and we certainly tried to do so with CARES. We may have failed in some instances, but that was really a very core component.

Certainly, in addition to the Washington hearings, I intend to have regional hearings across the country, geographically located so that people will have access and can testify, not only State and local officials, but private citizens. It is my intent, although I have not seen the list, I do not know what is on the list, to send commissions out to every installation that is going to be impacted by the recommendations that come forward and an opportunity to meet with people, both the base commander, the local officials, and to the degree possible the private sector. Then I am sure we will have a web site set up where we can get information in from the local community.

So I think if we are going to succeed and we are going to alleviate the cynicism and the political mistrust, then we have to reach out to the people and give them an opportunity to be heard. I think our challenge, Senator, is that the time-lines are so tight. On May 16, we receive the Secretary's report, and our report has to be in to the President by September 8. That is a tough row to hoe, but we will do our best.

Senator CLINTON. Well, I appreciate that. I know that the criteria that has been adopted certainly give us the guidelines that we need. Looking at the contributions that a number of the bases have made to our ongoing missions overseas, I am very proud of the fact that our National Guard and Reserve bases have made significant contributions.

How will you look to give geographic balance to our basing structure, and particularly to the ability of Guard and Reserve Forces to be able to train and deploy in an area where they live? I am con-

cerned that, with the stresses on the Guard and Reserves that we have seen in the last several years, some of the information we are getting about some difficulties in retention and recruitment for the Guard and Reserves, if we make it even more difficult for people to participate by moving the bases further and further away from population centers, that could be a real problem for us.

Mr. PRINCIPI. Well, it certainly could be, and we will certainly look at that very carefully. It is my hope that those factors are being taken into consideration in compiling this list.

The criteria really does speak to the total force. It does not speak just to the active force. It speaks to the total force, and that includes the Guard and the Reserve. It talks about staging areas for homeland security, the northern border, and things of that nature. Those are all factors that this commission needs to ensure, as an independent check, are being done in conformance with the force structure plan and those criteria that are established in the law.

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

Chairman WARNER. Thank you very much, Senator.

The record will contain your responses to advance policy questions in an appropriate place and I will put them in.

I would suggest, Mr. Principi, that you provide for the record a very carefully written statement by you outlining the law and regulations and such other factors as will control the visitation process and the timing of that visitation process. You gave an accurate answer, as I understand it, in the testimony, but I tell you, the visitation of a BRAC commissioner or the absence thereof is going to be a very meaningful event to communities all across this Nation. So I would like to have our record today reflect with precision exactly what guidance you are going to give your fellow commissioners and that you yourself will follow.

[The information referred to follows:]

Section 2914(d)(5)(A) of the Defense Base Closure and Realignment Act of 1990, as amended, requires that at least two commissioners visit any base that the Commission adds to the list of installations recommended by the Secretary of Defense for closure or realignment. Although the Act only requires that those visits be made before the Commission transmits the report to the President, I will ensure that at least two commissioners, and preferably more than two commissioners, make a fact-finding visit to an installation before the Commission meets to decide whether to add the installation to the list. I think we owe it to the country, and to the people directly impacted, to make those fact-finding visits before we make our decisions.

Although the Base Closure Act does not require commissioners to visit the installations recommended for realignment or closure by the Secretary of Defense, if confirmed, I intend to require that at least one commissioner visit every installation recommended for realignment or closure by the Secretary that exceeds the thresholds of 10 U.S.C. Section 2687. In other words, any closure that would impact an installation that employs more than 300 civilians, or any realignment that would reduce civilian positions by more than 1,000, or more than 50%, at that installation will be visited by at least one commissioner, and depending on how many installations are listed in the Secretary's recommendations, preferably by several commissioners.

That's not to say that installations that fall below those thresholds wouldn't be visited by a commissioner, or more than one commissioner. It's just impossible to know at this point just how many installations will be recommended for some type of action, so believe that's a fair starting point. We would of course adjust according to our circumstances, but I can assure you that I'd be increasing, not decreasing the number of visits, as the circumstances allow. Once we have the Secretary's recommendations, I hope to be able to tell you that we'll have time enough - and commissioners enough - to visit installations impacted by a recommended action involving 300 or 1,000 or more positions, military and civilian, rather than just civilians. We may well have some significant actions that impact an awful lot of service members and their families, but relatively few directly employed civilians. Installations like that will merit visits by the commissioners and staff.

Installation visits are a critical part of the process. If the Commission is to review the recommendations of the Secretary, the commissioners and staff will have to visit the installations recommended for realignment or closure. As a general plan, I expect to send staff analysts out to the installations prior to the commissioner visits to gather facts and focus but not limit the discussion. I anticipate including the peoples' elected representatives, or the representatives' staffs, in all commissioner visits. They have been elected to be the voice of the public, and the public must be included in this process. As with all other aspects of this endeavor, I expect base visits to be carried out in an open, fair, accessible and accountable fashion.

Mr. PRINCIPI. Yes, sir.

Chairman WARNER. Obviously you cannot visit every base and you have to wait, as you say, to initiate any visits for fear to prejudge a decision or reflect some measure of prejudgment, until that list comes out; am I not correct?

Mr. PRINCIPI. Correct.

Chairman WARNER. But once the list is out, then presumably every base on that list will be visited at least once by at least one commissioner, is that right?

Mr. PRINCIPI. That is my intent, yes, Senator, by at least one commissioner.

Chairman WARNER. That is important. Then, should the commission, as it is authorized under law, exercise its own initiative and wish to add some installations, there again visitations would be a part of that preparation.

Mr. PRINCIPI. Absolutely. In that case we will send two commissioners out to that installation.

Chairman WARNER. A minimum of two.

Mr. PRINCIPI. A minimum of two commissioners.

Chairman WARNER. Good. Well, I thank you for doing that.

Mr. PRINCIPI. We will have it for you tomorrow, Mr. Chairman.

Chairman WARNER. Well, whatever. But we would hope to get your name to the floor before the weekend, so you can begin to exercise your statutory authority, having been confirmed and taken the oath of office, presumably thereafter and get underway.

Mr. PRINCIPI. Yes, sir.

Chairman WARNER. It is a tight time schedule. There is an awful lot of work that has to be done.

Mr. PRINCIPI. Yes, sir.

Chairman WARNER. In your answers to the committee's advance policy questions, which are now part of the record, you agree to abide by specific procedures for recusal or divestiture. Has the White House or the Department of Defense asked you to sign any other type of agreement regarding recusals or divestitures due to conflicts of interest?

Mr. PRINCIPI. Yes. There was an ethics document that, in the event of a conflict of interests, that we would recuse ourselves. I do not recall the precise language, but it is an ethics counsel——

Chairman WARNER. You have been through it many times.

Mr. PRINCIPI. Yes.

Chairman WARNER. You can check it out.

I am going to go through quickly some points here and then give you some other written questions to respond to, because this record should be complete on a number of points. You have covered, I think most well, but I think it is important to have them all in at one spot in the record in sequence, because I went back and studied, as did my staff, previous BRAC commissions. I have actually been here under all five of these BRAC commissions. You remember Senator Dixon. You mentioned him. I remember we drew up one of the laws together. It has never been a popular task on this committee, because colleagues have differences of opinion about BRAC. But I strongly support the President and the Secretary of Defense, and will continue to do so.

I guess this brings me to the last point I wish to make, and that is the laws were designed to really have Congress's role be very precise. Namely, we have at certain junctures the right to come in, particularly at the end, and approve or disapprove in its entirety of the recommendation that is to be laid before the President. That is clear.

I answered some questions about BRAC yesterday on a visit to our State capital when I was there on some business other than BRAC. But they always say, he is the chairman, so he is going to have a lot of influence. But the statute is drawn in such a way that Members of Congress will participate, particularly at such times should BRAC commissioners visit a base. But, it is designed, the law, to eliminate their influence.

If you can bear with me, I will give you a little anecdotal experience. When I was privileged to be in the Department of Defense as Secretary of the Navy many years ago, there was no BRAC process. If a service secretary felt that he or she, as the case may be, wanted to close a base, with the concurrence of the Secretary of Defense, you closed it.

I am glad Senator Kennedy is gone, because he brings it up. I closed the Boston Naval Shipyard. I am glad Mr. Reed is not here. I closed the destroyer base in Rhode Island. I wish you could have seen what occurred in the Caucus Room upstairs when the entire delegations of the several States in the Northeast, where I had made these closures, questioned me and the then Chief of Naval Operations, who was Admiral Zumwalt, for hour upon hour upon hour, because these were tough decisions and they impacted then, as they do today, the economic structure of a community.

Also, quite apart from economics and politics, communities by and large all across America just adore having a military base

there. It is a sense of pride. It is a sense of history, and extremely hard to come to grips with the question that no longer are these facilities on the cutting edge of the reformation, the changes, the modernization of today's military.

But in your opening statement, and as colleagues mentioned, you have to do it, to take out of your inventory those facilities which are no longer on the cutting edge and of great military value. It is painful.

I remember so well we closed some of the old posts of the U.S. Cavalry in the west, which had been maintained since the late 1800s when they were part of the operations out there protecting the settlers and trying to protect the Indians on the reservations, affording law and order. They got up every morning—I remember President Reagan told me this story. When he was a young lieutenant, he reported to one of those bases right after Pearl Harbor. He volunteered and went in. He was a young cavalryman.

He said: "Gosh, every morning we had to get up and look over the ramparts and see what we could see through the binoculars. They are in the middle of the Far West out there."

Anyway, I know it is a tough job. But I want to just touch on this thing. We have taken, as best we can, politics out of it. I am going to do everything I can as chairman—and I find tremendous cooperation from my colleagues—to get this BRAC round through successfully for the country, for the men and women of the Armed Forces who need the money now being spent on these bases to modernize the ones on which they are currently serving and training together with their families. They are the ultimate beneficiaries.

But as you undertake this commission and its work, and you are going to do it here, hopefully, beginning next week, I think it is important that the basing structure we now have in place at the present time not be changed by the Department of Defense. It must watch its daily decision process to ensure that something is not, let us assume unintentionally, done that would somehow indicate a prejudgment of how that Department is going to work on its BRAC considerations of that installation.

I think that is important, just as important as keeping the political partisan politics out of this thing. For example, I would like to quote for the record Secretary Rumsfeld when he was here on September 23, 2004. Senator Bill Nelson: "Secretary Rumsfeld, on March 2, 2004, in a question for the record I asked Secretary England if the Navy had performed any analysis of the current strategic conditions, force protection, and risk relative to the establishment of a second base on the Atlantic coast for nuclear-powered aircraft carriers."

In his response Secretary England stated: "This was underway as part of the U.S. military global posture review. This review identified a requirement for strategic dispersion of the east coast nuclear aircraft carrier fleet."

Secretary Rumsfeld: "There are proposed moves in the global posture report to Congress that addresses moving the relocation of aircraft carriers and carrier assets. However, the dispersion of aircraft carriers within the continental United States (CONUS) was not a subject of this report. Any relocation determination of

CONUS carriers will be dependent on recommendations from the upcoming Base Realignment and Closure process."

I wanted you to have that.

Thank you very much.

Mr. PRINCIPI. Thank you, Senator.

Chairman WARNER. Would you respond to the additional questions I have here at the earliest possible opportunity?

Mr. PRINCIPI. Yes, sir.

Chairman WARNER. Thank you.

We stand adjourned.

[Whereupon, at 5:52 p.m., the committee adjourned.]

[Prepared questions submitted to Anthony J. Principi by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES

Question. Section 2914 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510 as amended; section 2687 note, title 10, United States Code) describes the duties of the Commission. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I served in the United States Navy and Naval Reserve for 21 years at various military installations across the country and at military posts overseas. Following my Active-Duty service I was minority staff director on the Senate Armed Services Committee during the outset of the 1993 BRAC and was involved in hearings and site visits. As Secretary of Veterans Affairs I faced similar challenges in conforming VA's legacy infrastructure to the changes in 21st century healthcare.

Question. Do you believe that there are any steps that you need to take to enhance your expertise to perform these duties?

Answer. I will continue to review pertinent material and meet with former BRAC commissioners and staff as well as other knowledgeable individuals to learn the issues and challenges facing the 2005 BRAC Commission.

Question. Assuming you are confirmed, what duties and functions do you expect will be required of you as Chairman of the Commission?

Answer. My first duty will be to hire a staff director. As Chairman I will lead the Commission's efforts to meet our responsibilities under the law. I will prepare a roadmap for the conduct of our work in order to meet the rigid timelines to submit a report to the President. As Chairman, I believe it is important to set the tone for our deliberations—to ensure that our work is devoid of politics, to address potential conflicts of interest, to be independent, fair, open and equitable, to build consensus and to ensure the communities and people impacted by the BRAC process have an opportunity to be heard.

Question. If confirmed as Chairman of the Commission, you will be responsible for hiring an executive director and BRAC staff. How will you insure that your staff is impartial, professional, and free of political influence?

Answer. Every prospective nominee for a staff position will be interviewed to insure they have the requisite knowledge, experience, expertise and impartiality to serve on the staff. Politics or political influence in the selection of staff will not be tolerated.

Question. If confirmed as Chairman, will you conduct all proceedings of the Commission in a manner that integrates the efforts, views, and concerns of other commissioners?

Answer. Yes.

Question. The Commission's deliberations are designed to be conducted, to the maximum extent possible, in public. If confirmed as chairman, how will you promote public participation in the Commissions' review process, particularly in terms of providing access to elected officials and the local leadership of communities potentially impacted by the BRAC recommendations?

Answer. All hearings will be open to the public and information will be made available to the public in writing and electronic format. The Commission will hold regional hearings at which elected officials and local leadership will be invited and encouraged to testify. To the extent possible, Commissioners and staff will visit impacted installations and communities to meet with military, state and local officials

as well as the public. Regional hearings will be held at locations conducive to maximum attendance.

CHALLENGES

Question. In your view, what are the major challenges that will confront the 2005 Base Realignment and Closure Commission?

Answer. The Commission begins its work with a very short timeframe to standup a staff prior to the Secretary of Defense's submission of base closures and realignments. The permanent core BRAC staff in existence prior to the 1995 BRAC was disbanded at the expiration of that round. Additionally, the Commission only has a few months to review and analyze the data provided by the Secretary to support his recommendations, conduct hearings, visit installations, markup the Commission's findings and recommendations and prepare a report for submission to the President not later than September 8, 2005. Another challenge will be to ensure that all commissioners and staff remain impartial and avoid political pressure and conflicts of interest. Changes in the BRAC statute will make it more challenging to change a recommendation made by the Secretary and add a military installation to the closure and realignment list that had not been recommended by the Secretary.

Question. Assuming you are confirmed, what plans as Chairman do you have for addressing these challenges?

Answer. If confirmed, my first priority will be to hire a staff director and professional staff to begin the preparatory work of the Commission. A commission agenda and strategy will be prepared for consideration by the Commissioners. I intend to stress the importance of objectivity, impartiality and openness throughout our deliberations and to achieve consensus on changes to Secretarial recommendations on base closures and realignments.

Question. Do you have any views as to which military bases should be closed or which missions and/or functions ought to be realigned?

Answer. No.

Question. Do you have any views as to which types of military bases should be closed and which types of missions should be realigned?

Answer. No.

Question. Will you be able to devote adequate time in order for the Commission to complete its work as scheduled?

Answer. Yes.

Question. The obligation to clean up contamination at military sites is governed by a variety of State and Federal laws that apply to all bases—closed, realigned, or open. Substantial concerns have been raised about the accounting of environmental clean-up in previous rounds. What are your views on how the cost of cleaning up environmental contamination on military bases should be considered as a factor in making closure and realignment decisions?

Answer. I have taken note that for BRAC 2005, Congress and Department of Defense have amplified the selection criteria for environmental impact to include the impact of costs related to potential environmental restorations, waste management, and environmental compliance activities. It is not the only criteria to be considered, but a significant one nonetheless.

THE BASE REALIGNMENT AND CLOSURE PROCESS

Question. The final selection criteria for the BRAC process, which were set out in Section 2832 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, established four criteria to assess military value as the primary consideration, and four additional criteria to assess potential savings, economic impact on local communities, supporting infrastructure, and environmental considerations in BRAC recommendations. Do you interpret any of the eight criteria to preclude, favor, or encourage the consideration of any specific base, mission, or military function for realignment, closure, or privatization?

Answer. No.

Question. Military value is the determinative selection criteria for a closure or realignment. In your view, what are the key elements of military value?

Answer. The four selection criteria embodying military value, I believe, adequately define that value. Two key elements contained in the selection criteria are total force structure to include Guard and Reserve components and maximizing joint base utilization to facilitate joint warfighting, training, and readiness.

Question. Are there other criteria that you believe should be considered when reviewing bases for possible closure or realignment?

Answer. Yes. Total costs and net savings associated with closures and realignments, economic impact on communities, community infrastructure at receiving in-

stallations and environmental considerations are important, but secondary to military value. In addition, consideration must be given to the impact on US base closure proposals by any decisions to reduce overseas bases.

Question. One of the most important responsibilities of the Commission is to ensure that communities and installation officials have an opportunity to provide public input to ensure accurate and complete information. Final BRAC recommendations will be respected only if the process is conducted with integrity and transparency. What do you see as the most important elements of maintaining the public's faith and trust in the BRAC process?

Answer. Openness, impartiality, nonpartisan, and an opportunity to be heard.

Question. In past BRAC rounds there have been allegations that the Department of Defense has not fully considered all relevant information in making its recommendations. What actions, if any, do you think the Commission should take to ensure that all relevant information has been, or will be considered and is available for the Commission and for public review?

Answer. I intend to seek all relevant information from the Department of Defense and have been assured that such requests will be honored. The Commission will fully consider that information in its deliberations.

Question. Section 2904 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510 as amended; Section 2687 note, Title 10, United States Code), requires the Secretary of Defense to carry out the privatization in place of a military installation only if privatization is specifically recommended by the Commission. Do you have any reason or opinion which would lead you to preclude, favor, or encourage the consideration of any specific base, mission, or military function for privatization in place? What criteria would you use in making such a recommendation?

Answer. No. The criteria I would use would be similar to those identified in the 1995 BRAC Report to the President. The opportunity to eliminate excess infrastructure, allow uniformed personnel to focus on skills and activities directly related to their military mission and the opportunity to create truly cooperative ventures with the community and the Department of Defense that would insure military requirements are met while enjoying the efficiency of private operation.

CONFLICTS OF INTEREST

Question. The Commission was established with the intent of providing independent and bipartisan recommendations to the President. Do you believe you can set aside views based on your political affiliations and evaluate the Secretary of Defense's proposal—or make new ones—in an independent manner based strictly on non-partisan considerations?

Answer. Yes.

Question. Have you ever participated on a compensated or uncompensated basis in any activity directed at precluding, modifying, or obtaining the closure or realignment of any base during the BRAC process? If so, please describe.

Answer. No.

Question. Have you been stationed at or resident in the vicinity of any base while the base was under consideration for closure or realignment during previous BRAC rounds in 1988, 1991, 1993, or 1995? If so, please describe.

Answer. Yes. I have a residence approximately 15 miles from the former Miramar Naval Air Station.

Question. Do you or, to the best of your knowledge, does any member of your immediate family have any specific reason for wanting a particular base to be closed, realigned, privatized, or remain unchanged during the BRAC process?

Answer. No.

Question. The procedures set out by Congress for the Commission raise unique conflict of interest issues. The question of whether a particular base closure or realignment decision would have a direct and predictable effect on a particular nominee's financial interests is a matter that cannot be determined until the Secretary's base closure list is announced, an announcement that is not due until May 16, 2005. It is likely that the Commission members will have been confirmed by the Senate and appointed by then. Accordingly, the Senate Committee on Armed Services intends to follow the same procedure used during the 1991, 1993, and 1995 base closure rounds.

Under that procedure, the following actions would be taken:

(1) At the time the Secretary's list is announced, the Commission's General Counsel, working with the DOD General Counsel and the Office of Government Ethics, will review the financial holdings of each member of

the Commission and advise the member whether recusal or other remedial action (divestiture or waiver) is necessary.

(2) The Commission's General Counsel will advise the committee of the results of the review and the actions taken by the members of the Commission.

(3) The Commission's General Counsel will establish a procedure that will provide for similar reviews, and information to the committee, when and if the Commission considers taking action with respect to installations not on the Secretary's list.

Given this procedure, if confirmed, will you agree:

(1) to take such remedial action (i.e., recusal or divestiture) as may be recommended by the Commission's General Counsel, working with the DOD General Counsel and the Office of Government Ethics, to avoid a conflict of interest with regard to a particular installation on the Secretary's list or otherwise under consideration by the Commission?

Answer. Yes.

(2) to advise the committee, through the Commission's General Counsel, of any such recommendations and the remedial actions that you have taken to address them?

Answer. Yes.

(3) if the recommended remedial action is recusal, not to participate in any discussion, debate or action regarding the installation in question or any other installation that may be under consideration as a substitute for the installation in question?

Answer. Yes.

CONGRESSIONAL OVERSIGHT

Question. Although the Base Realignment and Closure Commission was established by law to provide independent recommendations to the President, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information from the Commission in order to carry out its legislative and oversight responsibilities.

Do you agree, if confirmed, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views on the processes and recommendations of the Commission?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee and to provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as a Commissioner?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

Question. Will you be willing to provide this committee with an after-action report on the 2005 Commission's work?

Answer. Yes.

QUESTIONS SUBMITTED BY SENATOR JOHN WARNER

INDEPENDENCE OF THE COMMISSION

1. Senator WARNER. Mr. Principi, the Base Realignment and Closure (BRAC) Commission will receive the Secretary of Defense's recommendations for closures and realignments on May 16. From that date until you submit your recommendations to the President by September 8, 2005, the Commission will be under intense pressure from all types of groups to influence your decisions. If confirmed and appointed as Chairman, what measures will you take to ensure the proceedings of the Commission will result in independent decisions free from outside influence?

Mr. PRINCIPI. Every prospective candidate for a staff position will be interviewed to ensure that he/she has the requisite knowledge, experience, expertise, commitment and impartiality to serve on the Commission's staff. Politics or political influence will not be tolerated. I will make a commitment to ensure that the Commission's work is free from political influence or motivations, that potential conflicts of interests are addressed adequately, and that the BRAC process is independent, fair,

equitable, and open. I will also ensure that all BRAC Commissioners and staff are adequately trained, briefed and otherwise conform to all ethics and related requirements.

QUALITY OF LIFE CONSIDERATIONS

2. Senator WARNER. Mr. Principi, one of the BRAC criteria refers to the ability of the infrastructure in local communities to support forces, missions, and personnel. Much of what a local community provides to military personnel can be characterized as "quality of life" issues, such as schools, housing, and local services. In anticipation of BRAC, many State and local communities have undertaken funding initiatives and programs specifically to improve the quality of life for military personnel. How do you plan to address quality of life issues and particularly the efforts of local communities in your assessment?

Mr. PRINCIPI. The ability of local communities to support forces, missions and personnel is one of the criteria identified in the BRAC legislation as an important consideration in making recommendations for realignments and closures by the Department of Defense. I am encouraged to learn that local communities do value military presence and are striving to ensure the highest quality of life possible for our service men and women. Moreover, I will take these efforts into consideration in providing local community representatives the opportunity to voice their concerns to the Commission. I trust that our efforts in this regard will ensure that local communities affected by recommended BRAC closures and realignments wilt be provided with an opportunity to be heard. It is my hope that in the end, we will build a consensus by and through the BRAC process.

FORCE STRUCTURE DECISIONS

3. Senator WARNER. Mr. Principi, pursuant to section 2912 of the BRAC law, in February 2004, the Secretary of Defense certified that the 2005 round of BRAC recommendations will result in annual net savings for each of the Military Departments beginning not later than fiscal year 2011. It is anticipated that the Secretary of Defense will recommend BRAC proposals to relocate or consolidate major force units, such as army divisions, aircraft wings, and naval aircraft carriers, within the United States. In assessing the Secretary's recommendations for these relocations, how will the Commission quantify the savings from a major force unit relocation?

Mr. PRINCIPI. The Secretary of Defense is obligated to provide the projected savings and underlying justification data that support the recommendation he makes to the BRAC Commission. The BRAC Commission will analyze this data, and compare it with other data, including that provided by the affected communities.

CONDUCT OF THE COMMISSION

4. Senator WARNER. Mr. Principi, the BRAC process was established by Congress to ensure base closure and realignment recommendations are reviewed and assessed as fairly and objectively as possible by an independent commission. In your opinion, what policies of conduct and procedures should the Commission adopt to preserve the integrity of the process beyond any shadow of doubt?

Mr. PRINCIPI. As a preliminary matter I intend to stress the importance of the objectivity, impartiality, and openness throughout the BRAC process, and I will establish internal guidelines and policies that effectuate this commitment to fairness and openness. I will ensure that the other Commissioners and staff members remain free from political pressures and conflicts of interest. I will work carefully and diligently to see that conflicts of interest are avoided so that there will be no reason to question the appearance of impartiality of BRAC Commissioners and staff.

COMMISSIONER VISITS

5. Senator WARNER. Mr. Principi, BRAC law requires that two commissioners must visit those installations that were not part of the Secretary's recommendations, but were added for consideration of closure or realignment by the Commission. BRAC law does not stipulate any requirements for visits by commissioners to bases recommended by the Secretary of Defense, yet I'm sure the communities affected by these recommendations will want to have an opportunity to talk to the Commission. If confirmed as a BRAC member and appointed as Chairman, do you

anticipate establishing a policy or requirement for commissioner visits to those installations included in the Secretary's list?

Mr. PRINCIPI. While it will not be possible for every Commissioner to visit the installations named in the Secretary of Defense's recommendations in light of the time constraints faced by the BRAC Commission, I will ensure that at least one Commissioner (and also where, appropriate, members of the BRAC staff) visits major installations and communities in order to meet with military, state and local officials along with interested members of the public. In addition, the Commission will hold regional hearings in locations designed to encourage maximum participation by affected communities so that elected officials, local leadership and the public may be afforded an opportunity to testify before the Commission.

RECUSALS FROM COMMISSION ACTIVITIES

6. Senator WARNER. Mr. Principi, in your answers to the committee's advance policy questions, you agreed to abide by specific procedures for recusal or divestiture. Has the White House or Department of Defense (DOD) asked you to sign any other type of agreement regarding recusals or divestitures due to conflicts of interest? If so, please provide a copy of any agreement you have signed.

[Nominee responded and the information is contained in the committee's executive files.]

Mr. PRINCIPI. The White House did request me to sign an ethics agreement that addressed conflicts of interest and other issues. It is my understanding that other BRAC Commissioners will be asked to sign the same or a similar agreement, and I will be pleased to provide you with a copy of my agreement as long as the White House Counsel's Office does not have any objection. I plan to ensure that all financial and other conflicts of interest that may arise during the course of my service on the Commission, should I be confirmed, are addressed appropriately and in a timely fashion so as not to jeopardize the mission of the BRAC Commission.

QUESTIONS SUBMITTED BY SENATE JAMES M. INHOFE

STAFFING

7. Senator INHOFE. Mr. Principi, in every committee and commission worth its salt, it is supported by a very able and dedicated staff. I note in your answers to the committee's advanced questions, your first action will be to hire a staff director and that your staff will be impartial, professional, and free of political influence. However, you have another very important challenge with the staff. You must hire staff who are knowledgeable in the areas highlighted in the selection criteria. For example, you must have someone who understands the military value, environmental impact, economic impact, etc. How do you plan to ensure you have the "right staff" with the "right stuff?"

Mr. PRINCIPI. The BRAC Commission will need to address many important and complicated challenges very quickly with a 3-month timeframe established by statute. Therefore, this work can only be completed by talented individuals, and I consider myself personally, and the BRAC Commission more generally, to be extremely fortunate in drawing from a very talented pool of applicants and candidates, including staff members from previous BRAC Commissions and GAO detailees.

8. Senator INHOFE. Mr. Principi, where will you look to get impartial individuals?

Mr. PRINCIPI. As I have mentioned earlier in this context, I consider the impartiality of the BRAC Commission to be a top priority and I will seek to ensure that in both the hiring and in the completion of the BRAC Commission's statutory duties that impartiality is exercised at times by both the Commissioners and the BRAC staff. As I indicated above, the Commission will seek to hire former BRAC Commission staff members and GAO detailees.

9. Senator INHOFE. Mr. Principi, this BRAC is unique in several ways. For the first time cross-Service teams will take a functional approach in an effort to combine Service functions in a joint way where it makes sense. So, they will look at Service recommendations in areas like depots and force the removal of the traditional Service stovepipes to give this BRAC a more joint feel. How do you intend to make sure you have staff with the requisite expertise in these functional areas?

Mr. PRINCIPI. I am aware of the functional areas in the BRAC 2005 and will seek staff with the expertise and experience in those areas.

DEPOTS

10. Senator INHOFE. Mr. Principi, as you may know one of my major concerns is with the preservation of our military industrial base. In the last administration there was a lot of talk about privatizing public depots. Congress passed several laws to prevent this from happening thus preserving our core capabilities in the depots. The best known law was probably 50/50 where we said that no more than 50 percent of the total amount spent on depot level maintenance could be on the private side of the equation. We felt that it was important to preserve our depots. I think the recent war and the surge capability required and demonstrated by the depots proved our point. I think the recent acquisition of more and more American businesses by foreign companies further makes the point that we cannot afford to give up these valuable assets. It is a matter of national security. When this administration came to power, it began to put money into the depots and the payoff has been amazing. Efficiency has increased in many cases over 200 percent. Are you familiar with the 50/50 legislation? Do you agree that this BRAC cannot violate existing laws such as the 50/50 law?

Mr. PRINCIPI. While I am not familiar with the law that you refer to, I am aware that this issue was raised in connection with the 1995 BRAC round. I am cognizant of the role that the private sector plays in depot maintenance, and should the same issue be relevant to the 2005 BRAC round, I will take the matter under advisement.

11. Senator INHOFE. Mr. Principi, are you familiar with the amazing efficiencies realized by the public depots in recent years?

Mr. PRINCIPI. I am not, but soon will be.

LIVE-FIRE RANGES

12. Senator INHOFE. Mr. Principi, another valuable resource in this country is its ranges. You may be familiar with the fight I led, and lost, to preserve the Vieques range in Puerto Rico. With environmental concerns, urban sprawl, community encroachment, and other factors, our live-fire ranges are becoming extinct in this country. Add to that, the fact we are redeploying over 90,000 soldiers from overseas bases. This combination tells me we cannot afford to lose any more ranges. Are you aware of these concerns? How do you intend to evaluate our need for preserving ranges for military value and our need to realign and close bases for efficiency?

Mr. PRINCIPI. I recognize the availability of ranges is an integral plan of military training. Any consideration of retaining or closing ranges will, therefore, be measured on the basis of the DOD's recommendations and the statutory criteria.

QUESTIONS SUBMITTED BY SENATOR SUSAN COLLINS

REGIONALIZATION OF FACILITIES

13. Senator COLLINS. Mr. Principi, one of the great strengths of our Armed Forces is its geographic diversity. Having installations stretching across the country provides a whole host of benefits, including reach, coverage, surge capability, and rapid response. Having installations grouped together in only a few regions substantially increases our vulnerability and could even raise the likelihood of a terrorist attack, for example, in one area. Further, in this day and age, threats can come from any direction. Finally, its important that every part of our country participate in our national defense. Do you believe that there is strong value in ensuring that there are Active-Duty facilities in each region of the country?

Mr. PRINCIPI. Yes. I believe that military installations should be located throughout the Nation to promote geographic diversity consistent with criteria two.

HOMELAND DEFENSE

14. Senator COLLINS. Mr. Principi, the goal of our Armed Forces is to defeat enemies before they reach our shores. However, as we experienced on September 11, we need to be prepared to deal with threats within our borders, as well. The Department of Defense is taking on an increasing role in homeland defense missions. How will the BRAC Commission ensure that homeland defense requirements and capabilities will be considered during its deliberations?

Mr. PRINCIPI. The Secretary of Defense is mandated to consider homeland defense requirements in his analysis of which bases should be consolidated or realigned. The Commission will carefully review and analyze the data provided by the Secretary

to ensure this requirement is met. If necessary, we will insist on the receipt of additional information to support his decision.

TOTAL FORCE STRUCTURE

15. Senator COLLINS. Mr. Principi, I read in your pre-hearing policy questionnaire that, in your opinion, the key elements of "military value" in BRAC criteria include "total force structure to include Guard and Reserve components and maximizing joint base utilization to facilitate joint warfighting, training and readiness." Specifically, what do you mean by a "total force structure contribution?"

Mr. PRINCIPI. The statute implementing the 2005 BRAC round specifically calls for the Secretary of Defense to consider the impact on operational capabilities for both the active and Reserve/Guard Forces in making the decision to close or realign military installations. Additionally, the statute stresses the importance of joint warfighting, training, and readiness and in determining necessary versus excess infrastructure to consider any efficiency that may be gained from joint tenancy by more than one branch of the Armed Forces at a military installation.

16. Senator COLLINS. Mr. Principi, what is your opinion on the value and utility of Joint Armed Forces Reserve Centers and providing a "one stop shop" for various Services' guardsmen and reservists to train in one location?

Mr. PRINCIPI. There needs to be a balance between the ability of Reserve and Guard personnel to maintain their proficiency and the consideration of co-locating into Joint Armed Forces Reserve Centers which may be remote from their domicile. My understanding is that both Congress and the Department of Defense have been pursuing for the several years the benefits of co-location of Reserve activities in order to enhance joint training opportunities. The Commission will give this issue serious consideration.

QUESTIONS SUBMITTED BY SENATOR SAXBY CHAMBLISS

CORE LOGISTICS CAPABILITY

17. Senator CHAMBLISS. Mr. Principi, in Title X of the U.S. Code, there is a statutory requirement for the Department of Defense to maintain a core logistics capability. The Department is limited to spending no more than 50 percent of its depot-level maintenance and repair funds to contract for the performance of this workload. The Department of Defense published comments in the Federal Register that state that "it is inappropriate to include statutory constraints in the selection criteria because they are too varied and numerous." The Department goes on to assure us that this absence of statutory constraints "should not be construed as an indication that the Department will ignore these or any other statutory requirements in making its final recommendations." Part of the Commission's role will be to ensure that all statutory requirements are met. As you select your staff, I would encourage you to select those that have the requisite knowledge of these laws to ensure we do maintain a core logistics capability and the required bases and facilities needed to conduct depot-level maintenance. Now I know that DOD is required to evaluate all installations equally, but can you tell us how you will reconcile this evaluation requirement with existing statutory imperatives and congressional intent that would preclude discarding our depot capabilities?

Mr. PRINCIPI. Thank you for encouraging me to choose able legal staff—I fully intend to do so. Concerning the depot-level maintenance issue, this Commission has no interest in violating the intent of the 50/50 statue (Title 10 U.S. Code 2466) which ensures that no more than 50 percent of any Service's depot-level maintenance funds are spent with a non-Federal workforce, or the underlying statute which requires the DOD to maintain an organic source for core logistics workload. We will carefully work within the data available to the Commission to ensure that any depot-level maintenance currently performed at an organic installation recommended for realignment or closure will be relocated to another organic installation within the remaining DOD infrastructure.

COST SAVINGS

18. Senator CHAMBLISS. Mr. Principi, the fifth criteria for consideration by BRAC relates to the "extent and timing of potential costs and savings" and an analysis of the amount of time required for the perceived savings to exceed the costs of closing a base. This criteria is designed to ensure that bases are not closed unless there

is a clear basis for significant savings in the near term. What are your views on the maximum amount of time that should pass after a base closes before significant cost savings are realized?

Mr. PRINCIPI. The cost/savings profile of each recommendation must be evaluated within the context of all the evaluation criteria rather than compared to arbitrary or even statistically-derived metrics. Recommendations with higher than average costs or extended payback periods may actually be furthering and supporting transformational initiatives that profoundly affect future military value. A discrete evaluation of only the cost profiles of these transformational recommendations would be incomplete and reduce the effectiveness of the Commission's decisions. While a shorter payback period is preferred, the Commission is best served to address costs and savings as part of a holistic evaluation of the recommendation. In doing so, the Commission is capable of determining the acceptability of the projected time that will pass after a base closes before significant cost savings are realized.

19. Senator CHAMBLISS. Mr. Principi, can you give us your assurances that a base will not be closed simply to meet a quota as opposed to the result of a thorough analysis of cost savings?

Mr. PRINCIPI. You have my assurance that each recommendation will be assessed in accordance with the criteria specified by law.

20. Senator CHAMBLISS. Mr. Principi, how will you ensure that closing a base will actually result in financial savings great enough to justify the disruption of current operations while we are at war?

Mr. PRINCIPI. The BRAC law establishes quite dearly the parameters under which the Commission must exercise its responsibilities.

QUESTIONS SUBMITTED BY SENATOR CARL LEVIN

COMPREHENSIVE REVIEW OF FORCE STRUCTURE

21. Senator LEVIN. Mr. Principi, last September when DOD submitted its "Strengthening U.S. Global Defense Posture" report to Congress, then-Under Secretary of Defense Feith stated in the introduction to that report that "the Defense Department will incorporate its projected overseas posture changes into the BRAC 2005 process." In addition, last year the Army started using emergency authorities to buy temporary buildings to station the first of the new so-called "modular" brigades. The Army provided a series of information papers to this committee on July 28, 2004 stating that, with respect to these 10 new brigades, "Permanent stationing for all units will be fully addressed through the BRAC 2005 process." Do you believe the Commission must consider all major force structure changes, including the basing for forces to be relocated from overseas back to the United States and the permanent stationing of the Army's new "modular" brigades, in order to ensure that the Commission takes account of all relevant factors that would affect closure and realignment decisions?

Mr. PRINCIPI. I believe that the Commission must consider all major force structure changes.

INTERNET ACCESS TO MATERIALS

22. Senator LEVIN. Mr. Principi, do you plan, if confirmed, to make your materials available through the internet so that interested communities and citizens across the Nation can access it?

Mr. PRINCIPI. Making the BRAC process open and accessible to the public and to Members of Congress is an important priority for me. To this end, I plan on making hearings open to the public with the transcripts of the hearings made available on an electronic format through a Web site that will be set up for the public and the BRAC Commission's use. Further, I plan on posting public comment and letters in an electronic format on this Web site so that the public is able to communicate effectively and openly with the Commission.

INTERPRETATION OF SELECTION CRITERIA

23. Senator LEVIN. Mr. Principi, the selection criteria for the 2005 round are essentially the ones used in the past three rounds, and are intentionally broad. The statutory criteria do not attempt to capture every nuance that might apply to every possible type of installation or facility. In the statement of managers on the con-

ference report on the fiscal year 2005 defense authorization bill, Congress stated that: "The conferees expect that the Secretary shall adhere, to the maximum extent possible, to responses in the analysis of comments to the draft selection criteria, as published in the Federal Register on February 12, 2004, including the incorporation of elements of military value, such as research, development, test, evaluation, maintenance, and repair facilities for weapon systems; and the interaction with a highly-skilled local work force and local industrial and academic institutions." If the yardstick the Commission must use in evaluating the Secretary's recommendations is whether the Commission feels the Secretary adhered to or deviated from the force structure plan and the selection criteria, do you believe that requires the Commission to interpret the criteria the way DOD interpreted the criteria?

Mr. PRINCIPI. The BRAC Commission is required by statute to review and analyze the recommendations forwarded to it by the Secretary of Defense based on the final selection criteria you refer to. The Secretary is also required to fully justify, by submitting certified data to the Commission the rationale for making those recommendations. However, Section 2903 of the BRAC statute specifies that the Commission may change such recommendations if it determines that Secretary deviated substantially from the force structure plan and the final criteria in making such recommendations. Therefore, there may be differences in the way the Secretary applies or interprets the final selection criteria and the way in which the BRAC Commission considers the same criteria. I believe this possibility may have been anticipated by Congress in giving the BRAC Commission the ability to make changes to the Secretary' recommendations.

24. Senator LEVIN. Mr. Principi, do you believe the Commission should consider the Department of Defense responses to the public comments about the selection criteria to be relevant information that provides additional guidance about the meaning and interpretation of the selection criteria that should be taken into account when the Commission evaluates the Secretary's list of recommended closures and realignments?

Mr. PRINCIPI. I have not seen the DOD responses to the public concerns about the selection criteria and, therefore, cannot comment on it at this time.

QUESTIONS SUBMITTED BY SENATOR EDWARD M. KENNEDY

BASE PROXIMITY TO ACADEMIC/INDUSTRIAL CENTERS

25. Senator KENNEDY. Mr. Principi, the decisions that you will make will influence the Department of Defense and our national security for years to come. As part of that process, you will review the recommendations for closure and realignment of not only bases, but also labs and technical centers. These labs and technical centers provide the intellectual foundation that allows our military to maintain its extraordinary advantage in technology. Many of us are concerned, however, that the BRAC criteria overlooks the unique values of these centers of innovative and advanced technology. Many experts have highlighted the value of regional technology clusters as the best way to stimulate innovation and establish valuable partnerships between the Federal Government, industry, and academic research. The proximity of these centers strengthens the capabilities of the Defense Department's labs and accelerates the process of moving new technology out of the labs and into the hands of our troops. This type of innovation has been the engine of both our national economic growth, and our military superiority. I know, for example, that the great synergy created by the close proximity of Massachusetts Institute of Technology (MIT) and the defense industry to the Natick Soldier Center has been of great benefit in the development of nanotechnologies for our troops. How important do you feel it is to keep Department of Defense centers of innovation close to academic and industrial centers of innovation?

Mr. PRINCIPI. The proximity of DOD centers of research and development to academic and industrial centers is very important.

LOSS OF EXPERTISE

26. Senator KENNEDY. Mr. Principi, most technical employees will not move to a new location following a BRAC decision to close a base, so the Department will lose valuable scientific and technical expertise when the base is closed. Do you think the BRAC criteria adequately value this potential cost of consolidating bases?

Mr. PRINCIPI. The question the Commission must address is whether the Defense Secretary's recommendations adequately account for this cost.

27. Senator KENNEDY. Mr. Principi, how does the Department plan to reconstitute this expertise that is lost when a major center is moved to a very different part of the country?

Mr. PRINCIPI. This is a question that the Commission will pose in its analysis.

28. Senator KENNEDY. Mr. Principi, how do you assess the effect of such a move on the mission?

Mr. PRINCIPI. The law is quite clear. If the moves enhance military value and the Defense Secretary has not substantially deviated from the force structure plan and selection criteria, then the Commission would most likely approve the recommendations.

QUESTIONS SUBMITTED BY SENATOR JOSEPH I. LIEBERMAN

BALANCING RESPONSIBILITIES

29. Senator LIEBERMAN. Mr. Principi, how do you plan to balance your new employment responsibilities as a Vice President of Pfizer, Corp. with those associated with being the Chairman of the Base Closure and Realignment Commission?

Mr. PRINCIPI. I plan to resign from my position with the Pfizer Corporation.

ADDITIONS TO BRAC LIST

30. Senator LIEBERMAN. Mr. Principi, what process will you use as a BRAC commissioner to systematically evaluate whether or not bases that have not been recommended for closure or realignment should be added to the list?

Mr. PRINCIPI. The process for adding installations to the list provided by the Secretary will be arduous and complete. The staff will review the Secretary's recommendation to determine if the DOD analysis was complete and, more importantly, if it was accurate. For example, was the proper weighting assigned to all elements; were all installations treated equally; and was the data used accurate? The staff will also conduct independent analysis of the information obtained during base visits and regional hearings, and other public input. Additionally, the staff will consider the GAO report to be submitted on July 1, 2005, in determining if other installation candidates should be considered in addition to those on the Secretary's list. The staff will then recommend applicable installations to the Commissioners who will make the final determination in accordance with the statute. Please be aware that adding an installation to the Secretary's list allows the Commission to analyze and visit that installation; it does not automatically result in the closure of realignment of that installation. I should mention that, in past BRAC rounds, the communities were a valuable extension of the BRAC staff in that they often provided creditable analysis which complemented and supplemented BRAC staff analysis.

AVAILABILITY OF INFORMATION

31. Senator LIEBERMAN. Mr. Principi, will the BRAC Commission make available to the general public "in electronic media" all information provided by the Secretary of Defense and Secretary of the Navy including but not limited to:

a. Base Structure Data Base (BSDB)
b. Cost of Base Realignment Actions (COBRA) Model and all associated data
c. Naval Audit Service (NAVAUDSVC) Independent Audit Reports
d. Meeting Minutes and Associated Materials from all meetings of:
    i. Infrastructure Evaluation Group (IEG)
    ii. Infrastructure Analysis Team (IAT)
    iii. Department of the Navy (DON) Analysis Group (DAG)
    iv. Functional Advisory Board (FAB)
    v. Joint Cross-Service Group (JCSG)
e. DON BRAC Information Transfer System (DONBITS) data files
f. Data Calls (including all supplemental/corrections requests):
    i. DON Capacity Data Call
    ii. DON Military Value Data Call
    iii. DON COBRA/Scenario Data Call
g. Installation Visualization Tool (IVT) Data and associated materials

Mr. PRINCIPI. The Commission will make available to the general public in electronic media or hard copy all information provided by the Department of Defense, except classified information.

EVALUATION METRICS

32. Senator LIEBERMAN. Mr. Principi, what metrics will you use to compare and evaluate the bases recommended for and not recommended for closure or realignment against the eight BRAC selection criteria?

Mr. PRINCIPI. The basic metrics used to accept or reject those installations recommended by the Secretary will largely focus on the DOD and BRAC analyses which will be independently conducted. Those analyses will ultimately be compared with the force structure plan and final selection criteria as spelled out in statute. Additionally, the Commission will consider and review those metrics provided by representatives of the affected communities. In the end, the Commissioners will be presented the analysis and recommendations of the DOD, communities, and Commission staff in making the final determinations. A vital factor is the overall, professional judgment of the Commissioners in the final determination.

33. Senator LIEBERMAN. Mr. Principi, since individual data calls have been sent to multiple tenant commands that are collocated on bases and installations, how will you evaluate the synergy of these multiple organizations in evaluating recommendations for closure or realignment?

Mr. PRINCIPI. Comparing disparate data will certainly be a challenge to our staff. They will ultimately be required to review many of the individual questions asked of each organizational element, along with the associated metric available in the answer set. Comparing these answer sets and adjusting for differences will allow for apples to apples analysis by our staff.

34. Senator LIEBERMAN. Mr. Principi, in some cases, the military value of a base is enhanced by the local presence of a large private firm (e.g., shipyard) that did not receive any "data calls" and may not have been factored into a base closure or realignment recommendation. How will you ensure that the BRAC Commission ensures that such relevant information is not overlooked in your deliberations?

Mr. PRINCIPI. The availability of nongovernmental service which may affect military value will be carefully considered during base visits by Commissioners and staff, analysis of all the relevant facts and by community meetings and presentations. All appropriate factors will be weighed in our deliberations.

35. Senator LIEBERMAN. Mr. Principi, among the other considerations in the BRAC selection criteria are economic impacts and environmental remediation costs. How will the BRAC Commission utilize economic impact data provided by host States/communities, and how will the BRAC Commission determine actual environmental remediation costs, since these costs are significantly affected by the future reuse of the facility which is at best currently unknown?

Mr. PRINCIPI. I note for the record that Congress has amplified the election criteria for environmental impact and that the DOD, in response to such amplified criteria, has widened its analysis and the scope of its recommendations accordingly. The criteria being employed by the 2005 BRAC Commission includes, for example, the impact of costs related to potential environmental restoration, waste management, and environmental compliance activities. While environmental related criteria are not the sole criteria to be used in the BRAC process, it is a significant factor nonetheless. Economic impact data provided by host states/communities will also be evaluated against the information provided by the DOD.

REGIONAL PUBLIC MEETINGS

36. Senator LIEBERMAN. Mr. Principi, do you intend to hold regional public meetings, and if so, how many BRAC Commissioners will be present at each public meeting and how much time will a community have to make its appeal?

Mr. PRINCIPI. I intend to hold as many regional hearings as may be deemed adequate to provide public outreach and input. This, along with base site visits and public input from other sources, will provide the Commissioners and me, if I am confirmed, with a good overview of the impact, militarily, economically and in terms of the human factors that the closure and realignment process will play. While it may not be possible for me to predict with any degree of reliability the number of regional hearings and visits that may be required, I will work to ensure that at

least three Commissioners are present at regional hearings. Further, local communities will be allocated adequate time to present issues, questions, and evidence for the BRAC Commission to consider.

37. Senator LIEBERMAN. Mr. Principi, do you intend to have BRAC commissioners visit each base that is recommended for closure or realignment, and during these visits will the BRAC commissioners meet with representatives from the local/host community?

Mr. PRINCIPI. While it may not be possible to visit every facility in light of the time constraints faced by the BRAC Commission, I fully intend to ensure that major base site visits and the regional hearings are organized so that the public and local leaders have an adequate opportunity to reach out to the BRAC Commission and make their concerns known to it. BRAC Commissioners will participate in all regional hearings and as many site visits as possible.

QUESTIONS SUBMITTED BY SENATOR DANIEL K. AKAKA

PREVIOUS EXPERIENCE

38. Senator AKAKA. Mr. Principi, you stated in your answers to the advance policy questions that you were the minority staff director for this committee at the outset of the 1993 BRAC and that you were involved in hearings and site visits for that round of BRAC. You also state that you faced similar challenges as Secretary of Veterans Affairs (VA) when conforming VA's legacy infrastructure to the changes in 21st century healthcare. What lessons have you learned from these experiences that will assist you as Chairman of the 2005 BRAC Commission?

Mr. PRINCIPI. My experience has shown that every organization must right-size itself from time to time to reflect changes in policies, requirements, technologies, etc. I have also learned that these changes affect peoples' lives in profound ways and that their concerns must be factored in.

INFORMATION REQUESTS

39. Senator AKAKA. Mr. Principi, you state in your answers to the advanced questions that you will seek all relevant information from the Department of Defense and you state that you have been assured that all requests will be honored. Should information not be provided to you from the Defense Department, will you inform Congress of this problem?

Mr. PRINCIPI. Yes, Mr. Senator, I will certainly keep you and Congress fully advised of such problems, should they occur.

[The nomination reference of Anthony J. Principi follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
March 4, 2005.

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

Anthony Joseph Principi, of California, to be a Member of the Defense Base Closure and Realignment Commission. (New Position)

[The biographical sketch of Anthony J. Principi, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF ANTHONY J. PRINCIPI

During his 4-year tenure (2001–2005) as Secretary of the U.S. Department of Veterans Affairs, New York-born Anthony J. Principi directed the Federal Government's second largest department, responsible for a nationwide system of health care services, benefits programs, and national cemeteries for America's 25 million living veterans and dependents. Commanding a budget in excess of $60 billion, Mr.

Principi led an organization of 230,000 employees in hundreds of VA medical centers, clinics, benefits offices, and national cemeteries throughout the country.

Mr. Principi is a 1967 graduate of the U.S. Naval Academy at Annapolis, Maryland, and first saw Active Duty aboard the destroyer U.S.S. *Joseph P. Kennedy*. He later commanded a River Patrol Unit in Vietnam's Mekong Delta. During his service in Southeast Asia, Mr. Principi was awarded the Bronze Star with a V for valor.

Upon returning from Vietnam, Mr. Principi earned his law degree from Seton Hall University in 1975 and was assigned to the Navy's Judge Advocate General Corps in San Diego, California. In 1980, he was transferred to Washington as a legislative counsel for the Department of the Navy.

From 1984 to 1988, he served as Republican chief counsel and staff director of the Senate Committee on Veterans' Affairs, following 3 years as counsel to the chairman of the Senate Armed Services Committee.

Mr. Principi served as Deputy Secretary of Veterans Affairs, VA's second-highest executive position, from March 17, 1989, to September 26, 1992, when he was named Acting Secretary of Veterans Affairs by President George H.W. Bush. He served in that position until January 1993. Following that appointment, he served as Republican chief counsel and staff director of the Senate Committee on Armed Services.

Mr. Principi was chairman of the Commission on Servicemembers and Veterans Transition Assistance established by Congress in 1996.

Mr. Principi was nominated by President George W. Bush on December 29, 2000, and was confirmed by the Senate on January 23, 2001.

Prior to his nomination as Secretary of Veterans Affairs, Mr. Principi was president of QTC Medical Services, Inc. During the past decade, he was Senior Vice President at Lockheed Martin IMS, and a partner in the San Diego law firm of Luce, Forward, Hamilton & Scripps.

[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 Anthony J. Principi in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)

Anthony J. Principi.

2. **Position to which nominated:**

Commissioner-Base Realignment and Closure Commission.

3. **Date of nomination:**

March 4, 2005.

4. **Address:** (List current place of residence and office addresses.)

[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**

April 16, 1944; New York City, NY.

6. **Marital Status:** (Include maiden name of wife or husband's name.)

Married to Ahlering.

7. **Names and ages of children:**

Anthony, 31; Ryan, 28, John, 26.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.

Mount Saint Michael Academy, 1958–1962, Diploma.
New Mexico Military Institute, 1962–1963, None.
U.S. Naval Academy, 1963–1967, BS.
Seton Hall University School of Law, 1972–1975, JD.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

Secretary, U.S. Department of Veterans Affairs, Washington, DC.
QTC Medical Services, President, Diamond Bar, CA.
Chairman, Congressional Commission on Servicemembers and Veterans Transition Assistance, Washington, DC, 1996–1998.
Lockheed Martin IMS, Senior Vice President, Santa Clara, CA, 1995–1996.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

None.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Vice President for Government Relations, Pfizer Corp.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Board of Governors American Red Cross.
Board of Directors Mutual of Omaha.
State Bar of California.
State Bar of Pennsylvania.
Real Estate Broker-California.
American Legion.
Disabled American Veterans.
Veterans of Foreign Wars.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

$1,000 Bush-Cheney 2000 election.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

Honorary Doctorate Degree-Seton Hall University School of Law.
Bronze Star with Combat V.
Navy Commendation Medal (3).
Numerous awards from military and veteran service organizations for service as Secretary of Veteran Affairs.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

None.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

ANTHONY J. PRINCIPI.

This 8th day of March 2005.

[The nomination of Anthony J. Principi was reported to the Senate by Chairman Warner on March 17, 2005, with the recommendation that the nomination be confirmed. The nomination was recess appointed by the President on April 1, 2005.]

NOMINATIONS OF HON. GORDON R. ENGLAND TO BE DEPUTY SECRETARY OF DEFENSE; AND ADM MICHAEL G. MULLEN, USN, FOR REAPPOINTMENT TO THE GRADE OF ADMIRAL AND TO BE CHIEF OF NAVAL OPERATIONS

TUESDAY, APRIL 19, 2005

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:40 a.m., in room SD–106, Dirksen Senate Office Building, Senator John Warner (chairman) presiding.

Committee members present: Senators Warner, McCain, Inhofe, Collins, Talent, Cornyn, Thune, Levin, Kennedy, Lieberman, Reed, Akaka, Bill Nelson, Clinton, and Hutchison.

Committee staff members present: Judith A. Ansley, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: William C. Greenwalt, professional staff member; Thomas L. MacKenzie, professional staff member; David M. Morriss, counsel; Stanley R. O'Connor, Jr., professional staff member; Scott W. Stucky, general counsel; and Richard F. Walsh, counsel.

Minority staff members present: Richard D. DeBobes, Democratic staff director; Richard W. Fieldhouse, professional staff member; Creighton Greene, professional staff member; Bridget W. Higgins, research assistant; Peter K. Levine, minority counsel; and William G.P. Monahan, minority counsel.

Staff assistants present: Catherine E. Sendak and Pendred K. Wilson.

Committee members' assistants present: Cord Sterling, assistant to Senator Warner; Arch Galloway II, assistant to Senator Sessions; James P. Dohoney, Jr. and Mackenzie M. Eaglen, assistants to Senator Collins; Lindsay R. Neas, assistant to Senator Talent; Russell J. Thomasson, assistant to Senator Cornyn; Bob Taylor, assistant to Senator Thune; Mieke Y. Eoyang, assistant to Senator Kennedy; Frederick M. Downey, assistant to Senator Lieberman; Elizabeth King, assistant to Senator Reed; Darcie Tokioka, assistant to Senator Akaka; William K. Sutey, assistant to Senator Bill Nelson; and Andrew Shapiro, assistant to Senator Clinton.

OPENING STATEMENT OF SENATOR JOHN WARNER, CHAIRMAN

Chairman WARNER. Good morning everyone. We have before the committee this morning the current Secretary of the United States Navy, Gordon R. England, nominated for the position of Deputy Secretary of Defense and Admiral Michael G. Mullen, U.S. Navy, who's been nominated to be the next Chief of Naval Operations (CNO). We will have the two panels. Admiral Mullen will follow the Secretary.

We welcome Secretary England, his wife, Dotty, and other members of the England family. We thank Mr. England for his willingness to continue to serve this Nation in a new and a challenging post.

I now recognize you, Secretary England, to introduce your family.

Mr. ENGLAND. Thank you very much, Senator. I have with me today my wife and great supporter here for 43 years. I want to introduce my wife, Dotty. We have been together for 43 years and have three wonderful children and grandchildren, and I thank her for her great support of my rather erratic career over the years.

I also want to introduce my daughter, Marisa Walpert, and also my son-in-law, Major Bill Walpert. They're both about to deploy to Okinawa in a few weeks with the United States Air Force, and we're very proud of my daughter and my son-in-law. So it's nice to have the three of them with us this morning.

Chairman WARNER. It's a very special occasion. We welcome you, Major, and your lovely wife.

The role of the family in providing support to individuals in government who hold these senior positions of importance and responsibility is something this committee has always stressed through the many years that I've been privileged to be on it. We thank the members of the families for your special role in supporting these individuals, particularly the long hours in the Department of Defense (DOD).

I've often said based on my experience over there, every decision made after 7:30 is turned around the next morning. So I urge you to try and get your principals home again.

Secretary England, of course, is well known to the committee and to the Senate as the 72nd Secretary of the Navy. He served from May 2001 until joining the Department of Homeland Security, as its first Deputy Secretary in January 2003. During his initial tour of duty as Secretary of the Navy, Secretary England is to be commended for, among other things, his compassionate response to the families of those military and civilian personnel in the Department of Navy who died in the Pentagon on September 11, 2001.

The Navy command center was hit hard on that tragic day, and survivors of those brave sailors and Department of the Navy employees will always remember the strong leadership that you gave, Mr. Secretary, that you exhibited in the immediate aftermath of that attack.

I'd like at this time to recognize our distinguished colleague, Senator Hutchison, for purposes of an introduction.

STATEMENT OF HON. KAY BAILEY HUTCHISON, U.S. SENATOR FROM THE STATE OF TEXAS

Senator HUTCHISON. Thank you, Mr. Chairman. I am so pleased to be here to introduce my friend, my constituent in Texas, Gordon England, to be number two at the DOD, and I can truthfully say I can't think of anyone more qualified.

Mr. Chairman, all of you know people in Washington who clamor to get administration jobs, who clamor to move up the ladder. Gordon England is not one of those people. I don't think that he has asked for any of the promotions that he has ever received. He serves the President; he serves our country; and he does it because he wants to do something to make a difference.

I have known him since before he came into this administration, because, of course, he was a leading citizen of Fort Worth. He was president of General Dynamics Aviation. His background is electrical engineering, and his career really was aviation-related. He became Secretary of the Navy, as you said. He then became number two at the new Department of Homeland Security, bringing a business management capability there that was so important. He then came back to his love, the Secretary of the Navy position, and has done a wonderful job there of trying to modernize our Navy for the security risks of the future.

Today, you know his background; he's been to this committee several times. I can just say that in addition to his qualifications, in addition to his educational background, his business experience, and his management experience, Gordon England is the person who can take over the day-to-day operations of the Pentagon better than anyone I know. He has proven himself. Not only is he a great manager, not only is he a person who knows the business of the Pentagon, but he is also a good person, and I can't think of a better recommendation for this job.

Thank you, Mr. Chairman.

Chairman WARNER. Senator, we thank you. Those of us who had the privilege of serving with you have the highest respect for your judgment. You delivered that introduction with a tremendous sense of compassion and understanding and belief, and attaching your credibility to this individual is important to him and to the Senate. We thank you.

Senator HUTCHISON. Thank you.

Chairman WARNER. I recognize now the junior Senator from the State of Texas.

Senator Cornyn.

Senator CORNYN. Thank you, Mr. Chairman. I want to join Senator Hutchison, my colleague, the senior Senator, in speaking in support of the nomination of Gordon England to be our next Deputy Secretary of Defense.

As you've already heard, he has an impressive record of accomplishments as a businessman and as a public servant. He's a person of the highest integrity, and I am delighted that the President has seen fit to nominate him as the Deputy Secretary of Defense.

Senator Hutchison has already covered his impressive resume, but let me just try to bring one other nuance to those trying to piece together what kind of person this is. He was the first Deputy Secretary of the Department of Homeland Security, and first to

take on that important challenge in the wake of September 11, trying to bring together disparate cultures of different agencies, and bring them together in the interests of the homeland security of this country.

But something that gave me personal insight into what kind of man this was, is my daughter happened to be working at the Department of Homeland Security at just an entry-level position. The kind of kindness he showed to her in going out of his way to engage her and find out about her, it reflected to me the kind of character and the kind of person that he is in a way that I found very reassuring.

So, we are fortunate to have public servants like Gordon England who have not only the necessary skills, but the vision, and are willing to take on tough challenges. I know at this stage in his career he might have just said I'll let this one pass me by and continue on as Secretary of the Navy or in some other capacity. But I'm delighted that he is willing to take on the tough challenge, and I'm sure Secretary Rumsfeld is looking forward to having someone of his caliber serve as his deputy.

So in conclusion let me just reiterate my strong support for Secretary England and urge his speedy confirmation. Thank you very much.

Chairman WARNER. Thank you, Senator. It's important that we have your perspective. You have a very special responsibility in this nomination, and I'd be happy upon the completion of the committee work to have you sign the papers to bring it to the floor. Thank you very much.

The committee has asked Secretary England to answer a series of advance policy questions. He's responded to those questions, and without objection, I will make the questions and responses part of the record.

I also have certain standard questions we ask of every nominee who appears before this committee. If you will respond, Mr. Secretary, I will now propound the questions.

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

Mr. ENGLAND. Yes, sir, I have.

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

Mr. ENGLAND. No, sir.

Chairman WARNER. Will you ensure your staff complies with deadlines established for requested communications, including questions for the record and hearings?

Mr. ENGLAND. Yes, sir.

Chairman WARNER. Will you cooperate in providing witnesses and briefers in response to questions or requests?

Mr. ENGLAND. Yes, sir.

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

Mr. ENGLAND. Yes, sir.

Chairman WARNER. Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the United States Senate?

Mr. ENGLAND. Yes, sir.

Chairman WARNER. Do you agree, when asked by any duly constituted committee of Congress, to give your personal views, even if those views differ from the administration in power?

Mr. ENGLAND. Yes, sir.

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

Mr. ENGLAND. Yes, sir.

Chairman WARNER. I thank you very much. I'll now ask Senator Levin to say a few words, and we'll then proceed by having the opportunity to listen to any opening comments that you may wish to make.

STATEMENT OF SENATOR CARL LEVIN

Senator LEVIN. I just have a few words, Mr. Chairman. I join you in welcoming Gordon England and his family to the committee. We appreciate the sacrifices which you and your family have already made and will continue to make in the service of our Nation.

Secretary England has been the Department's "Mr. Fix-it" for the last 4 years. In his brief period of time, he has served as Secretary of the Navy, Deputy Secretary of the Department of Homeland Security, Secretary of the Navy again, and recently under consideration to serve as Secretary of the Air Force. At the request of the Secretary of Defense, he has taken on such critical jobs as designing the new National Security Personnel System (NSPS) and overseeing the review of the status of DOD detainees at Guantanamo.

If there's a problem to be solved, Gordon England has frequently been the one that the President has looked to to provide that solution. Now, Secretary England has agreed to take on an even more critical position. The Deputy Secretary of Defense serves in a position of awesome responsibility. He is the alter ego of the Secretary. In this capacity, the new Deputy Secretary will play a key role in determining how our country will meet the national security challenges it faces today, including: the transformation of our military forces; including how do we balance the requirements of the current military missions, including operations in Iraq and Afghanistan, with the investments that we need to meet future national security threats; the problems of recruiting and retention; training, compensation, benefits; and how we balance force structure costs against other programs

Mr. Chairman, particularly in recent months, we've had the problem of questionable acquisition practices on the part of the Air Force, which have resulted in heightened risk of fraud and abuse in terms of the lease of tanker aircraft. The Department has recently agreed to restructure two other defense acquisition programs—the Air Force's C–130J aircraft program and the Army's Future Combat System program.

I want to particularly thank Senator McCain, who has highlighted, again, the very urgent need of this Nation to go back and review this acquisition system of ours, which has either been violated, obviated, voided, abused, or misused. We have problems, Mr.

Secretary. We need you to use your particular talent to address those problems that we have.

The demands and the problems in this department are huge. The Department of Defense now accounts for more than half of the 25 high-risk management problems that the Government Accountability Office (GAO) has identified across the entire Federal Government.

The GAO has identified more than half of those in the Department of Defense itself. This list appears to be growing longer rather than shorter.

Secretary England, you bring the kind of strong management background and commitment to addressing these issues that are so needed in the Deputy Secretary position. The Department needs your leadership on these issues. We admire your willingness to take them on. I know very few people in this town who have almost no critics and who have as many friends as you do. You bring that particular personal talent to this job as well—the ability to work with people, to listen to people, to be accessible to people of all points of views, before making a balanced decision.

We look forward to your continuing service, and again, we thank you and your family.

Chairman WARNER. Thank you very much, Senator. Any other colleagues desire to make some opening comments with regard to this nominee?

Senator KENNEDY. Mr. Chairman?

Chairman WARNER. Yes.

Senator Kennedy.

Senator KENNEDY. We're looking forward to hearing from the witness. I just want to join with those that have welcomed Secretary England. I think we'll be very fortunate to have his service in the Department of Defense. We've had an opportunity to work with him in the past, in our subcommittee, as Secretary of the Navy. I think as Carl Levin mentioned, that the Fort Worth Star Telegram says—I don't often read that, and I don't often listen to it, but on this occasion they are 100 percent right—this man has no enemies in Washington after a long and distinguished career, which says something about his ability to bring divergent views together.

Just finally, I would hope that you had a good hearing the other day on the personnel issues, trying to find ways of working together on them. I know that the Secretary will continue to work with us, and I'm grateful for that comment, and we look forward to his service.

Thank you, Mr. Chairman.

Chairman WARNER. Thank you, Senator Kennedy. We'll now proceed to hear from the distinguished nominee.

STATEMENT OF HON. GORDON R. ENGLAND, TO BE DEPUTY SECRETARY OF DEFENSE

Mr. ENGLAND. Well, Mr. Chairman, first I'd like to express my deep appreciation to a pair of American patriots, my dear friends from the great State of Texas, Senator Kay Bailey Hutchison, and Senator John Cornyn. I thank them both for their kind introductions and their very kind remarks.

Chairman Warner, Senator Levin, and members of the committee, it is a distinct privilege and a great honor to appear before you today. I am truly humbled by the confidence President Bush has shown in nominating me for the position of Deputy Secretary of Defense, and I sincerely value Secretary Rumsfeld's strong support.

The opportunity for dialogue this committee has provided me during my time in government over the past 4 years is deeply appreciated. Be assured that if confirmed, I will continue to have candid dialogue with you and will be open to your comments and suggestions.

As a citizen of this great Nation, I also wish to thank you, this entire committee, for your consistent and bipartisan commitment to the welfare of our military personnel, their families, and the security of our country. This committee has an historic role to ensure the defense of our Nation and the readiness of our Armed Forces. I thank each of you for that service.

The first time I appeared before this committee was in May 2001. The world and the security environment have changed dramatically. Americans, and most people throughout the world, will never forget where they were or what they were doing at just about this time on September 11, 2001. I vividly recall President Bush's visit to the Pentagon the very next day. The Pentagon was still burning. The President told the leadership of the Defense Department to get ready. He said that the war on terror would be a long struggle, that it would be diplomatic, economic, and military, but that the military had to succeed for the Nation to succeed.

Since then, the American people and the world have witnessed the magnificent performance of our men and women in uniform, on whose behalf I vow to commit my time and my talents. Our military's efforts in support of the President's vision of freedom and liberty are already starting to make a profound difference in the Middle East. The world watched as the courageous people of Afghanistan cast ballots for the first time.

Since then, we have seen historic elections in Iraq, among the Palestinians, and in the Ukraine twice. Syria is beginning to disengage in Lebanon, and other countries are moving closer to free elections. Freedom is on the march, but never guaranteed, even in America. The world is still a dangerous place. President Ronald Reagan, I believe, said it very well. The President said freedom is never more than one generation away from extinction. We don't pass it on to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same.

America no longer faces just the traditional and the predictable threats of the past. Rather, we are now also threatened by enemies who operate from the shadows, outside governments, outside the rule of law, and without compassion for humanity.

From my time at the Department of Homeland Security, I am keenly aware that you cannot protect America from solely inside America. It takes both a defense and an offense. We need to continue to take the fight to the enemies of freedom, where they train and where they organize.

To protect and defend our great Nation and to help those who still do not live on the right side of freedom, the Department of Defense recently published the new National Defense Strategy, align-

ing the Defense Department's efforts with the President's commitment to the forward defense of freedom.

If confirmed, I will work alongside the Secretary of Defense and all committed patriots in the Department of Defense and in Congress to achieve the following goals: secure the United States from direct attack; secure strategic access and retain global freedom of action; strengthen alliances and partnerships; establish favorable security conditions; assure allies and friends; dissuade potential adversaries; deter aggression and counter coercion; and defeat adversaries.

Our duty to the American people in carrying out these goals begins with earning and maintaining the trust and confidence our citizens have placed in the Department of Defense. My value system is aligned with President Bush's statement on this subject in his inaugural address. In America's ideal of freedom, the public interest depends on private character, on integrity, and tolerance towards others, and the rule of conscience in our own lives. Ethical leadership is especially critical in DOD, because trust and confidence define the strength of the link between a nation, her citizens, and her military.

In closing, I am reminded of what President Kennedy said in his inaugural address in January 1961 at the height of the Cold War: "In the long history of the world, only a few generations have been granted the role of defending freedom in the hour of maximum danger." It is a blessing for me, for our men and women who wear the cloth of our Nation, and for all Americans who live in this time of maximum danger, to have the opportunity to defend and advance the cause of liberty.

Thank you for the confidence you have placed in me these past 4 years. If confirmed, I look forward to continuing to work with you on the challenges ahead. Again, I thank each of you for what you do every day for our men and women in uniform.

Mr. Chairman, I look forward to answering the questions of the committee.

[The prepared statement of Secretary England follows:]

PREPARED STATEMENT BY HON. GORDON R. ENGLAND

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- Secure strategic access and retain global freedom of action
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- Establish favorable security conditions
- Assure allies and friends
- Dissuade potential adversaries
- Deter aggression and counter coercion and
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Thank you for the confidence you have placed in me these last 4 years and, if confirmed, I look forward to continuing to work with you on the challenges ahead.

Also, thank you again for what each of you do every day for our men and women in uniform.

I look forward to answering your questions.

Chairman WARNER. Thank you, Mr. Secretary. We'll proceed to a 6-minute round, and depending on the number of participants, the chair, in consultation with the ranking member, will determine if we can have a second round, given that we have a series of votes and we're very anxious to get to the second panel, namely, Admiral Mullen.

Mr. Secretary, it's been my privilege to have had the opportunity to know and work under and with a number of Deputy Secretaries of Defense. I cut my teeth with Dave Packard. My first request of you, a personal one, would be to go back and review the Packard Commission Report as it relates to the acquisition process.

Senator Levin quite justifiably recognized the strong contribution of our colleague here, Senator McCain, who is currently, as a subcommittee chairman, pursuing this subject of reviewing the acquisition process in the Department, and God willing, when I relinquish this seat, I expect that to continue.

But I want to go back to, if I may be personal, Dave Packard used to call the Secretary of the Navy or the Under Secretary, depending on the subject matter, into his office, and I remember many times before he would let the Department of the Navy pursue a contract and affix the signatures on it, he would look you square in the eye and say, "I'm holding you accountable for this contract." I remember that very well, because I did the F–14, and the S–3, among other airplane contracts, and many others. Believe me, I had personal involvement.

As I look at this Air Force situation, it's a tragic situation. I'd like to say for the record at this time, I hope we can quickly put it behind us, and let that Department once again retain its distinguished position in the hierarchy of the Department of Defense, parallel with the other military departments, and get on with its business. Regrettably, there are still a number of things that have to be resolved before we can reset.

What initiatives do you intend to take that your predecessor may not have taken? I do not suggest that by way of criticism. It's just that you have spent a life as a business manager and had that experience, which others have not had. I would want the record to say that I'm speaking for myself, and I think a number of this committee. We had a very high regard for Secretary Wolfowitz, but I think there have to be some new initiatives, a new approach. This is your opportunity to lay that foundation.

Mr. ENGLAND. Mr. Chairman, first of all, I have to tell you, I haven't read the whole Packard report. It's about 1,000–1,300 pages, but I actually have read a lot of the Packard report, and I am familiar with the findings of the Packard report. This entire area, I've had a number of discussions with members of the committee, and I agree with the members of the committee that we do need to look at the whole acquisition area. That is part of the effort of the Quadrennial Defense Review (QDR) this year.

I can tell you it has my personal attention. We have acquisition issues in the Navy. We do not have ethical issues in the Department of the Navy, and I believe that those issues have largely now been fixed in the Air Force in terms of the processes and the procedures to make sure that we don't have the kind of issues they have had in some of their procurements.

But this is an area that will require a lot of attention and work, and I can commit to you that I will work with this committee and I'll work with Secretary Rumsfeld and everyone in the Department. It is part of my basic responsibility as the Deputy, and that is to put systems in place with defined accountability and responsibility, specific measures and metrics, so we can measure the health of the organization. So this will be my primary emphasis, and I will be working this as Deputy Secretary if I'm confirmed by this committee, Mr. Chairman.

Chairman WARNER. We will work along with you. There will be a lot of attention from this committee on that subject.

Integral to any review such as you're going to perform, and integral to your daily responsibilities, is just the fundamental doctrine of accountability, holding those with responsibility accountable. I mentioned the story of Dave Packard. I hope that you have your own system of accountability, and recognize those instances where it goes beyond the purview of your immediate office and it goes into the various judicial systems, to accord all of those full protection under the judicial system.

In the end, there has to be, I think, a greater degree of accountability. Again, speaking for myself, but I believe others, we're very dismayed at the acting Secretary of the Air Force. The last thing he did when he walked out of office was to wipe the slate clean with regard to questions regarding the infamous scandals of abuse of the women cadets at the Air Force Academy. This case was reviewed by the Fowler Commission and many others. We, in Congress, and the Fowler Commission, expected a greater degree of accountability for that episode in the contemporary history of the Academy.

So I just point out that the subject of accountability is high on the agenda of this committee. It's to be meted out fairly and in every way in accordance with due process. We expect it.

Mr. ENGLAND. Senator, if I could just make one comment. I believe the hallmark of my tenure and that of the CNO, Admiral Vernon Clark, is to set high standards, hold people accountable, and stay with those standards. We have a policy called the slippery slope policy; that is, you never even start down that slope. We hold people accountable even for the smallest transgressions, whether they be moral, ethical, or technical.

I have with the CNO, I believe, set high standards for the Department of the Navy, and we'll continue to do so in the Department of Defense if I'm confirmed, sir.

Chairman WARNER. I think the combined team of yourself and the CNO have relieved about as high a number of ship captains as any Secretary and CNO have in recent history. I'm fully aware of the accountability standards that you've employed, and I commend you and the CNO.

To the subject at hand, and that is Iraq, perhaps the most tragic chapters have been the start and stops and the failure to anticipate a number of situations. Foremost was the body armor, the uparmoring of trucks, and all of those issues. That should have been foreseen in some measure and planned for, but it wasn't.

I believe today, everything that can be done is being done, but the tragic loss of the life and limb, the heartbreak to the families

of the victims and others will never be replaced. Likewise, the improvised explosive devices (IEDs) and the task force assigned to look into the IEDs, I would hope that you would put both of these subjects as your very top agenda items.

Mr. ENGLAND. Mr. Chairman, you have my assurance I will. You know my capacity, again, as Secretary of the Navy, working with the United States Marine Corps, this was a very top priority. Also you should know, of course, I don't have the responsibility in my current job for Iraq, but I did have the responsibility to equip the United States Marine Corps, and we had every single marine with plates and armor before they entered into Iraq. I do understand the urgency of this, and we are working those issues today. They will receive my complete attention if confirmed, Mr. Chairman. I share your views on this subject.

Chairman WARNER. Well, now you don't have just the Marine Corps and the Navy. You have them all.

Mr. ENGLAND. Absolutely. I understand. It's daunting.

Chairman WARNER. Thank you.

Senator Levin.

Senator LEVIN. Thank you, Mr. Chairman. In addition to the pervasive failure to establish accountability in the Department, particularly in the acquisition area, there's a number of other problems. We had some testimony recently where the acting Secretary of the Air Force acknowledged that his Department had gone too far in downsizing the acquisition organization and removed critical checks and balances from the acquisition process. That problem is not unique to the Air Force, by the way.

Your strong background in acquisition puts you in a very advantageous position in terms of reversing some of the degradation that we've seen in the acquisition process. I welcome your assurance to this committee that you will work with us to re-examine the acquisition organization, the acquisition process in the Department of Defense, and to ensure that we have the structures and processes that we need to deliver high quality systems to the warfighters on a cost-effective and timely basis.

Mr. ENGLAND. Senator, you have my personal assurance to do that. That is an area obviously of significant interest to me, so be assured that this will receive my highest attention, and we will indeed work with this committee, sir.

Senator LEVIN. One of the principles that we've adopted in acquisition is that you "fly before you buy" for weapons systems. We have not followed that the way we should in the area of ballistic missile defense (BMD) systems. This letter came to us from Under Secretary Wynne last year, and I want to see if you would concur with Secretary Wynne's assurance to us. He said that he would ensure the Department conducts operational testing on that system as required by statute. The Department has committed to adequate testing, even at this early stage of the BMD system.

Therefore, a focused operational test and evaluation (OT&E) consistent with the capability demonstrated during combined developmental and operational testing will be conducted on each future block configuration of the ballistic missile defense system. The director of OT&E, will approve the operational test planning, evalu-

ate test results, and provide a characterization of operational effectiveness, suitability, and survivability.

Is that an approach which you are willing to support that Secretary Wynne laid out for us?

Mr. ENGLAND. Senator, that does sound appropriate. What I understand is we do now have the signed-off test plan by the director of OT&E as we go forward. The system, of course, was fielded, and I would say fielded earlier than some systems, but that was in accordance with the Missile Defense Act of 1999, which specifically said to start to field as soon as technically capable.

That said, the design test in fielding as that proceeds does require a test plan that is operationally—that is operationally suitable, as close to operational as possible. I believe—without having the memo in front of me—I believe that's basically what Secretary Wynne is outlining.

Senator LEVIN. The operational test plan that you make reference to is very different from a developmental test plan. What we would ask is that you would understand that difference and support the operational testing, which is required by law.

Mr. ENGLAND. Yes. Senator, I do support the operational testing. I believe we're doing operational development testing together as an integrated test plan. But I will definitely look at this, if confirmed. I will definitely look at this and I'll get back with you, Senator.

[The information referred to follows:]

In January 2002, the Secretary of Defense directed that the Missile Defense Agency be responsible for Developmental Testing and Evaluation (DT&E) of the Ballistic Defense System and its elements, and that Operational Test and Evaluation (OT&E) be conducted after a block configuration is transferred to service for production.

The Missile Defense Agency has taken an aggressive approach towards ensuring that the Director, Operational Test and Evaluation, and the Operational Test Agencies are involved in Ballistic Missile Defense System developmental test activities. This approach recognizes that early involvement by the users and operational testers leads to their deeper understanding of the Ballistic Missile Defense System development processes and operations, which can only serve to improve the operational Ballistic Missile Defense System.

The Missile Defense Agency, the Director, Operational Test and Evaluation, and the Operational Test Agencies approved an Integrated Master Test Plan in December 2004. This plan adds operational realism to the test program, as directed by section 234 of the National Defense Authorization Act for Fiscal Year 2005. The Integrated Master Test Plan will be revised annually to expand on the combined developmental and operational test approach. More realistic operational testing will be planned and executed, consistent with the maturity and capability of the system, as we move from subsystem to fully integrated system-level testing for each block. Currently, every major Ballistic Missile Defense System ground and flight test includes operational test objectives to provide data for an operational assessment.

To specifically address section 234 of the National Defense Authorization Act for Fiscal Year 2005 on Increasing Operational Realism, the Director, Missile Defense Agency and the Director, Operational Test and Evaluation, issued a joint report (Ballistic Missile Defense System, response to section 234, Increasing Operational Realism, April 4, 2005) which expanded on the criteria for operationally realistic testing provided in the Ballistic Missile Defense Integrated Master Test plan, and provided a brief description of the significant tests that were planned over the next 2 years. Because of our recent test setbacks, MDA has established a Mission Readiness Task Force to implement the corrections needed to ensure we return to a successful flight test program. To address the task force recommendations, the Department determined that we needed additional time to address mission readiness before meeting the test timeline specified in paragraph (b), section 234 of the National Defense Authorization Act for Fiscal Year 2005. Upon resumption of the flight test program, we will work with the Director, Operational Test and Evaluation, and the

Service operational testing communities to ensure an adequate testing program is executed that provides essential data to evaluate and adequately demonstrate the operational capability of the Ballistic Missile Defense System.

Senator LEVIN. Thank you. After your confirmation, Secretary England, do you expect to play a role in the QDR?

Mr. ENGLAND. Yes, I do, Senator.

Senator LEVIN. One of the issues which has arisen relative to that is that former Department of Defense officials are going to be given a role inside the QDR development with panels that they are going to participate in. I just want to let you know that I find that troubling, that former officials would be playing a role internally with those panels, and I would only ask that you look at that and get back to this committee as to whether or not you think it is appropriate.

Mr. ENGLAND. Yes, sir, I will.

Chairman WARNER. Would you allow for an intervention?

Senator LEVIN. Sure.

Chairman WARNER. Secretary Wolfowitz called me on that issue, and I seem to have a view that is different than yours. I believe that the breadth and scope of that review is such that if he wishes to access talent beyond what had been in previous reviews, it might strengthen the report. I just want that on the record.

Senator LEVIN. Sure. My issue is not that he accessed talent with outside recommendations. It's that outside people formerly with the Department would participate on the internal panels reviewing the QDR, which is a very significant difference. I would just simply ask that you look at that difference and report back to this committee on it.

Mr. Secretary, are you going to continue to play a leading role in the implementation of the National Security Personnel System (NSPS) the way you've done so far? It's been a critically important role. We've gone through this at other hearings, and we commend you again for your accessibility, your openness, your willingness to listen, and consider different points of view. I hope you're going to continue to play that role, but my question is, are you going to?

Mr. ENGLAND. Yes, Senator. I am going to continue that role. I would only moderate that and say I will continue that role at least through the publication of the final regulations and through the implementation of the first round. At some point we do hand it off, but I will make absolutely certain we get through the finishing of the development of the NSPS and the initiation then of the system in the first round.

Senator LEVIN. Thank you. The report of Vice Admiral Church on interrogation techniques cited the fact that the Navy General Counsel, Alberto Mora, raised serious concerns regarding aggressive interrogation techniques which had been approved by Secretary Rumsfeld in December 2002 for use at Guantanamo Bay. According to the Church report, Mr. Mora said that the head of the Navy Criminal Investigative Service (NCIS) at Guantanamo, Mr. Brant, reported to him, Mr. Mora, that a detainee at Guantanamo was being subjected to physical abuse.

Concerns about this interrogation were so serious that the Defense Department's Criminal Investigative Task Force, of which NCIS is a part, decided to disassociate itself from that interroga-

tion. Now, after a briefing by Mr. Brant and the head of the NCIS, chief psychologist Dr. Gellis, Mr. Mora concluded that those interrogation techniques would "be unlawful and unworthy of the military services."

Based in part on Mr. Mora's objection, Secretary Rumsfeld rescinded the approval of those aggressive interrogation techniques in January 2003. My question to you, Mr. Secretary, is whether you were aware of your General Counsel's objections to those aggressive interrogation techniques which had been approved for use at Guantanamo?

Mr. ENGLAND. Senator, I was aware, but retrospectively, because I had left about the end of November for the Department of Homeland Security. So I was aware, but frankly, I wasn't that deeply involved, so I'm really not in a position to comment on that, Senator.

Senator LEVIN. You had left in November 2002?

Mr. ENGLAND. Yes, that's correct.

Senator LEVIN. Thank you. My time is up. Thank you.

Chairman WARNER. Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman, and I'd like to add my words of congratulations and support for your nomination, Mr. Secretary.

Mr. ENGLAND. Thank you.

Senator MCCAIN. I've had the pleasure of working with you for many years, and I strongly applaud and appreciate the outstanding work that you've done in the past. I know you are keenly aware of the significant challenges that you face.

I'd like to talk about acquisition and procurement with you, but first of all, I would like to mention I'm very interested in bringing closure to the whole Boeing affair, and I can't do it until we get the e-mails that were promised. The latest promise was the middle of February, and here we are in April and we still haven't gotten them, and it's largely due to the obfuscation by the General Counsel of the Department of Defense. I hope you would address that issue so we can bring closure to this issue and move on.

Mr. ENGLAND. I will address it, Senator.

Senator MCCAIN. On the issue of procurement, a specific question. We were told in testimony and published information that if the C–130J is canceled, which is the present budgetary proposal sent over by the President, that would increase the cost of the F–22, because they're made by the same manufacturer. When Boeing shuts down a line of their commercial aircraft manufacturing, they don't add cost to the other product.

We're going to want some answers on that. I understand that it could be hundreds of millions of dollars in additional costs to the F–22, which has already sustained significant cost increases. Will you look into that for me? I've asked the Air Force to give us some information on that. I'd appreciate it if you'd look at that.

Mr. ENGLAND. I'll definitely look at it. We'll get back with you, Senator. It sounds like it's an allocation of overhead, but I'll definitely look at it and we'll get back with you, sir.

[The information referred to follows:]

It is a common practice within industry to apportion overhead costs across a portfolio of products from a single manufacturer, shifting that spread as changes in the portfolio occur. In this particular case, the Defense Contract Management Agency

(DCMA) estimated that termination of the C–130J program would have added $175 million total overhead across F/A–22 lots 6–8 because the F/A–22 and C–130J share a production facility. Other Lockheed Martin programs would have also seen smaller increases in overhead. In each case the exact amount however would have been negotiated, had the C–130J multi-year contract not been re-instated.

Senator MCCAIN. Thank you. We'll get into it more later on. I'm sure you saw the article in today's New York Times which is very disturbing about Navy shipbuilding. We all know that the budget request for next year is for four new Navy ships, which is the all-time low that I've ever heard of. I guess, according to this article, we now have less Navy ships, than we've had since World War I.

But the interesting thing in the facts that we have been able to obtain is the dramatic cost overruns that are associated with acquisition of ships. Now, it isn't just ships. We are running into the same thing with Future Combat System (FCS) and other weapons systems. We all know that Navy ships have more than one mission. One of them is to fight. Another one is for presence. Another is to be prepared to respond. In the new kind of warfare we're fighting, it may not require the most sophisticated weapons systems, and yet, we're now at a point where, at least according to this article, we may be building 4 or 5 of the new destroyers, as opposed to the original 24.

Assistant Secretary Young is quoted as saying the shipbuilders' complaints about stability are way overstated. If I give you $30 a week, you'd find a way to eat lunch for a week. You'd find a way to do it, but if I said lunch for a week and whatever it costs, things would come out differently.

We have to get a handle on this, Mr. Secretary, and if we're now evenly dividing the ship production between two shipyards and there's no real competition, then the only answer is some kind of government control, if there is no competition. We all want competition, but apparently there is none.

I know you've been heavily involved in this issue before you went to the Department of Homeland Security. I know you're aware of it. When we have the increase in costs of $3 billion in 2005 dollars to $13 billion in 2005 dollars for aircraft carriers, we're just pricing ourselves out of the business.

I'd be very interested in hearing your views as to how we can address this problem, and quickly.

Mr. ENGLAND. Senator, it is a significant problem. You're absolutely right. I do not disagree with you on this. This is a significant problem. I will tell you it does not lend itself to a simple solution. I believe this is very complex. A lot of the industrial base is basically "captured by DOD," so we have a very small industrial base for the Department. A lot of that industrial base relies solely on funding from the Department of Defense. That makes it very difficult for the Department and for the companies, particularly when we're in a period of change and transition, as we are today.

So I don't know the answers. I do know that we need to work this issue. We do have an effort underway as part of the Quadrennial Defense Review to look at the whole acquisition aspect. We're also looking at Goldwater-Nichols. Of course, it came out about 1986. It was a different world. It was a lot of contractors and large production, and now we have small rates and a small number of contractors, and speed is important.

So we need to look at the whole premise of how we're proceeding on acquisition. There have been a lot of studies. I don't know the answer, Senator. The most I can tell you is I will be very open. I'll work with Congress and the industry and approach this problem, because it is an issue.

Our cost in every single weapons system is going up dramatically, and is going up dramatically above the inflation rates.

Senator MCCAIN. Could I just mention, Mr. Chairman, I understand that the Center for Strategic and International Studies (CSIS) is doing a comprehensive study that may give us some ideas for reform. Clearly, we need to go back and look at Goldwater-Nichols. I think the fact that the Department of Defense encouraged consolidation amongst Defense corporations was a mistake in retrospect. We need to at least examine a need for possible legislation, and I'm obviously thinking out loud, but for us to impose more bureaucracies, more regulations, and more strictures, then that increases rather than decreases costs.

Thank you for saying you don't know the answer. I don't either, but I do believe that it has to be of the highest priority. Obviously, I have some previous bias towards the Navy, but the thought of having less ships in the Navy than at any time in the last 100 years in an era when we're facing a challenge—I don't say a threat, but a challenge—in the emerging superpower in Asia, is something that I think should concern all of us.

I thank you for your appreciation of the problem, and I believe that this committee should make it a very high priority to address this issue, and I thank you.

Mr. ENGLAND. We will definitely support you in those efforts, Senator.

Chairman WARNER. Thank you, Senator McCain. I'll volunteer, if I may, my time. On the floor right now we've got an $84 billion supplemental, and much of that is to replenish and augment what's perceived to be the needs of the United States Army. I'm not here to argue that.

This shipbuilding situation is going to get turned around only if a persuasive case is made to the President of the United States that he must direct his budget authorities to begin to include in the Department of Defense's budget earmarked for the United States Navy those funds sufficient to turn this curve around, and once again restore America to its preeminence in naval shipbuilding. That's this Senator's response to an answer.

Senator Lieberman.

Senator LIEBERMAN. Thank you, Mr. Chairman. Secretary England, welcome. Thank you for being willing to accept this responsibility. You're making your way up rapidly at the Defense Department with a good cause, and I appreciate it.

In a city that is very ideological and partisan, you are a wonderfully sensible man who keeps his head while a lot of others around are losing theirs.

Mr. ENGLAND. Thank you.

Senator LIEBERMAN. So I admire you very much. It's been a pleasure to get to know you, and I look forward to working with you in this new position. I must say also that I found your opening

statement to be stirring, and I appreciate very much your patriotism.

In the programmatic give and take that we have around here most of the time, we don't get to hear what motivates you, and I appreciate that very much. I'm not surprised by it, but I respect it. I thank you.

You may get a feeling that we're either jumping on here today or we're all reaching a conclusion at a similar time, and there is clearly growing and deep concern about the acquisition process within the Defense Department on this committee, which is obviously a pro-Defense committee. To some extent, Senator McCain acting on his instinct that something was wrong with the Boeing tanker lease agreement, began the unraveling of a problem here that is much more complex and wide than the unethical conflict of interest behavior of one former employee, Ms. Druyan, who is now incarcerated as a result of her behavior. It is my pleasure to serve with Senator McCain as the ranking Democrat on the Airland Subcommittee.

I do want to come back and ask you something and emphasize a point. I quoted, at the hearing we had last week, testimony by General Martin about the, not quite collapse, but the weakening of the acquisition offices within the Air Force, and that the offices were reduced in number during the 1990s as we scaled down the budget of the Defense Department, but now as we've raised it up again in the middle of a war now, we haven't raised up the acquisition forces within the office.

General Martin, at least, thought that that was part of the problem beyond the ethics of Ms. Druyan. The failure of a lot of others besides Ms. Druyan to blow the whistle on that particular proposal with Boeing, and why the incredible cost escalation.

So my question is, from the time you've been in the Department, do you think we've let the acquisition offices atrophy to our detriment?

Mr. ENGLAND. Well, Senator, I have to say I perhaps have a different view. Frankly, my view is we need to greatly simplify the system. I believe it's very complex. It's very difficult to do work with the Department of Defense. We have a lot of rules, regulations, and complexities.

My tendency is, at least, to try to simplify. It's better oversight if it's better understood, and it's easier to manage if it's better understood. That may be difficult to do. We haven't been able to simplify it over these many years. It always gets more and more complex. But my tendency is, if it is simpler, then it is easier to manage; it's more straightforward, as we have better metrics to understand where we are. I think industry would understand our process better. We may open up the industry base to more competition across companies in America. So my tendency is to make it simpler.

Now, do we have enough people or not? In the Department of Navy, my assessment is we do, and I believe we do the job very well. I really can't speak for the Air Force, Senator.

Senator LIEBERMAN. Well, that's not the answer I expected, but it may be the right answer. I wish you well, and please continue to be in touch with us about that. There's no question that some

of the complications in the acquisition process, I presume, have been put there to instill accountability.

But if they are part of the cause for the escalation in costs in acquisition, which is making it less and less possible for us to acquire the systems that we need, then let's give simplicity, or some more simplification, a try.

Mr. ENGLAND. Well, Senator, in the QDR this year, this is a key part of the QDR, the whole acquisition aspect. So with the QDR, which I will be managing for Secretary Rumsfeld, it will get my personal attention. Plus, in addition to that, it's going to get my personal attention because I'm interested and I'm concerned, as you are, about the whole acquisition process. I previously participated in a number of Defense Science Board studies before I came into government on this very issue. I am familiar with it, and so I will work this, because this is at the bedrock of what we do in the Department of Defense.

Senator LIEBERMAN. I appreciate that. Look, we're talking about cost, which is critical. I've always been amazed at how long it takes to get a new plane, a new ship from research and development to actual delivery. It's unbelievable, at a time when cycles of technology are changing every 6 months to a year in the private sector.

Mr. ENGLAND. That was a concern.

Senator LIEBERMAN. Go to it, and be as strong as you can. Obviously the other point we're making is set forth in the shipbuilding story in the paper today. I understand that the sophisticated systems we're building are better than single vessels or single planes produced before. But at some point, quantity does stop quality and inhibits our ability to defend ourselves.

Thank you very much for your answers and for your willingness to serve in yet one more position in the Defense Department.

Mr. ENGLAND. Thank you very much, Senator.

Chairman WARNER. Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman. When Senator Lieberman talked about the time it takes for systems to be delivered after ordering, I remember the problem we had in some of the fast-moving technologies such as global positioning system (GPS). By the time the system was delivered, it was already obsolete. That is a serious problem that has been looked into and needs to be followed up on, I think.

Secretary England, during the development of the budget and what came out of the administration, the thing that upset me, I guess, more in terms of being inadequate was the fact that they're cutting the C–130Js, J-models, and actually eliminating them and cutting the Marine version, which is the KC–130J, down from 51 to 33.

When Secretary Teets was here about a month ago, just prior to his retirement, that was at a time when 30 of the KC–130Es were grounded and another 60 C–130 Es and Hs were restricted, or being restricted due to cracks and highly stressed areas. The study that has taken place, the mobility and capability study, was in process when they came out with the elimination of this program.

I think there's one area that we are deficient in and that is the area of lift and lift capability. I know that they're talking about it. I've heard a variety of figures, on the termination costs. Apparently

these were not considered at the time that the budget was developed. While I do agree with Senator McCain, and it may be a stretch sometimes talking about the effect on the F–22, certainly it would definitely have an effect on the KC–130J models that the Marines have.

I think both Secretary Teets and General Jumper stated that there would be a review of this cancellation. I'd like to have you make some comments as to your feelings about that particular review and about the problem that we have in that capability.

Mr. ENGLAND. Well, Senator Inhofe, I do know it's being reviewed. We did have a requirement for an additional, as you indicated, I believe, 17 KC–130Js in the United States Marine Corps. That was part of the input that led the DOD to look again at the C–130J contract in terms of how to go forward.

My understanding is it is being re-looked at, partly in response to the Department of the Navy. I don't know exactly where that is, sir, because that's really outside my purview now as Secretary of the Navy. But I will look into that. I'll be happy to get back with you, Senator, and I'll let you know the reports of that.

[The information referred to follows:]

The Department is reviewing the decision to cancel the C–130J multi-year contract, based on new information regarding contract termination costs. I anticipate Secretary Rumsfeld will announce his decision soon.

My understanding is we are going to go forward at a minimum and build out the KC–130Js for the United States Marine Corps.

Senator INHOFE. I'd like to have you really look at that and consider that, because when you go into the field and talk to these people, they talk about their deficiencies and lift capability, and this doesn't seem like the right time.

Senator McCain ended his questioning by talking about the emerging superpower in Asia, obviously talking about China. I've had occasion to give four China speeches on some of the things that are happening recently. We remember back during the 1990s, China was caught stealing some of our nuclear secrets, the W–88 warhead, the crown jewel, I guess you'd say, of our arsenal. They were able to get that and have capabilities and are trading those capabilities with North Korea.

I'd like to have you comment as to your concern over that emerging superpower in Asia, as Senator McCain put it.

Mr. ENGLAND. Senator, obviously a concern, because it is a growing power, and so we obviously need to keep track from a military point of view to make sure we are prepared to dissuade. That said, I certainly hope that in the course of China's development, we find mechanisms to make them our great friends. Today they account for a lot of our trade, and a lot of our trade deficit, but the trade between countries is also a way to build ties of prosperity and peace so, hopefully, we don't end up in a conflict. China and all other countries need to be monitored by the Department of Defense.

Senator INHOFE. I understand that, but let me specifically request that you spend some time on the Cox report. They spent about 4 years working on a bipartisan approach to the emerging threat that China presents. I will read you one of the statements that was very disturbing to me that came from two of the top sen-

ior Chinese colonels. As they said, military threats are already no longer the major factor affecting national security. Traditional factors are increasingly becoming more intertwined with grabbing resources, contending for markets, controlling capital, trade sanctions, and other economic factors. The destruction they do in the areas attacked are absolutely not secondary to pure military wars.

It's something that I have been very much concerned about. While there's not time to pursue this, and I won't be here when Admiral Mullen is here, I would like to have him for the record respond to some of these things. Right now in certain areas, whether it's in Venezuela, Iran, or any number of countries like Benin and Nigeria in Africa, the Chinese are doing things. They're building stadiums, doing things free for all these countries.

But what do they all have in common? They have in common that they have huge resources in terms of the deficiencies that China has. In other words, they have oil. The greatest need that China has right now, and that they can foresee in the future, is that of oil.

So, I would like to have Admiral Mullen spend a little bit of time for the record in responding with his opinion. Also, as to what we should be doing and the threats that are there.

I know that you have been confined to the Navy, but here's just one thing that came out of the report. China is looking not only to build a blue water Navy to control the sea lanes, but also to develop undersea mines and missile capabilities to deter the potential disruption of its energy supplies from potential threats, including the U.S. Navy, especially in the case of a conflict with Taiwan.

Now, we know also that they have been in a position to buy in one purchase some 240 SU–30s, which are better—in so many ways—than our F–15s and F–16s. I consider this to be very serious, and would hope that you would share that concern and start addressing it.

Mr. ENGLAND. Senator, I do share that concern.

Obviously, the Navy has taken a lot of actions. I'd like to not discuss it here, but would be pleased to get with you and have those discussions, and also with Admiral Mullen. From a naval point of view, we are keenly aware of the actions being taken by China. We would be pleased to meet with you at your convenience and discuss that, Senator.

But as a matter of policy, I understand your input and do not disagree with this, sir. Obviously it's an area of interest.

Senator INHOFE. Thank you, Secretary England.

Chairman WARNER. Thank you very much, Senator.

Senator Clinton.

Senator CLINTON. Thank you very much, and welcome indeed. I've enjoyed working with you in your capacity as Secretary of the Navy, and look forward to continuing that relationship.

I think from the questions that have been posed thus far, Secretary England, you get an idea of the unanswered questions and some of the frustration that members of the committee feel. Speaking just as one member of the committee, it was a very difficult relationship with your predecessor. Very often we didn't get answers. We didn't get follow-up, we rarely got the kind of response that this

committee and this body deserve to have. So it's a welcome change to have you before us.

There are a number of concerns that have already been raised, and I'd like to focus on just a few more. I'm concerned about the continuing use of supplementals to fund permanent force structure changes. We've seen the Department rely on supplementals in both fiscal year 2005 and 2006 to fund existing or planned end strength increases, as well as permanent changes in force structure, known as modularity in the Army, and the force structure review group for the Marine Corps.

Earlier this year, when I asked the Army's Chief of Staff, General Schoomaker, why the Army's 2006 budget did not fund the personnel level of 512,000 the Army actually plans to have instead of the 482,000 that are funded in the budget, he stated that he was given the option of funding those extra people in his core budget or in a 2006 supplemental. He chose the supplemental so he wouldn't have to displace other programs.

Now, if the senior leadership of the Department gives the Services the choice of funding programs below the line or above the line, of course they're going to pick the same option that the Army did and that the Marines did in this budget, and put it on the supplemental tab. But programs like modularity are not surprises. They're intended to be permanent changes in the way services operate. In my view, it's not responsible budgeting.

So let me ask you, do you believe it is sound budgetary management practice to submit budgets that do not fund the actual level of Active-Duty people DOD intends to have on board in 2006, and to include only a small portion of the operating, construction, and modernization costs of ongoing restructuring plans such as modularity? If confirmed, would you work with us to ensure that DOD sends us a budget that realistically reflects personnel levels and long-term modernization efforts?

Mr. ENGLAND. Senator, we will definitely work with you, and I appreciate the opportunity to do so. Regarding the supplementals, my understanding as the one responsible for the Department of Navy budget is that when we have predictable, and what I call everyday things that we know are going to happen, we put those in the budget. If it's unpredictable, like a war contingency, we put them in the supplemental.

I don't know about the Army, Senator. I wasn't given an option about what goes in or out of the budget. I mean, it's in our budget. Now, the devil's in the details. Right now, we are working on the 2007 budget, so there is this long lead time in terms of what is predictable. When we know what it's going to be, and it is the course of business of the Department, it definitely should be in the budget. When we know those costs, they should be in the budget. However, for unpredictable, contingency sort of operations, obviously we'll need a supplemental.

So, I think that's the policy, and I believe that is a valid policy. There may be some differences in the details, but keep in mind we have a long lead time in terms of putting those budgets together.

Senator CLINTON. Well, I'm very happy to hear that. The Senate passed a Sense of the Senate resolution yesterday making the same

point so that we would have budgeting that would be reflective of the long-term costs that we know we're going to be incurring.

With respect to that, my colleagues, Senator Reed and Senator Hagel, have been the leaders in arguing that we need to grow the end strength of the Army, and that is something that we've not yet really come to terms with from the Department's perspective. What are your views about increasing Army end strength, and is it something that will be addressed in the QDR?

Mr. ENGLAND. Yes, it will. We will specifically look at force size in the QDR, Senator, and I would recommend that we go through the QDR, because it will be starting with capabilities, but we will get down to a force-sizing construct, and that report is due next February. Hopefully, we can hold to that schedule.

It is a very complex and a very important QDR. The last QDR, of course, was before September 11, so this is now reflecting the world that exists today. It will be very complex, but it will certainly point to force sizes. In terms of total force, my expectation is that we will be able to get down in terms of numbers of specific assets, and that's a question that's come up here today, how many of what assets do we need. There will be a very comprehensive look in the QDR, and, hopefully, we'll have some answers for you at the end of this QDR, Senator.

Senator CLINTON. We look forward to that. I know that there's a continuing effort on the part of many of us to try to get an answer on the end strength of the Army.

My time is up, but yesterday on Long Island, my colleague from the House, Congressman Steve Israel, and I held a hearing with military families and vets, and the problems that our Guard and Reserve families are encountering are heartbreaking. Despite the fact that we have tried to address some of these issues like the absence of health care, like the continuing problems with companies foreclosing on homes, repossessing autos while a loved one is deployed in Iraq or Afghanistan, they are having a terrible impact on the morale of families, which of course has a boomerang effect on the morale of the serving Guard or Reserve member.

I would just urge that some of us, Lindsey Graham and I and others, have been pushing for some very positive changes with respect to health care and retirement, and we need to do that. I'm worried about our recruitment and retention goals in the Guard and Reserve, and we would look for some support and guidance from you in your new position. I thank you very much.

Mr. ENGLAND. Thank you, Senator.

Chairman WARNER. Thank you, Senator. I also have some concerns along the lines that you talked about concerning the Guard and Reserve, but I don't want to suggest that in any way are the Active Forces and the families of the Active Forces having similar experiences. So there's a uniqueness to those who are brought from civilian life rather abruptly and integrated, but there are comparable hardship cases in the Active Forces.

Senator Collins.

Senator COLLINS. Mr. Secretary, welcome.

Mr. ENGLAND. Thank you, Senator.

Senator COLLINS. The total shipbuilding budget has fallen from $11.4 billion in fiscal year 2004 to $10.4 billion in 2005 to $8.7 bil-

lion in this year's budget request. Last week, Admiral Clark testified before the Seapower Subcommittee that he really needs $14 to $15 billion for shipbuilding.

He also made a second, very important point. He talked about the lack of stability in the shipbuilding budget, and what he said he needs is level funding for a number of years. Similarly, the shipbuilding industry representatives testified last week that they are unable to respond economically and effectively to the instability in the budget fluctuations. Continual revisions to the Navy's shipbuilding budget has a ripple effect on their workforce, on their suppliers, and they made the point that this contributes to the cost growth problem that I know is of tremendous concern to you.

In other words, absent a predictable plan, the industrial base cannot fully leverage its capabilities to provide the Navy with the most affordable ships possible. Do you believe that more stable funding, and an end to this up-and-down approach, as well as increased shipbuilding funding, would be better for the Navy, for the industrial base, and for our Nation's security?

Mr. ENGLAND. Well, certainly stability is good for everyone, Senator. There's no question. I would have to agree with that. I do have to comment, we are down this year, but our research and development is also at an all-time high. The Navy is at a point of transitioning to a whole new class of ships.

So while everyone's concerned, and I am this year, we have four ships that we count, but we also have a vast amount of money in DD(X) and LHA(R) that do not "count," so we're not counting them this year. That said, our procurement investment is down this year, but if you look at our projections as we go forward, it does continue to increase.

Frankly, my concern is more on the increasing costs. We have 40 ships in the backlog right now, and almost all of those ships in the backlog continue to go up. I am concerned about the increasing costs of ships. I know it's an integrated problem. Certainly we like to have stable funding, but I believe it's more than just stable funding.

Senator COLLINS. I think it's an important element. Mr. Secretary, in your answers to the advance questions submitted by the committee, you said, in discussing the DD(X) acquisition strategy, that, "Competition is a key component of any strategy to control costs, however, it is not certain that the acquisition strategy for the DD(X) class will force a sole-source environment for all future surface combatant work." You go on to say that yards that have not built surface combatants in the past may choose to enter that line of work.

But the fact is, currently there are only two shipyards, Bath Iron Works and Ingalls, that have the capability to build major surface combatants, and indeed, all of the major surface combatants in the past 20 years have been built at just those two shipyards.

Your comments, as well as the Navy's commitment to what I call the one shipyard acquisition strategy have led some observers to question whether the Navy plans to use foreign shipbuilders to lower costs and to ensure competition. In other words, is the Navy sacrificing an American shipyard, knowing that it could do this

work and introduce competition eventually by using foreign sources?

Have you had any discussions at all about using foreign shipyards to construct ships for the Navy?

Mr. ENGLAND. No, we haven't.

Senator COLLINS. I'm glad to hear that. That is the rumor that is out there.

Mr. ENGLAND. That's not correct, Senator.

Senator COLLINS. I'm glad that we can get that on the record.

Finally, Secretary England, the Senate has sent numerous and strong messages that the Pentagon should take a second look at its winner-take-all acquisition strategy for the DD(X). Twenty of us have written to the President to express our concerns about the impact on the industrial base, our national security, and the future of the Navy. We have included language without any objection in the Senate in the budget resolution that passed. There is binding language that would prohibit the Navy from going ahead with the winner-take-all strategy that has been included in the supplemental appropriations bill that is on the floor.

In view of these repeated, unambiguous, very clear messages that the Senate is sending to the Navy, are you taking a second look at the proposed acquisition strategy?

Mr. ENGLAND. Senator, obviously we're going to do whatever the law of the land is. If Congress takes action, obviously we're going to do that. We are at this decision point in terms of either competing a program or allocating, and with that choice is a very significant difference in cost. Cost has been an issue here today, and our analysis says we save $300 million a ship if we allocate, as opposed to competing. That's very significant for the Department of the Navy.

So we propose what we believe is in the best interests of the Navy, but I understand there are other discussions and other views, and at the end of the day, whatever that decision is, the Navy will go forward. But, the Navy view is that we do need to compete programs, we do need to bring about efficiencies, and we do need to save costs on the programs. Otherwise, we will be, frankly, in a death spiral as the cost goes up. If we allocate and the cost goes up, then we build less ships. If we build less ships, they cost more. We need to break this cycle, and that's been part of the discussion today about the whole procurement aspect, to look at this whole acquisition policy, not just in the Navy, but across the entire DOD.

I'm pleased to do that now on a much broader scale than just the Navy. I'm not sure this isn't a microcosm of perhaps a larger issue to be looked at in the whole Department of Defense.

Senator COLLINS. Thank you, Mr. Chairman.

Mr. ENGLAND. But we'll be pleased to work with you on this as always, Senator. I mean, this is an issue important to the Navy and to America.

Chairman WARNER. We thank you, Senator Collins. I sit here year after year watching you—the Guardian of the industrial base for Navy shipbuilding. I'm working in my mind, feeble as it is, to try and draw an analogy between World War II and a famous woman, Rosie the Riveter, who exemplified the commitment to

build our naval ships and commercial vessels in World War II. I don't wish to append that accolade on you now. I'll figure out a better one, but for the 21st century——

Senator LEVIN. By the way, Rosie is someone who was building tanks and building planes as well, not just ships.

Chairman WARNER. We better bail out now while the getting is good.

Senator Reed.

Senator REED. Thank you, Mr. Chairman, and first, let me commend Secretary England for his extraordinary dedication and patriotism in many different roles, and I look forward to working with the Secretary in his new role.

Mr. ENGLAND. Thank you, Senator.

Senator REED. It's a very wise choice, and I know you will perform magnificently, as you have done in the past.

Let me also associate myself with Senator Clinton's comments about the use of supplemental budgets. Technically, emergencies should go into supplementals, but when you have a 3-year emergency in a global war on terror, which even the President talks about in terms of generational aspects, that's not really an emergency. I think we have a pretty good idea of end strength of the Army and Marine Corps particularly, that we'll need over the next several years to accomplish that mission.

I think the supplemental budgets are just setting us up for a real shock and disaster, because I think it will be harder and harder to generate the kind of support for the huge supplementals we've seen the last few years going forward, leaving the military services to begin to cannibalize their other programs and accounts, because they won't get the extra funding they've been getting.

I think if we recognize that now and start working now, it might provide for a smoother landing. I wonder if you have any additional thoughts, Mr. Secretary.

Mr. ENGLAND. I understand the input, Senator. I'm not sure all these matters are predictable at the time we do the budgeting, because, again, we're working the 2007 budget now, and it's very hard to predict the number of people we'll have in Iraq, and the kind of equipment, what will be destroyed, et cetera.

I think in theory I don't disagree, and I don't believe the Secretary disagrees, but in practice, we can only put in the budget those things we know about well in advance that are predictable in terms of the cost. So it's very hard. War is not very predictable by definition. Things happen that you don't know about, a lot of changes occur.

Again, the devil's in the details, but from a policy point of view, I think we can all agree, but the problem is a practical problem of trying to project war costs in advance. I mean, that's why we have the supplemental. As far as I know, we're following that policy to the extent we can in terms of being predictable in the base budget but handling our contingency and war costs in the supplemental.

Senator REED. Well, Mr. Secretary, I think there are certain aspects which will change in that category, such as expenditure of ammunition and battle damage, but the end strength numbers for the Army, frankly, that's something that last year we knew. How many soldiers we needed for this year, about 512,000, around

there. I think we have a good idea of what we need next year for the next budget cycle.

I agree some issues are difficult to calculate, they are episodic. But, this end strength number I think is something that we have to recognize.

Also, I continue to speak about the Army, but it pertains also to the Marines, who are doing an extraordinary job. I had a chance to see them on Good Friday, Holy Saturday, out in Fallujah. They need the same kind of support.

Let me shift gears if I may. You talked about the QDR, and inherent in the QDR is looking forward based upon our recent experience about the size of all of our forces: air, naval, and land forces. Critical to the QDR are the assumptions that you're going to use, and that the Secretary is going to use. It strikes me that if we look at our experience in Iraq and Afghanistan, we understand that in addition to fast-striking, very decisive forces, air, naval, land forces, we need staying power, because in a lot of places we might be involved with will require the same after-conflict application of force that we see in Iraq, which argues for a large-scale land force at least.

That assumption, I think, might be ignored or not used if we don't factor in our recent experience in Iraq and Afghanistan. Can you comment on that, Mr. Secretary?

Mr. ENGLAND. We will definitely factor that in, Senator. The last QDR, again, was before September 11. We actually finished it just weeks before September 11. At that time, one of the conclusions was that terrorism was the greatest threat to America, and that was before September 11. But nonetheless, none of us were in, I would say, the mental frame back then that we are in today, now having had over 3 years of experience in this war on terror.

Certainly this QDR is going to reflect, I would say, a more mature, more knowledgeable understanding of where we are with this war and what we see in the future. We will be looking at different kinds of threats to America, not just the traditional, but the catastrophic and the irregular, et cetera. We will be covering the full gamut of threats to America in this QDR, and we are much better informed now than we were 4 years ago.

Senator REED. Just a final point, because my time has run out. But, it strikes me that we're preparing through our research and technology for high-tech solutions in the Air Force, and the Navy is beginning to downsize because they can take advantage of technology in their ships and their aircraft. When you get into a situation as we are in Iraq, however, and if you look around the globe, unfortunately there are other places that might be havens for terrorists that would have to be peremptorily reduced and taken out.

That type of conflict is manpower-intensive, as we've seen in Iraq. It requires skills of translators, civil affairs officers, a new way to deal with the State Department and the Agency for International Development (USAID) in the aftermath of battle. My concern, frankly, is that if we don't factor that type of manpower-intensive operation into a QDR calculation, budget pressures, or other pressures could lead to a solution that is short on boots on the ground. I just want that concern to be registered.

Mr. ENGLAND. Senator, we do not disagree on the issue. I find a high degree of sensitivity in DOD to that exact topic, and I can assure you it will be addressed in the QDR.

Senator REED. Thank you, Mr. Secretary, and again, congratulations. This is not only a well-deserved appointment, but one that your performance, I think, will justify everyone's faith in you. Thank you.

Mr. ENGLAND. Thank you very much, Senator.

Chairman WARNER. Thank you, Senator Reed. I now wish the committee to turn to Senator Levin for a very important announcement.

Senator LEVIN. Each of us have expressed our joy to Jack and to Julia. They were married last weekend at the chapel in West Point. A lot of notable events have taken place in that chapel. But, now your marriage is certainly added to that list. Each of us, expresses our own delight. But, we also should express the committee's delight. I thank our chairman and Senator Talent and others for suggesting that we do that right now, notoriously and openly. We will just take a moment to tell our dear colleague that he probably has set the record for the shortest period of time after marriage before returning to senatorial duty.

This is probably the shortest honeymoon on record. We talk about acquisition policy. In the old days we could have talked about acquisition, but that no longer is politically correct. So we will just simply talk about Julia's acquisition in terms of Jack. We are really so pleased that the two of you are now married and that you join the Senate family.

Chairman WARNER. Thank you very much, Senator Levin. Senator Talent, do you wish to be recognized on this subject?

Senator TALENT. Well, only to say that maybe what we've been telling the Department of Defense about revising their acquisition policy ought to go for Julia as well. Perhaps she ought to consider a—no, we—I certainly want to join with every member of the committee in expressing my felicitations to the couple. We're all pleased for Senator Reed.

Chairman WARNER. In consultation with the ranking member, the two of us are planning an event for the committee, as a formal event to recognize this very important point in your combined lives.

Senator REED. Mr. Chairman, if I could just simply thank you for your graciousness and your kindness, and Senator Levin also, and all my colleagues. It's very thoughtful. Thank you.

Chairman WARNER. Dear friend, we're delighted.

Mr. ENGLAND. Senator Reed, the Department of the Navy wishes the Army very well. [Laughter.]

Senator REED. You did pick up on West Point.

Mr. ENGLAND. Yes, I did, sir.

Chairman WARNER. In consultation with the ranking member, it's the intention of the chair, at the conclusion of the questioning by the distinguished Senators from Texas and Missouri to then turn to the second panel, the President's nomination for the Chief of Naval Operations.

Senator Cornyn.

Senator CORNYN. Thank you, Mr. Chairman. Secretary England, when I travel back to Texas and I talk about the Federal budget,

I try to explain to my constituents how we have two-thirds of the budget for entitlement spending and one-third for so-called discretionary spending. But, I wanted to note how ironic it is that our defense budget is part of what's called discretionary spending, because obviously, providing for our common defense is not in the normal sense of that term.

I expressed to you privately, and I just want to raise the issue again here publicly, as others have, my concern that the initial estimated costs of many of our weapons systems, airplanes, ships, things that are used to provide for that common defense, ultimately bear little resemblance or little relationship to the final cost. Others have expressed concerns about that.

My concern specifically deals with the threat to our ability to provide for our military requirements. In other words, as the cost of these systems go up, we are buying fewer units, whether it's planes, ships, what-have-you, and thus falling short of meeting what our military leadership and civilian leadership are telling us are our military requirements.

For example, the GAO just in March noted that it's not unusual for estimates of time and money to be off by 20 to 50 percent. They note that when costs and schedules increase, quantities are cut and the value for the warfighter, as well as the value of the investment dollar, is reduced. They noted that just 4 years ago, the top five weapons systems cost about $281 billion. Today in the same base year dollars, the top five weapons systems cost about $521 billion—$281 to $521.

Of course, the GAO report notes, as you already know, and we've discussed privately, how the unit costs have gone way up. I know you expressed earlier your belief that this is a complicated subject, and I'm sure it is, and your commitment to work with the committee to try to find a way to address it. But in the subcommittee that I chair on Emerging Threats and Capabilities, we recently had a hearing on the Chemical Demilitarization Program. That is another example of out-of-control costs, but it really appears to be due to very poor management and oversight of a program, which ultimately may threaten our ability to comply with our international treaty obligations.

I know you understand very well the seriousness of this matter, but I would appreciate your commitment to work with us to try to find the answer. All of us here on this committee are strongly pro-Defense. We believe that our national security is the paramount concern of the Federal Government, and so we're not talking about shortchanging our defense or our national security requirements.

I know you understand how troublesome this matter is and how big a concern it is, and I'd just appreciate your strong commitment to work with us to try to find some answers.

Mr. ENGLAND. Senator, you have my commitment. We talk about acquisition, but you have to use the big "A" in terms of acquisition, because it's how fast and how hard we push the technology to set our requirements, this whole contracting process. So, I mean, it's a big "A" here. It is complex, but you do have my commitment, Senator, we will work this. We'll work it with the committee.

I know Senator McCain had some discussions about potentially having some hearings. Obviously we'll support that. I would like to

at least have the opportunity to work through this year with our QDR and our processes and understand this before we just try to put a fix in place, because the fixes generally add to the complexity. Again, my tendency is to try to simplify this process.

We will work with you, and not prejudging the outcome, but it will get my personal attention. It has the attention of the Department. Obviously, we do need to do something. You can't have our top five programs go up by $200 billion.

Senator CORNYN. Well, I appreciate that very much and I know you're sincere in that commitment, but I just wanted to make the point, and hopefully I did leading up to my first question, that this actually could have the potential of threatening our ability to meet our military requirements. As important as spending the tax dollar wisely is, that's not the only impact this could potentially have.

Finally, let me just ask you, we're all anticipating, some with more anxiety than others, the upcoming release of the base realignment and closure (BRAC) list on May 16. In the past, the Department of Defense has put out a resource guide for communities that are impacted by BRAC that I believe helped explain to them the process, and helped them work through the issues that communities where military bases are located have.

Do you know whether the Department of Defense plans to put out such a resource guide this year? I'd appreciate any observations.

Mr. ENGLAND. Senator, I don't, but I'll get back with you on that subject.

[The information referred to follows:]

The Department is in the process of conducting an extensive review of the Base Realignment Implementation Manual (BRIM) that was developed to implement the previous round of base closure recommendations. The purpose of this review is to provide a common set of guidelines for the 2005 round of base closures and realignments that allows for flexibility in base use implementation, identifies commonsense approaches and general practices to follow from successful past practice, and provides supplemental guidance to carry out the laws and regulations for closing and realigning bases and revitalizing base closure communities. We hope to have this review completed by this fall and will provide you with a copy of the BRAC 2005 implementation guidelines at that time.

Chairman WARNER. Senator, if I might interject, I put an amendment on the current appropriations bill before us requiring that the Department do that in the forthcoming year, because, Mr. Secretary, that's been a very helpful document to those committees. The first news of a closing brings total distress, sadness, and concern. I think this document has some well-tested principles that have been utilized in previous BRAC rounds that can be of help to these communities and other interests affected by a closing. Thank you for the intervention.

Senator CORNYN. Thank you, Mr. Chairman.

Mr. ENGLAND. Senator, I will look at the status of that today, and I'll get back with you before the day is over.

Senator CORNYN. Thank you, sir. Thank you, Mr. Chairman.

Chairman WARNER. Thank you very much. Senator Nelson has rejoined us. Senator Nelson.

Senator BILL NELSON. Thank you, Mr. Chairman. Good morning, Mr. Secretary.

Mr. ENGLAND. Senator, good morning.

Senator BILL NELSON. Do you, as a matter of Defense strategy, feel that the United States should have an aircraft carrier homeported in Japan?

Mr. ENGLAND. Yes, I do.

Senator BILL NELSON. What is your feeling if the Japanese government, and this may be a municipal government, decides that they will not accept a nuclear carrier? Trace that out for us in your thoughts as to how we would project our force in that part of the world?

Mr. ENGLAND. Well, I think that's speculative at this point, Senator. Our plan is to decommission the U.S.S. *John F. Kennedy,* but keep it in mothballs so we could always bring the *Kennedy* back. We could also, if necessary, I would guess we could extend the U.S.S. *Kitty Hawk,* so we would have a couple of options to do that. But those discussions are ongoing with the government of Japan right now.

Senator BILL NELSON. Let me just continue the line of thinking here—the *Kitty Hawk* is the oldest of all the carriers, is it not?

Mr. ENGLAND. It is the oldest, but it is also extraordinarily well-maintained.

Senator BILL NELSON. By 2008, the time of the retirement of the *Kitty Hawk,* if Japan said no on a nuclear carrier, are you suggesting that by 2008 that the *Kitty Hawk* could be extended? Or would she have to go into dry dock at that point?

Mr. ENGLAND. Senator, again, it's all speculative. I mean, there's no plan to do anything but retire the *Kitty Hawk.* That is the plan of the Department of the Navy.

Senator BILL NELSON. That's right.

Mr. ENGLAND. So that's our plan.

Senator BILL NELSON. I'm speculating because if that happens, I want to know about the defense interests of this country.

Mr. ENGLAND. Again, I think that's speculation as to what we would do. We're in negotiations right now with the government of Japan in terms of replacement carriers. So I think what we would do is wait for the outcome of those discussions before we would make those decisions.

Senator BILL NELSON. Well, I'm posing a question to you, to not wait till the outcome. If Japan said no on a nuclear carrier, in 2008 how are we going to have a carrier in Japan?

Mr. ENGLAND. There would be two options, which, again, I'm sorry, Senator, I thought I answered those. There would be two options. There are two non-nuclear carriers, and either of those nuclear carriers would be options in terms of providing them for the country of Japan if we reached that point in the discussions.

Senator BILL NELSON. So, you're saying that—I'd like a little more specificity—that in 2008 that the *Kitty Hawk* would be able to continue in service? You said there are two options. Is that one option?

Mr. ENGLAND. My understanding is we could extend the *Kitty Hawk* if that were necessary. It's not the plan of the Department of the Navy, but it could be done.

Senator BILL NELSON. It would not have to go into dry dock at that point?

Mr. ENGLAND. That's my understanding.

Senator BILL NELSON. The second option you said is to bring the *John F. Kennedy* out of mothballs. How long and how much money would that incur?

Mr. ENGLAND. I do not know. I have to get back with you on that subject, sir.

[The information referred to follows:]

At a minimum, the JFK would have to undergo the deferred complex overhaul (COH) and upgrades to modernize it for the point in time that it would come out of overhaul. That cost would increase over time due to the increased requirements for modernization upgrades. If reactivated in the 1–5 year period after mothballing, the cost to reactivate, including the deferred COH, is estimated to be in the $390 million to $700 million range. An estimated 15–20 months would be required to accomplish the total task.

Senator BILL NELSON. Okay. I think there has been ample testimony here in front of this committee that it is clearly in the defense interests of this country, with the looming challenges posed by China, that we have a carrier that is stationed in Japan. You have stated that today, and that has been stated on numerous occasions here by other witnesses, including the CNO.

I would like also for you to get back with the committee on the question of the first option that you've mentioned, in 2008, what is the additional life expansion of the *Kitty Hawk* without having to go into dry dock, because clearly if she had to, you can't bring another ship out of mothballs immediately. There is a cost associated with that, as we saw when the *Kennedy* in the 1990s was taken not into mothballs, but merely from operational status down to training status, and it cost $100 million plus to bring her back up to operational status from training status. Ergo, the cost to bring the ship out of mothballs would seem to be much more than the cost to bring out of training status to operational status.

Looking at what's in the defense interests of the country, I would like you for the record please to answer both of those questions.

Mr. ENGLAND. We'll get back with you, Senator, absolutely.

[The information referred to follows:]

The time period from the end of one dry-dock period to the beginning of the next dry-dock period is 57 months. *Kitty Hawk* last came out of dry-dock in October 2003. Therefore the next dry-dock period would need to begin by July 2008. A life extension beyond 2008 of up to 2 years would be possible based on a condition-based analysis of the underwater hull and running gear.

Chairman WARNER. Thank you very much, Senator. I'd like to interject here. As you're probably aware, a group of us introduced an amendment on the floor late last night to the effect that prudent planning would be to retain the *Kennedy* in an active status for some determinate period of time. I recognize this is in contravention to the views of the Department, but nevertheless, we have our own view, and we think that would be recognized by the Senate hopefully today.

But I point out, and I'm not an expert, but I'm becoming one on the politics of Japan, you frequently said we're working with the government, but there is, I think, a very interesting dichotomy between the central government of Japan, and—is the word prefecture—that is, the mayors and so forth. Sometimes the last word doesn't rest with the government. It's with the mayor, and mayors change.

Mr. ENGLAND. Senator, I've used the term loosely. It is the local government, but I've also met with the mayors. So, you're right, it is local, and it's national, and I believe we do understand that situation.

Chairman WARNER. I wasn't giving you a tutorial, but there are those that may not be as familiar as you are. I'm pointing out that a future mayor may wake up one morning and have a different view with regard to this issue.

I think a great deal of careful planning has to be put in place, and I think we're performing our duty here in the Senate, and we'll just see what happens today, tomorrow, and the next day.

Senator Talent.

Senator TALENT. Thank you, Mr. Chairman.

Chairman WARNER. Thank you, Senator, for your patience. You are the chairman of the Seapower Subcommittee, so we'll give you an extra minute.

Senator TALENT. Oh, thank you, Mr. Chairman. I had to be patient. I was late coming.

I want to thank you for your service to the Navy, and look forward to your service to the whole Department of Defense. I want to say right up front I agree with you on the whole regulation issue. I do not think we will reduce development times or costs by having more acquisition regulations. My gut tells me that. I don't think the system will be more honest. People, bad actors, find a way to get around complex regulations too, so I think simplicity is a good direction to go in.

I'm also hopeful that we can leave you enough time to run the Department of Defense or help run it, rather than have you down here all the time. Consultation is important, but so is you doing your job.

Mr. ENGLAND. Thank you.

Senator TALENT. Now, let me just express a concern that has been expressed a lot, but I really want to make certain that you hear it and that you hear it from somebody who has no parochial interest in the shipbuilding industrial base. I have plenty of parochial interests on this committee, but not in that.

It's the conjunction of a number of things coming together that I think raises cause for concern. The last official statement we've had from the Navy is that we need 375 ships. I'm not so sure anybody's adhered to that. I know we have to have a QDR, but that's what the record says.

We're all confronting the growing power of China. I agree with you there's no reason why China need be an enemy. But one way to make certain China does not become an enemy is to be strong, not provocative, but strong in the region. There are growing tensions between China and Japan, which I think will only be exacerbated by any sense or inkling that we are withdrawing from the region or that there may be a vacuum or a diminution of American presence or power.

We have gone quietly in the Navy from a policy of forward presence to presence with a purpose. I understood why, and the response plan supported the CNO in doing that. But there's an inference available that maybe we're not as worried about being in the key parts of the world, and I think, hence, the questions to you

about basing a carrier in Japan. The industrial base for shipbuilding is clearly a problem, whoever's fault that is.

We all understand that you can't recover overnight if the Navy has gotten too small. We can't run out and do what we've done with the uparmored high mobility multipurpose wheeled vehicles (HMMWVs) and spend a lot of money and get a lot of uparmored HMMWVs. You just can't build ships in 6 months or a year.

So these are the concerns that we feel. I really hope that both in your new post, assuming you're confirmed, and I hope you are, and also in choosing a new Navy Secretary, that commitments are made regarding stable funding at a level the Navy has indicated we need, at the $12 billion level. I'm not trying to tell you your job. I'm just saying that we should pursue, Mr. Chairman, these flexible funding avenues, and you've tried to do that, and the Navy supports us. We second just sit down with the appropriators and get it done.

In some kind of organized way we should have—and this could be with us and you at the same time—a really empowered task force to look at shipbuilding expenditures. You can comment on this if you want. I just want you to take these comments that have been made here in a constructive fashion. All these factors coming together that lead us to have some concerns about whether the Navy is big enough and whether you all are focusing enough on that. If you want to comment, you can. You already have, I know.

Mr. ENGLAND. Senator, just one comment, and that is that rather than count ships, I'd rather talk about combat power forward. Our Navy and, hopefully, all of our Services must take advantage of technology to put more combat power forward. So it's not the numbers we have, it's the capability we have and the ability to put that forward. We have more combat power forward today than perhaps in the history of Navy, so it's not numbers of ships. The CNO has said the number of ships in our 30-year plan is somewhere between 260 and 325, depending on how various concepts turn out. Our planning is at this point, while we're low this year, the numbers do go up, and we look at over 300 ships in our Navy now in terms of our current 5-year planning.

It is about capability. I believe we're on the right path, and we're trying to do that in a way to free up funds to move to the future. We are trying to do the things we need to do to combat an emerging threat against America and against our naval forces, and we need to transition to do that. It is stressful to change from the past to the future, and that's part of what the Navy is about, and we're trying to do that and have the funding and resources available to make that change.

I believe we are acting responsibly for the American people. I understand it's stressful, but it's the right direction for the Navy.

Senator TALENT. I want you to hear the concern here. I mean, I agree. Capability is much less number-based than it used to be, but it still has some relationship to numbers, particularly when you're talking about sustainability over time. I just think the QDR must take that into account, must give us a number and explain how you get the metric, and then the Navy budget submissions should reflect that over time.

I don't think you disagree with that. I think we have a commonality there, and I certainly want to work with you, and I'm sure the chairman and the ranking member do also.

One other point I want to raise, and thank you for the extra minute, Mr. Chairman. On this committee, the audience should be aware, an extra minute is a great boon. I will talk for a little bit about the dangers of IEDs. I'm totally switching now. You and I have discussed this privately. I believe, it is the asymmetrical threat that is paramount that we have to be concerned about in the war on terror.

Talk a little bit, if you will, about some of the things you've done already in your current role and what you want to do. I hope you will make this a personal priority as Deputy Secretary.

Mr. ENGLAND. First of all, it has been a personal priority, Senator. I've been personally involved since the first day we knew our marines were going to Iraq. We started taking measures, and the Department has $1 billion, and we have an IED Task Force working all aspects of this problem. By the way, the number of casualties is coming down, even though the number of attacks is about the same, our casualties are way down. The number of people killed is down from IEDs, but this is a long-term threat, not just to our Armed Forces, but I think to our citizens. If there's ever an attack, it will be this kind of attack or potentially this kind of attack in America.

We've also started a program in fundamental research to understand this in terms of new techniques that may be developed, not just in the near future, but what's the underlying physics so we may come out with some new technologies to attack this.

We have discussed this with Dr. Marburg at the White House and also at the National Academy of Engineering and Science. They are taking the initiatives with us to start some fundamental research across America in this regard. I will continue to work this from the fundamental research to the application and make sure that we do everything America can do to defeat this threat.

Senator TALENT. Thank you.

Senator BILL NELSON. Mr. Chairman, may I ask a question about Scott Speicher?

Chairman WARNER. Of course you may. It's a very important question, and we traditionally always want that as a part of the record through our proceedings.

Senator BILL NELSON. Thank you, sir. Share with us the latest.

Mr. ENGLAND. Senator, about 2 weeks ago, we received the final highly classified report from the Defense Intelligence Agency that's been involved in all of the ongoing efforts in Iraq to find Captain Speicher. It summarizes all the efforts and all the intelligence and everything, and, hopefully, that's been made available to you at this point.

When the report came to me, I stood up a board to look at this, assimilate it all, and decide what the next step should be. We are working with the families and with the investigators to try to understand and pull all this together for recommendations to me. That's where we are. If it comes to my office, if I'm still Secretary of the Navy at that time, then of course, I'll make a decision, whatever that may be. I don't know what the recommendations will be,

either status quo or change designation. I don't know what that will be. I've had no recommendations.

But, there has been a concerted effort by the country to find or find more information about Captain Speicher.

Senator BILL NELSON. When do you anticipate the board will report to you?

Mr. ENGLAND. At first I said I wanted the report in, I believe it was like 2 months. But it's actually open-ended, because, frankly, in discussions with the family and with other people, they wanted to make sure we did not short circuit anything, and I said, just make sure this is thorough and complete and get back to me. About 2 weeks ago, that was the decision to leave this open-ended and work with the family. So that said, I asked for them to come in next week and give me their estimate of when they would come back with the recommendations.

That's where we are today, sir. It is an extraordinarily serious effort on behalf of the government to find out information about Captain Speicher. That still continues, but now that the report's in, the question is, does that have any immediate impact in terms of any decisions by the Department of the Navy. That's still open.

Senator BILL NELSON. Mr. Secretary, I think that you should double check with your people about the consultation with the family. I'm not sure those consultations are going on in the way that you have expressed here.

Also, I think that you also ought to have your people inform you about whether, basically, they have pulled out of Iraq on any search for additional evidence.

Mr. ENGLAND. Senator, first of all, I don't want to discuss the report here, because the report is very classified. I know we've had people in Iraq all this time, but I can tell you my last discussion with all my people was after they had a discussion with the family regarding their involvement in providing input to the board. I'll verify that. I mean, if there's a misunderstanding, I'll make sure that's corrected, Senator. But our intent is to be thorough, to be all-inclusive, and I'll make sure that's the case.

Chairman WARNER. Thank you very much. That's an important issue. Before we conclude, I'd just like to make an observation. Are you not the only Secretary of the Navy who served twice?

Mr. ENGLAND. I am the second Secretary of the Navy to serve twice.

Chairman WARNER. Second?

Mr. ENGLAND. Yes. There was another Secretary of the Navy who served, I believe, at one point when the Whigs were in power in 1844, and then served again several years later.

Chairman WARNER. I went back and checked the record. I was the only Secretary, I thought, that served both in the Navy and the Marines, but there was one fellow who preceded me back in a period that, I think, did that also.

What a wonderful position. You and I have often talked about it, and I look back on it with such great respect and humility. What a privilege it is to have that position. I talked to the Secretary of Defense the other day about it a little bit, and he said he's overwhelmed with individuals who want to succeed you, who want the Senate to confirm you and move on.

I have a great deal of respect for Secretary Rumsfeld, and he very much needs and looks forward to your service. Secretary Wolfowitz was a strong deputy, and I'm sure that you will in every way be the one that will help Secretary Rumsfeld in these very important times.

I'm hopeful that the Senate will move expeditiously to your confirmation. We have two technical things remaining, which you fully understand, and that is some completion of your papers on the ethics side that are routine. Senator Levin and I still have to do the usual check on certain areas that we check on.

With that having been said, we'll conclude this panel, but I wish to advise my colleagues that we'll now take up the very important nomination of Chief of Naval Operations. We're not going to rush it. We have adequate time. I'll inform all members who may not be here that it's my intention to continue this hearing. At the appropriate time we'll break for the two votes. I will return and preside for a period in which, if the votes run as scheduled, that it would be about 12:25 when I can get back here and reopen the hearing. If any member not present at this moment desires, please inform the chief of staff of the committee, and we will make certain that this hearing is available to all who wish to participate in the very important hearing for the next Chief of Naval Operations.

So, we adjourn panel number one. I thank you, and in about 2 minutes, we'll start panel number two.

Mr. ENGLAND. Mr. Chairman, thanks for your support. Thank you.

Chairman WARNER. Thank you. [Recess.]

Admiral Mullen, we are delighted to have you appear before us, together with your lovely wife, Deborah, as the President's nominee to be the 28th Chief of Naval Operations. I now ask if you have any additional guests beyond your full partner in life?

Admiral MULLEN. No, sir. The rest of my family is serving as we speak.

Chairman WARNER. You might, if you wish, put into the record some details about them.

Admiral MULLEN. I am delighted to be able to introduce my wife, Deborah, who's been with me throughout this career, and it is very much a team effort. She's, in particular, very dedicated to our Navy families, has spent an awful lot of time working those very important requirements over the years, and has taught me a lot about that. Sometimes you don't get real information, and I can get it from her on what's going on.

I have two sons, both of whom are in the Navy, one of whom is currently deployed to Japan and the other one is on a ship out of Norfolk. We're both very proud of them both serving in the Navy.

Chairman WARNER. Their ranks at this time?

Admiral MULLEN. One is an ensign and one is a lieutenant junior grade.

Chairman WARNER. As we say in the Navy, well done to both of you.

Admiral MULLEN. Thank you, sir.

Chairman WARNER. You currently serve as Commander, U.S. Naval Forces, Europe, and Commander, Joint Forces Command, Naples. Just prior to this assignment in Naples you served from

2003 to 2004 as the 32nd Vice Chief of Naval Operations. There's no question that you're a proven leader, having commanded the U.S. Second Fleet from 2000 to 2001, the George Washington Battle Group from 1995 to 1998, the Destroyer Group II, and on an earlier occasion, U.S.S. *Noxubee,* AOG 56, U.S.S. *Yorktown,* U.S.S. *Goldsborough,* and following your tour as commanding officer of the *Goldsborough,* you received the Admiral James Stockdale Award for inspirational leadership. I'm certain, Admiral, that is one of your most highly valued awards over your distinguished career. I was privileged to know Jim Stockdale very well when I was at the Department of the Navy and that was during the Vietnam period.

Senator Levin, your opening remarks.

Senator LEVIN. Let me join you in welcoming Admiral Mullen and his family. We thank them both for their service to the Nation. Admiral, you've had an extraordinary 37-year career in the Navy. We look forward to your being CNO.

Admiral MULLEN. Thank you, sir.

Chairman WARNER. Thank you very much.

Admiral, you responded to the usual series of advance policy questions. Without objection, they'll be put into the record. If you will now proceed to reply to the standard questions given to each nominee and then we'll proceed to your statement.

First, have you adhered to applicable laws and regulations governing conflicts of interest?

Admiral MULLEN. Yes, sir.

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

Admiral MULLEN. No, sir.

Chairman WARNER. Will you ensure your staff complies with deadlines established for requested communications, including questions for the record and hearings?

Admiral MULLEN. Yes, sir.

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

Admiral MULLEN. Yes, sir.

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

Admiral MULLEN. Yes, sir.

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

Admiral MULLEN. Yes, sir.

Chairman WARNER. Do you agree to give your personal views when asked before this committee to do so, even if those views differ from the administration in power?

Admiral MULLEN. Yes, sir.

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

Admiral MULLEN. Yes, sir.

Chairman WARNER. Thank you very much. If you have an opening statement, could you kindly proceed?

STATEMENT OF ADM MICHAEL G. MULLEN, USN, FOR REAPPOINTMENT TO THE GRADE OF ADMIRAL AND TO BE CHIEF OF NAVAL OPERATIONS

Admiral MULLEN. Mr. Chairman, Senator Levin, distinguished members of this committee, it is a great honor to appear before you today as the nominee for the office of Chief of Naval Operations. I appreciate greatly the time you are affording me this morning.

I want to thank you as well, Mr. Chairman, for your kind and generous introduction and the confidence you have expressed in me. I'm also grateful for the confidence expressed in me by President Bush and by the leadership of my Department, Secretary Rumsfeld, Secretary England, and of course, Admiral Vern Clark, a dear friend who has led our Navy brilliantly for the better part of 5 years now.

Perhaps more than anything, I am grateful for the opportunity to continue serving this Nation as a sailor in the United States Navy. To me, there is no higher honor. Our Navy men and women are the best they've ever been: talented, patriotic, courageous, as are their families. There are more than 38,000 forward deployed right now across the globe, in Afghanistan and Iraq, the Persian Gulf, and in support of East Asian nations hit hard by natural disaster. They are performing magnificently.

I had the opportunity to visit with some of them in Iraq and in the Northern Arabian Gulf in Bahrain and in Kuwait not very long ago. I can tell you they know they're making a difference. They are proud of what they are doing, and I am proud to be on their team.

Mr. Chairman, I have heard you speak often of your own humble beginnings as a sailor in World War II and as a marine in Korea, and how much that experience influenced your life, how it created opportunities only possible in this great country of ours. I must tell you, sir, that I feel much the same today myself. This country and this Navy I love so dearly have offered me opportunity beyond my wildest dreams and given me countless, priceless gifts, not the least of which are our two sons who serve our Navy on Active-Duty, and what will soon be 35 wonderful years with my partner for life, Deborah, present with me here today.

That this same country would now offer me the opportunity to serve as the uniformed leader of the greatest Navy the world has ever known is humbling beyond words. I know that with great opportunity comes even greater obligation, an obligation to listen, to learn, and to lead. If you confirm me as the next Chief of Naval Operations, I pledge to you, to my counterparts in the other Services, and to everyone serving in our Navy today, my firm commitment to all three.

I can assure you that I will lean upon and always know that I can rely upon the continued support of this committee and Congress as a whole. Your devotion to national defense, particularly during this time of war, has been unwavering, and I am personally very grateful.

I come to this hearing as a Navy and North Atlantic Treaty Organization (NATO) commander in a theater undergoing remarkable and historic change. Fledgling new countries in the Balkans taking democracy on the wing; West African nations learning new ways to cooperate with each other; old and new NATO allies helping train

Iraqi security forces. The face of the future is being drawn in colors, shapes, and sizes we wouldn't have dreamed of just a few short years ago.

But the one constant, and what made the biggest impact on me, has been the need to create a safe and secure environment that allows democracy to flourish, and in so doing, creates opportunities for millions of families to live better, safer, freer lives.

I believe the United States Navy is a big part of that and has been since the beginning of our republic. We take the power, will, and commitment of this Nation wherever we go, and we can go on short notice. We can stand watch over large areas of the globe, exert influence from near or far. We can be where the Nation needs us when it needs us to be there.

Mr. Chairman, that's what navies do. Under Admiral Clark's exceptional leadership, our Navy has done it better than I've seen in my 37-year career. It would be difficult, indeed, to overstate the significance of the reforms he has put in place over these last 5 years.

I see three principal challenges confronting our Navy. First is the need to preserve our current readiness, to answer the bell for the President and this Nation with exactly the right combat capability for exactly the right cost today.

Second is the need to build a Navy for the future, to create a fleet that is properly sized and balanced to meet head on the uncertain and dynamic security environment that awaits us.

Third, underpinning everything else, is the need to shape the Navy's uniformed and civilian manpower system for the 21st century, to transform our assignment, distribution, and compensation system into one that is more reflective of, and quite frankly, more responsive to, the men and women serving our Navy.

These are tough challenges, and every one of them is significant, but I know that with the support of the Navy's leadership and the Department's leadership and this committee, we can and will succeed. I believe the only constant in our future is change. Our Navy, your Navy, is leading that change. It is a Navy that has met well the Nation's call since the world changed on September 11, but one that must continue to adapt to the ever-changing demands of this fight against terror. It is a Navy at war, but one that must also invest now in an uncertain future, balancing a multitude of capabilities with sound acquisition policies to meet our needs. It is a Navy of incredibly talented people, but one that must maximize the potential of all who serve, be they active, Reserve, or civilian.

Mr. Chairman, I sit here today more dedicated than ever to that Navy and to its future. Should you choose to confirm me as the next CNO, I pledge to you and to the sailors I hope to lead the full extent of my effort. I know you expect it, and I know they deserve it. Thank you, sir, for your support, to this committee, and I stand ready to answer your questions.

Chairman WARNER. Thank you, Admiral. I appreciate the brief reference to my modest periods of Active-Duty and modest contributions while on Active-Duty and in the Reserves. But like you, I would not have achieved my goals in life had it not been for the training that I received, the discipline that I received, and the incentive I received as a very young man in World War II, a year in

the training command and then in the Marines. I've always acknowledged that. I hope perhaps my statement and yours could provide some similar encouragement for the young people who are looking at military service today. I say to them, if I can do it, you can do it. You can come and be in this seat someday and any sailor hopefully will consider that he or she can be in your seat someday.

Thank you, sir. I find that, Senator Levin, as you and I have sat here the many years together to be one of the most moving statements I've ever heard by any presidential nominee that has appeared before this committee. I congratulate you, sir, for your thoughtful and very wonderful statement.

You perhaps listened to the very interesting and, I think, thorough colloquy between members of this committee and Secretary England with regard to the deep concern, not only on this committee, Admiral, but really throughout Congress and throughout the Nation regarding the size and composition of our current ship platforms.

We always go back, and I don't say this for any reason of competition with the other branches of the Service, but the founding fathers wrote in the Constitution of the United States that it is the duty of Congress to raise an army, presumably when the Nation felt it was needed, but maintain a navy. I mean very explicit different instructions to Congress and the Commander in Chief of the United States, our President, under the Constitution.

There's a deep concern about the size and number of our ships today. I can recall again in World War II, I think, we had close to 22,000 commissioned ships. Now, some of them were very small, and I acknowledge that. There were close to 100 carriers in my recollection, 25 to 30 battleships, and on and on. There are marvelous scenes of the ships of the fleet as far as the horizon could see proceeding in a direction.

Now, the world has changed a great deal. The threat to our Nation has dramatically changed. I stop to think—and I spoke about this the other day—as we sit here today, 60 years ago the last great naval battle of the last century took place, and that was at Okinawa. The United States Navy suffered, I believe history records, the largest number of casualties in terms of the ship damages and ships sinking it ever incurred. I think—I'll correct the record if I'm wrong, but there was about 30-some ships sunk, 260-odd ships damaged. The combined casualties of the Navy, the Army, and the Marine Corps, and perhaps elements of the Coast Guard and the Air Force, in that battle were 12,000 killed, some 36,000 wounded.

[The information referred to follows:]

The attack on Okinawa took a heavy toll on both sides. The U.S. lost 7,373 men killed and 32,056 wounded on land. At sea, the U.S. lost 5,000 killed and 4,600 wounded. The Japanese lost 107,000 killed and 7,400 men taken prisoner. It is possible that the Japanese lost another 20,000 dead.

The U.S. also lost 36 ships, 368 ships were also damaged, and 763 aircraft were destroyed. The Japanese lost 16 ships sunk and over 4,000 aircraft were lost.

I mention that because the magnitude of those casualties is not likely to reoccur in military confrontation in the world today. The importance of our forward-deployed structure of the joint services to interdict terrorism beyond our shores, combined with the efforts

here at home, is what will prevent a degree of casualties and damage comparable to that one battle, Okinawa, being suffered here at home, or possibly some scenarios abroad, given the proliferation of weapons of mass destruction.

The Navy is the, so to speak, the point of the spear of our forward-deployed concept. Also, as Senator McCain pointed out, who is indeed an extraordinary naval historian of his own, a warship represents more than its combat functions. It's really an ambassador. The presence of a warship in a foreign port attracts a great deal of attention, not given, understandably, to other military types of platforms. That has been recognized since the very beginning of mankind.

I think all of those who are entrusted with our respective responsibilities regarding the structure of our present force and future forces have to go back constantly and refer to the Constitution and that word "maintain".

Now, you have the highest regard, as do I, for your predecessor, and he has courageously dealt with this issue of the levels of ship construction, and expressed his concern. I think you should have this opportunity today to give your thoughts on the direction and how we should proceed to augment the current size of our fleet today, and to redirect the shipbuilding so that we fulfill the constitutional mandate of maintaining that size and capability of a Navy that's needed to defend this Nation against any type of aggression.

Admiral MULLEN. Thank you, Mr. Chairman. It's a very thoughtful summary of a very important requirement and challenge. Clearly, the kind of capability that we need for the future is what we are trying to embed in the systems and the ships that we're buying now. We are in a time of transition and looking to the future. The current number of Navy ships we have today, which is 288, as I know you know and was pointed out earlier in the hearing by Secretary England. There is an up-vector in the years to come.

The concern I have is consistent I think with everybody else's. The enormous growth and cost, the spiral you get in when costs grow and you have to reduce quantity, and somehow moving ourselves forward from that position, I think, is a requirement. Obviously, if you confirm me, my job as a chief is to set the military requirement, and the impact of our Navy, is as you've described it. It needs to be out there. It needs to be in places with meaningful purpose, as it has been throughout the years. I personally experienced the kind of presence that you've described in terms of its impact.

A navy gives you an opportunity to take advantage of freedom and maneuver space that you can't get as you look around the globe in places that are shutting down access rights. So that issue is also critical, and it's critical to have a navy properly sized for that.

I am concerned about it clearly. In my tours in Washington, I have spent a significant amount of time looking at how to build ships and the impact of decisions that we make. I think the requirement to have a significantly larger and steady stream of income, if you will, is important. That kind of stability is critical.

I also think that the discussions about alternative financing policies that get to other options and get at the entire spectrum of building a fleet for the future are really critical. If you confirm me as chief, I will spend an extraordinary amount of my time focused on that problem to make sure we get it right, and would hope that as a team, both industry, certainly Congress, as well as the Department and the Navy, are able to work together to try to solve this very tough problem.

Chairman WARNER. I thank you. I would also come back to an earlier comment I made. I feel strongly that the redirection of the type of naval shipbuilding program has to originate with the President. It's a privilege to work with the current President. He's a man of great courage and conviction, and his father was a naval person. I may ask his father to help me lobby a little bit to see what we can do to get some presidential direction with regard to the size and the magnitude of our budget in the remaining years of his administration.

At this point in time, Admiral, I take note that the floor is awaiting—I see I've been abandoned ship here. So I will recess this hearing until the return of the first member of the committee following the two votes, at which time he or she—but I hope to be that first member—can resume the hearing. Thank you. [Recess.]

Senator LEVIN [presiding]. The committee will come back to order. The chairman, with his usual graciousness, has authorized me to resume, even though we are in the minority here. I just have a few questions, Admiral, that I want to ask you. I know that the chairman is on his way back. There may be others who will come back too. That vote was unusual. That first vote took a lot longer than is usually the case, for all kinds of procedural reasons.

Admiral, my first question has to do with the Aegis cruisers and destroyers and the ballistic missile defense capability, which the Navy is developing and fielding for those Aegis-equipped cruisers and destroyers. Some of the ships have a radar capability to track ballistic missiles and others have a capability to intercept missiles which are coming in. So we have both the radar and the actual intercept missiles themselves.

The first question has to do with the operational testing of these systems as to whether or not there will be operational testing of those radars and those missiles.

Admiral MULLEN. Senator, I'll have to take that for the record. I just don't know the answer to that question. I'm familiar with the system. I just don't know where we are in the development cycle in terms of testing.

[The information referred to follows:]

Yes, there has been and there will be further operational testing of these radars and missiles. Navy has a significant advantage in the testing regime in comparison to the challenges faced by our sister Services. The firing tests of our Aegis Ballistic Missile Defense (BMD) capability which includes the SM–3 missile—and we've been successful 5 of 6 times on the test range with this capability over the past 3 years—have been conducted by an operational cruiser with fleet sailors manning the control positions just as they'll do in combat. This provides a tremendous advantage in terms of operational realism to Navy Aegis BMD testing and represents a "leap ahead" as contrasted to controlled experiments with scientists, engineers, and contractors that are more often the rule in BMD testing. In fact, a Director, Operational, Test and Evaluation (DOT&E) official in attendance at our most recent suc-

cessful firing in February 2005 stated: "This is the most operationally realistic BMD test yet seen."

For a shipboard system to successfully and lethally engage the target, the entire combat system has to function perfectly; the tolerance for error is very small at the speeds and altitudes that are involved in ballistic missile defense. When we get a "bulls eye" on the test range, that really tells us everything we need to know: the ship's radar acquired the target properly and tracked the target correctly, the fire control system computed the fire control solution perfectly, and controlled the missile precisely to a direct hit. While the engineers examine the data minutely after each firing event, to a Navy operator the proof is contained in that last frame of video before impact. When a target hit occurs, the entire system has done its job to perfection.

Navy and MDA are working very closely with Commander, Navy Operational Test and Evaluation Force (COMOPTEVFOR—the Navy's operational test authority) to ensure that the testing program for Aegis BMD comprises all of the elements that would normally be required of a conventional major defense acquisition program. The Director, Operational Test and Evaluation, has commented favorably on Aegis BMD testing in their fiscal year 2003 and 2004 assessments of MDA's Ballistic Missile Defense System. Additionally, the assignment by Navy of U.S.S. *Lake Erie* (CG 70) as the designated MDA test platform has enabled an increasing degree of operational realism in each succeeding test.

In summary, the Navy takes operational testing very seriously; it is crucial to ensure that our systems will be reliable, maintainable and effective aboard our ships at sea. We're satisfied that the testing that MDA is sponsoring aboard our ships is getting the job done properly.

Senator LEVIN. We're interested as to whether there's going to be realistic operational testing of both the radar capability and the interceptor capability.

Admiral MULLEN. Right.

Senator LEVIN. Second, relative to the submarine force structure, some years ago, perhaps 6, there was a force structure requirement assessment and analysis, which stated that the Navy in the near term needed 55 attack submarines, and that by the middle of the next decade, in other words, this decade, that there would be a need for 68 to 72. So let's take the midpoint of that and say there would be a need for 70 attack submarines in the fleet.

Now 6 years later, the latest 30-year shipbuilding plan, which was submitted to us in March, indicates that the long-term force structure goal for attack submarines would be 41 to 45. The midpoint of that would be 43. Now that's quite a change from about 70 to about 43 in just 6 years.

The Navy leadership has suggested that other systems or capabilities could provide adequate capability to substitute for some or all of the peacetime intelligence, surveillance, and reconnaissance needs that are being met now by the submarine force, thereby permitting us to drop to a smaller submarine force with acceptable risk in the future.

I am wondering if you could share with us more specifically what systems or capabilities that the Navy has identified that would fulfill those peacetime intelligence, surveillance, and reconnaissance requirements of the combatant commanders.

Admiral MULLEN. The study to which you refer, Senator, I think is a 1999 study done by the Joint Chiefs of Staff, and subsequent to that, there was the 2001 QDR which laid a baseline out of a requirement for 55 submarines. I know that internal to the Department and to the Navy there's been a great deal of analysis which has occurred over the last year, which I believe supports a requirement that heads in the direction. I have not seen the analysis

which gets us to 41 per se, but certainly heading in that direction, and I generally support that.

There are investments in programs, I think both in—and your question was some—to replace some or all. I would probably find myself in the some part of that, that replacing some of that, and the investment in systems that are tied to distributed systems that we have looked at over the last year or two to try to basically give us the kind of intelligence or give us the kind of real time information that allows us to respond in a much shorter timeline. All these warfighting requirements are driven typically by the ability to do precursor operations, which is very important, as well as the requirements to respond once the balloon goes up.

It is particularly important that the value of that information be evaluated early and then being able to respond with platforms like submarines to the requirement at the time.

I can flesh this out more, but there are investments in space which also potentially would provide us the kind of information that would allow us to displace some of those requirements from the past.

Senator LEVIN. Thank you. Senator Nelson.

Senator BILL NELSON. Thank you, Mr. Chairman.

Admiral MULLEN. Senator Nelson, how are you, sir?

Senator BILL NELSON. Good afternoon, Admiral. Since we talked a day or so ago, Senator Warner has in fact offered his amendment, which would extend the life of the U.S.S. *John F. Kennedy* aircraft carrier by going to dry dock using existing funds that have already been appropriated in the 2005 budget. Senator Warner is walking in right now, and I was just explaining to the CNO, Mr. Chairman, that since I talked to him that in fact you had offered your amendment, and what the amendment would do. It would have the *Kennedy* go into dry dock with the funds that are already appropriated in the 2005 Defense budget. It would keep the fleet at 12 carriers, and the reasons being are reasons that we talked about, and we had a discussion with Secretary of the Navy England earlier today with regard to the delicacy of the issue of having a carrier in Japan in order to project our force, and what if Japan, or the local government, decides that it doesn't want a nuclear carrier? Then we have to have the backup of a conventionally-powered carrier.

Okay, all of that is preparatory for me now asking a question. It has been expressed to me by a number of constituents in Florida, specifically in Jacksonville, that the word is out on the street that if Senator Warner is successful with his amendment and that this goes all the way through, and that we extend the life of the *Kennedy,* that the Navy will punish the Jacksonville area by refusing to make plans for the preparation of a follow-on nuclear carrier at some point in the future. I'd like your comment.

Chairman WARNER. Might I interject here, my good friend and colleague? I had not heard of that, and you know full well that Senator Levin and I and others who are very active here wouldn't allow something of that nature to happen.

I do feel the distinguished presidential nominee for CNO at this point in the Senate process of advice and consent should perhaps limit his views to his professional judgment and only those matters on which there's a factual basis. I wouldn't suggest you indulge in

any conjectures or what-if type of response. I want you to respond to my colleague, but this is a matter on which the Members of the Senate have views that are in opposition to the decision by the Secretary and the current CNO, our very distinguished dear friend, Admiral Clark. I think until such time as confirmed by the Senate that we can't ask too much accountability from this individual.

Senator BILL NELSON. I understand, Mr. Chairman. I'm just simply asking the question had the CNO nominee heard of any talk of the Navy wanting to punish Jacksonville under these circumstances?

Admiral MULLEN. No, sir. I have not.

Senator BILL NELSON. As CNO, and you will be confirmed and you will have my vote, would you allow such a punishment to occur if Senator Warner is successful in keeping alive the *Kennedy*?

Admiral MULLEN. It is not my style to punish. I mean, that's just not how I handle my business. Clearly in the kinds of terms that you're describing, that's not a path that I would normally follow, or follow as you've described it. Along with what the chairman said, at this point it clearly is to some degree speculation on what might happen. I'm aware of the debate, I'm aware of the amendment, and I take that all in, and I recognize these are challenges I'll have to deal with, assuming I get confirmed.

Senator BILL NELSON. Well, indeed it will be a challenge. But you need to know what's being said in Jacksonville.

Admiral MULLEN. Yes, sir.

Senator BILL NELSON. The so-called attempted punishment would be that Jacksonville would never be fitted out for a nuclear carrier, and it would be beyond my realm of belief that the United States Navy would do that, and that they would rather make judgments as what's in the best defense interests of the country.

Chairman WARNER. Senator, if I might interject again, I assure you, and I said at a previous hearing publicly, that the QDR process, the BRAC process are important steps which could—I'm not suggesting absolutely—but could develop facts and conclusions and decisions which would direct a course of action. I assure you that the Secretary of Defense, I'm confident, together with the Department of the Navy, will at the appropriate time decide whether or not the option to put a nuclear carrier in the Mayport facility is one that's in the interests of the national security structure of this country, not just Florida or Virginia, but the whole of the country, and outline to Congress the steps that they would take to arrive at a final decision.

The threshold decision would be is this something that should be examined? If they reach that as a consequence of BRAC, QDR, and other decisionmaking, then if they reach the decision, we should look at it as a Nation. Then here are the steps by which we're going to look at it, and each of those steps will be carefully reviewed by Congress and members of the committee. Presumably the two of us will have a voice in those steps. We will be guardians to see that the type of hypothetical, as you said, punishment, will not take place.

Senator BILL NELSON. Mr. Chairman, you know that I trust you, and I do, and you've been a great leader of this committee. You also know some of the emotion that has been brought to this table

this morning by other Senators on both sides of the aisle with regard to matters that are in front of this committee and in front of the Pentagon. I think my philosophy is the best thing to do is get it all out on the table, and that's what I've attempted to do. I thank you, Mr. Chairman.

Chairman WARNER. I thank you for your active participation. One of the reasons I'm a few minutes late coming back, I consulted with your colleague, Mr. Martinez, on the floor about the bill of which you and I are the two sponsors. I feel obligated that the Senate should have a voice in this very important decision of the retirement of this ship, the Senate as a body, because it is a major decision with regard to force structure to go from 12 carriers back to 11. I don't think Congress should be silent.

I don't know what the outcome will be. We have an unusual parliamentary procedure. Cloture will in all likelihood be invoked on the main bill, and that could pose some parliamentary problems, but we're going to diligently pursue allowing the Senate to have an expression, a voice in this matter. So as we say in the Navy, stand by to cast off.

Thank you. Any further questions you might have of the distinguished witness?

Senator BILL NELSON. Only just to mention in passing that as a Navy man the issue of Scott Speicher will continue to arise, and it will arise in this committee until evidence is found so that his family can reach closure.

It is no secret that I am not happy with the Department of Defense when they abandoned the search over a year ago. I will continue to speak out. Thank you, Mr. Chairman.

Chairman WARNER. Thank you, Senator. Admiral, just one wrap-up question, and I once again announce for all those following this hearing that the chairman and ranking member announced that we would resume following the vote for purposes of entertaining questions by any Senator. It's an unusual situation on the floor now with party caucuses, and that explains the absence of so many members, but I'll now ask and concede to myself unanimous consent that the record for this hearing will remain open for a week's time within which Senators may submit questions to Admiral Mullen, and we'll await the responses.

Admiral MULLEN. Yes, sir.

Chairman WARNER. Thank you very much. It's giving all an opportunity to participate, because this is a very important hearing.

I do wish to get one thing further on the record here. In its budget proposal for 2005, the Navy cut almost 8,000 Active-Duty sailors from its end strength. By the way, that was one that I discussed at length with Admiral Clark. It came at a time when the Army was pressing for increased end strength. The Marine Corps likewise, needed additional end strength. But, I felt it showed a typical measure of courage that Admiral Clark has always manifested and a pragmatic assessment of the situation with respect to that proposal.

In 2006, the Navy plans to cut over 13,000 more from the Active-Duty rolls. Again, a situation which the previous CNO worked. In order to achieve these reductions, the Navy has sought the authority to implement tools used during the drawdown of the 1990s,

such as buy-outs and early retirement boards and reduced the number of new recruits. You characterize these reductions in your written responses as a "goal," and state that the Navy's overall personnel policy is still evolving. But, it sounds as if the Navy is implementing the personnel cuts even as it deliberates where future manpower will go.

What is the Navy's optimal Active-Duty strength, in your judgment? Or maybe you prefer to take this question for the record and do some careful research on that. How do you plan to achieve these cuts in such a way that some sailors who really made a decision to make the Navy a career could be affected by this? I know how well you understand the commitments we make to our people, and how they go on and work towards their careers, and the excitement within the family with every red stripe that's added to the sleeve or gold stripe to the cuff. The need to have it clearly understood in the greater family of the Navy that we are making these personnel decisions in the best interest of and in the security interests of this country. We want to minimize the hardship on those who have made commitments, and for whatever reason, the Navy has decided that maybe certain individuals just won't have the opportunity to fulfill their dreams.

Admiral MULLEN. Mr. Chairman, I'd like to get back to you on what I think the optimal size would be, because I don't think we know that yet.

[The information referred to follows:]

Mr. Chairman, during my congressional confirmation hearing in April, you asked me two questions regarding future reductions in Navy manpower. Those questions were as follows:

> "What is the Navy's optimal Active-Duty end strength in your judgment?"
> and, "How do you plan to achieve these cuts . . .?"

In April, I asked for some time to consider what I thought the optimal size would be.

On 4 November 2005, the Navy's active end strength was 361,478. The President's 2006 budget submission reflects Navy's fiscal year active end strength request of 352,700.

Navy's optimal end strength numbers are determined by force structure. This process takes into account the current and future manning requirements of our ships, aircraft, and associated infrastructure, requirements that are even now under review as part of the QDR process. It is imperative that we more critically evaluate and manage our infrastructure and associated end strength, and we are actively pursuing further efficiencies.

Navy is increasingly leveraging technology to improve our warfighting advantage. Advances in ships and system design are allowing us to shed some obsolete, labor-intensive functions while improving productivity and warfighting readiness. Economies are gained by eliminating redundant and nonessential skill sets. Until we have completed our review of force structure requirements, I cannot forecast Navy's exact long-term optimal end strength. However, I assure you that I am committed to determining that number, that it will reflect the economies derived from transforming the force to meet the challenges we face in this new century, and that I will share it with you in a timely manner.

It is my intent that as potential reductions in manpower are identified, the Navy will execute these reductions in a planned, control, and responsible manner that is consistent with the security interests of the country.

Chairman WARNER. If you feel that you want to get onboard and get on the bridge for a while and take a look at it with the full authority and advice and consent of the Navy, I would urge you do that.

Admiral MULLEN. Yes, sir.

Chairman WARNER. I don't think it's one you can answer in that quick of a period.

Admiral MULLEN. I would like to do that. Just a couple thoughts, however. One is that I know that these initial steps have been taken in a measured way. I was in the personnel business in the early to mid-1990s when we reduced our size dramatically. The intent of where we're headed now is to do it in a measured way so that we can reach the potential for every sailor that is a member of the United States Navy, and do it in a way in which we provide opportunity and we still hold out the kind of dream that you just described for each and every member of the Service.

It's with that kind of thought we will proceed, and with recognition that we need to invest from a technological standpoint, because some of our ships, our future platforms, will require fewer people. We believe there is an opportunity in the future to actually reduce the size of the force. We just haven't, to the best of my knowledge, we haven't gotten to what we think the optimum number is. We don't know what that number is yet. There's an awful lot of work going on, and it's a priority for me, assuming I get confirmed, to continue that work to be able to answer the kind of question you asked, and do it in a way that makes sense not just to you and me, but to everybody in the Navy.

Chairman WARNER. I'm going to suggest the following. It's a bit unusual, but I think it's so important when a new Chief of Service steps up. We're going to proceed to mark up the 2006 authorization bill in the coming weeks, and if we can have the good fortune, which I anticipate would be the case, of the Senate acting on your nomination promptly, to invite you to come back and brief the members of the committee before we go to print, so to speak. I can hear the reverberation of the staff behind me, but anyway, I'll take their wrath later.

I want to make sure that this bill basically is consistent with your initial concepts of where you want to go with this great Navy. There may be some options by which we can incorporate a provision here or a provision there to begin to set your course of speed.

Admiral MULLEN. Yes, sir. I'd very much appreciate that.

Chairman WARNER. All right. We'll determine the time table for that.

Admiral MULLEN. Yes, sir.

Chairman WARNER. But, in no way is this to suggest that you're going to change a great deal from the distinguished helmsman, Admiral Vern Clark, and his lovely wife, the First Lady of the Navy. We're going to—at least I am—going to be very sad to see him leave. I've enjoyed working with him. But, I really look forward to working with you.

Admiral MULLEN. Thank you, sir. Well, I've worked on and off for him since 1996, and I am a big believer in where he's taken us, and I expect to continue that momentum.

Chairman WARNER. I guess that change of command will take place at Annapolis, will it not?

Admiral MULLEN. Yes, sir. That's the plan.

Chairman WARNER. Well, I've been there many times for those change of commands. There isn't a one of us when that old flag

comes down and the other one goes up that doesn't get a bit choked up. Thank you, sir.

Admiral MULLEN. Thank you.

Chairman WARNER. The hearing is concluded.

[Whereupon, at 1:00 p.m., the committee adjourned.]

[Prepared questions submitted to Secretary England by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. You previously have answered the committee's advance policy questions on the reforms brought about by the Goldwater-Nichols Act in connection with your nomination to be Secretary of the Navy.

Have your views on the importance, feasibility, and implementation of these reforms changed since you testified before the committee at your last confirmation hearing on September 23, 2003?

Answer. My views are unchanged regarding the emphasis in the Goldwater-Nichols Act on jointness and the establishment of unified and specified combatant commanders. The effectiveness of joint operations has been clearly demonstrated in OIF and OEF, and I strongly support continued and increased efforts to improve the jointness of our military forces. However, the acquisition reforms of Goldwater-Nichols were designed for a different world and need to be re-examined in light of a new environment with far fewer prime contractors, far fewer new starts, fewer production items and a need for speed and agility in acquisition.

Question. Do you see the need for modifications of Goldwater-Nichols Act provisions based on your experience as Secretary of the Navy and Deputy Secretary of the Department of Homeland Security? If so, what areas do you believe it might be appropriate to address in these modifications?

Answer. The acquisition reforms of Goldwater-Nichols were designed for a different world and need to be re-examined in light of a new environment with far fewer new starts, fewer production items and a need for speed and agility in acquisition. In my judgment, we need to examine the entire spectrum of defense acquisition to include the authority and responsibility for establishing requirements, procurement processes themselves, and the aligning of authority and responsibility.

RELATIONSHIPS

Question. What do you see as the relationship between the Deputy Secretary of Defense and each of the following?

The Secretary of Defense

Answer. Almost without exception, the Deputy and the Secretary share the same authorities and responsibilities. However, we will each emphasize different areas. My role, should I be confirmed as DEPSECDEF, will be more of a classic Chief Operating Officer responsible for the operation of DOD and implementation of national defense policy and strategy. This will include financial management, personnel policies, acquisition management and integrity, oversight of military departments' roles, BRAC, Quadrennial Defense Review management, legislative affairs, public affairs and the like. At the same time, SECDEF's and DEPSECDEF's area of emphasis will necessarily overlap to ensure consistency of leadership and direction.

Question. The Under Secretaries of Defense

Answer. I will ensure that the priorities of the Secretary are implemented and that issues of significant importance are brought to his attention with sufficient analysis and recommendations for his action. My relationships with the Under Secretaries of Defense will derive from my role as Chief Operating Officer. My management style is to form integrated project teams to work in a collaborative process to ensure that issues are fully considered, decisions weighed, accepted and implemented by each member of the management team.

Question. The Assistant Secretaries of Defense

Answer. As Chief Operating Officer, my relationship with the Assistant Secretaries of Defense (ASDs) that report to me will be similar to that of the Under Secretaries. For ASDs that report through Under Secretaries, I will rely on the Under Secretaries to manage their areas of responsibility.

Question. The Chairman of the Joint Chiefs of Staff and the Vice Chairman of the Joint Chiefs of Staff

Answer. As the principal military advisor to the President and to the National Security Council and to the Secretary of Defense, the Chairman has a unique military role. If confirmed, I will work closely with the Chairman and the Vice Chairman to ensure that their issues are addressed and to ensure that all essential matters are fully coordinated with them.

Question. The Secretaries of the Military Departments

Answer. As the current Secretary of the Navy, I appreciate the role of the Secretaries in implementing the policies of the President and the Secretary of Defense. To ensure that the Secretaries are fully coordinated and operating in unison with each other and with the SECDEF's office, I plan to reinvigorate the Senior Executive Council consisting of the Secretaries and the USD (AT&L).

Question. The Chiefs of Staff of the Services

Answer. Regarding the Service Chiefs, I will work to see that they are fully cognizant of appropriate policies and initiatives of the Secretary's office and also ensure that appropriate actions from the Secretary's office and with the Service Chiefs are fully coordinated with the Chairman and Vice Chairman of the Joint Chiefs of Staff.

Question. The National Intelligence Director (NID) and the Deputy NID

Answer. It is premature to define precisely the relationship with Director of National Intelligence (DNI) and the Deputy Director of National Intelligence. Most likely, the interface with the DNI will usually be handled directly by the Secretary of Defense and the interface with the Deputy DNI will usually be handled by the USD(I). My expectation is that I will be fully cognizant of these discussions and issues but not as an area of primary emphasis.

Question. The Service Acquisition Executives

Answer. I expect to be actively participating in setting the acquisition policies and the major acquisitions of the Service Acquisition Executives. However, most of their activities will be handled with me through the relevant military department secretary or the USD (AT&L). My objective will be to ensure that we have the appropriate policies and procedures in place such that all acquisitions meet all rules and regulations of the Federal Government, are conducted to the highest ethical standards and meet the needs of the military departments and are timely and affordable.

Question. The Inspector General

Answer. I expect to encourage the Inspector General to carry out his or her duties as prescribed in the Inspector General Act and will make sure that there are no impediments to that accomplishment. The most valuable contribution of an Inspector General, while preserving his independence, is to suggest constructive solutions of any problems or issues identified.

Question. The General Counsel

Answer. I expect to seek advice and counsel from the Department's Chief Legal Officer on all relevant matters.

Question. The Service Judge Advocates General

Answer. Judge Advocates General of the military departments and the military department general counsels are critical components of their respective departments' legal infrastructure. The military department Judge Advocates General and the Staff Judge Advocate to the Commandant perform functions in their respective organizations that are essential to the proper operation of their Service and Departments as a whole. Their unique expertise and experience contribute significantly to the proper functioning of the Services, the military departments, and the Department of Defense.

QUALIFICATIONS AND DUTIES

Question. Section 132 of title 10, United States Code, provides that the duties of the Deputy Secretary of Defense are to be prescribed by the Secretary of Defense.

Assuming you are confirmed, what duties do you expect that Secretary Rumsfeld will prescribe to you?

Answer. Assuming I am confirmed, I expect to serve as a traditional deputy and alter ego of the Secretary. However, my expectation is that the Secretary of Defense will function as the Chief Executive Officer and the Deputy will function as the Chief Operating Officer. As such, the Deputy will be responsible to implement the Secretary of Defense's priorities, better integrate functional management of DOD to align authority and responsibility and accountability within DOD, manage BRAC to conclusion, manage financial and personnel policies and procedures, implement DOD-wide metrics as a management tool, meet the President's Management agenda, respond to the Government Accountability Office critiques and suggestions, and the like. While the Secretary and the Deputy emphasize different aspects of DOD, they will inherently overlap due to their joint overall responsibility and to ensure uniformity of leadership and direction.

Question. What background and expertise do you possess that you believe qualifies you to perform these duties?

Answer. Deputy Secretary of Defense will be my fourth confirmed position in the Federal Government if my nomination is acted upon favorably by the Senate. My experience to date as the 72nd Secretary of the Navy, the 1st Deputy Secretary of Homeland Security and the 73rd Secretary of the Navy has provided me broad experience in dealing with matters within DOD, across Federal agencies, with Congress, with industry, and with a large number of foreign governments. My corporate experience includes president of a number of large companies with hands-on management and technical leadership for a broad range of domestic and international programs. I have also served on a City Council and have participated in a wide range of local and national boards and committees. That said, the Department of Defense is astonishingly broad in scope and complexity and will be a profound challenge for even the most experienced executive.

Question. Do you believe that there are any steps you need to take to enhance your expertise to perform the duties of Deputy Secretary of Defense?

Answer. In my judgment, no one is fully qualified to perform the duties of the Deputy Secretary of Defense without first serving some time in that position. As such, it is important for the Deputy Secretary to be very open to constructive inputs and opinions and to be sure that important issues are fully vetted prior to decision. Additionally, without presuming confirmation, I have been receiving many briefings to understand better the full breadth of DOD responsibilities and have also received views and opinions from many Members of Congress. My objective will be to utilize my experience and expertise while also expanding my knowledge and understanding and valuing the advice and counsel of other DOD, government, and corporate executives.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next Deputy Secretary of Defense?

Answer. As noted in the recently released National Defense Strategy, we live in a time of confrontational challenges and strategic uncertainties. Our Nation is confronted by fundamentally different challenges than those faced by the American defense establishment in the Cold War and in previous eras. The major challenge confronting the Secretary and the Deputy, along with our Nation, is to influence events before threats become more dangerous and less manageable. Our goal is to defeat today's threats and to prepare the DOD to meet the threats and uncertainties of the 21st century.

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

Answer. If confirmed, my immediate emphasis will be to manage the Quadrennial Defense Review that will specifically address traditional, irregular, catastrophic and disruptive capabilities and methods that threaten U.S. interests. For the longer term, I will work with Secretary Rumsfeld to implement the National Defense Strategy.

QUADRENNIAL DEFENSE REVIEW

Question. Congress recently received the National Defense Strategy and the National Military Strategy. These are the overarching strategies that will guide the conduct of the Quadrennial Defense Review (QDR) in which, if confirmed, you will play a major role. There has been a major shift in recent years in the way the Defense Department establishes its military requirements, with a focus on capabilities rather than a threat-based approach.

Do you envision the results of the QDR addressing not only required capabilities, but the force structure needed to ensure those capabilities are available at the times and places necessary?

Answer. The QDR will address not just required capabilities, but the force structure needed to ensure those capabilities are available at the times and places they are necessary.

This QDR will consider the proper mix of military capabilities the Nation needs. Given today's complex and uncertain security environment, these challenges involve not only the traditional threats from nation-states that we've faced throughout the past century, but also a new set of post September 11 national security challenges. These include irregular threats of unstable environments, catastrophic threats of devastating attacks on the homeland, and disruptive threats of new asymmetric military technologies getting into the hands of our adversaries before we've developed adequate defenses.

Based on a determination of this capability mix needed to meet these traditional, irregular, catastrophic, and disruptive national security challenges, the QDR will suggest a force sizing construct that appropriately accounts for the contribution of our interagency partners and international allies, as well as our own forces.

Question. As part of the 2005 QDR process, you were designated to lead a panel that would examine aspects of the United States Code that might have to be changed to allow the Department to implement proposed changes to the U.S. military.

What areas of the U.S. Code, in your view, require examination as a part of the QDR process, in order to implement necessary changes?

Answer. The panel is looking at a very broad range of authorities that DOD needs to accomplish its mission. In addition to applicable statutes, directives, and policies, the panel is also looking at international and interagency agreements. An additional focus is to ensure the existing authorities are properly aligned with the responsible entities within DOD to speed and streamline mission accomplishment.

Question. Who do you anticipate will head this panel if you are confirmed?

Answer. My expectation is that the Department will name another senior DOD official and that I will replace Secretary Wolfowitz as the co-lead of the Capabilities Panel along with General Pace as the other co-lead.

Question. If you are confirmed, what role do you expect to play in the QDR?

Answer. My expectation is that that I will replace Secretary Wolfowitz as the co-lead of the Capabilities Panel along with General Pace as the other co-lead. I also expect to manage the QDR process for Secretary Rumsfeld.

Question. We understand that the Department may plan for senior officials currently leading integrated product teams responsible for developing options for the ongoing QDR to continue serving in those roles even if they leave the Department.

What role, if any, do you believe is appropriate for former DOD officials to play in the QDR?

Answer. QDR 2005 seeks a greater degree of inclusion than past QDRs. Consultation, input, and sometimes participation, is being sought from Defense Boards, interagency partners, Congress, key allies, industry, and knowledgeable individuals—all of which are composed of membership from outside the department.

SCIENCE AND TECHNOLOGY FUNDING AND PRIORITIES

Question. The Department's science and technology (S&T) programs are designed to support defense transformation goals and objectives. These programs should ensure development of the latest, most technologically advanced devices, capabilities, equipment, and protection solutions for the current and future warfighter. The Defense Science Board and the 2001 Quadrennial Defense Review recommended a general funding target of 3 percent of the total Defense Department budget for the S&T program, a goal which has been endorsed by the Secretary of Defense and other Department officials. However, the proposed DOD budget for fiscal year 2006 for S&T falls short of this goal.

What, in your view, is the role and value of S&T programs in meeting the Department's transformation goals and in confronting traditional and asymmetric threats?

Answer. Science and technology, when integrated with new operational concepts and organizational constructs, are critical elements of transformation. Leveraging technology is the key to ensuring a decisive U.S. advantage across the range of military operations, from asymmetric threats to major combat operations. The results of past S&T investments are used to win today, and DOD is keeping the pipeline full to win tomorrow.

Question. If confirmed, what direction would you provide regarding funding targets and priorities for the Department's long-term S&T research efforts?

Answer. The Department pursues an integrated and comprehensive S&T program, from basic research through manufacturing technology. Long-term S&T is our "seed corn." DOD programs emphasize integrating basic research with applied science and technology, and promoting the effective and expeditious transition of discovery and invention into real-world applications. Moreover, "transition" has become of utmost importance, as the success of S&T is not measured simply by the basic science it supports, but also by the active and successful transition of that science to supporting America's soldiers, sailors, airmen, and marines. If confirmed, I will support a balanced program of DOD investment in basic research, applied research and advanced development across the spectrum of military needs.

Question. Do you believe there is an adequate investment in basic research to develop the capabilities the Department of Defense will need in 2020?

Answer. At this time, the Department's basic research program is balanced and appears adequate to support the needs of the warfighter in 2020. However, the re-

sults of the 2005 QDR could emphasize new areas of S&T and also affect the level of S&T investment.

TECHNOLOGY TRANSITION

Question. The Department's efforts to quickly transition technologies to the warfighter have yielded important results in the last few years. Challenges remain to institutionalizing the transition of new technology into existing programs of record and major weapons systems and platforms. The Department's fiscal year 2006 budget request proposes increases across a spectrum of technology transition programs.

What are your views on the success of the Department's technology transition programs in spiraling emerging technologies into systems?

Answer. The Department of the Navy has been fairly successful in spiraling emerging technologies into systems. Budget submittals routinely include improvement changes for our ships, airplanes and other systems. That said, it is still a time-consuming and difficult process to upgrade many existing weapon systems. For that reason, the Department of the Navy took a new approach with the Littoral Combat Ship (LCS). The LCS is a multi-purpose ship based on a modular design concept wherein the ship itself uses modular design/construction approaches, and the weapon systems are being designed to be of a roll-on/roll-off modular construction. This allows easier reconfiguration, quicker and less expensive upgrades with new technology. With the rapid pace of technological change and the military's reliance on technological advantage, it's evident that DOD will need to improve continuously its processes for technology insertion into systems.

Question. What challenges to transition do you see within the Department?

Answer. Rapid transition of technologies to the warfighter has been a continuing difficult issue for the Department of Defense. The problems encountered in the past have dealt with the inherently long budgeting cycles of DOD and the challenges in providing adequate support when systems are fielded quickly. Some modest successes in quick reaction programs to speed new technologies to warfighters have been achieved, specifically to counter improvised explosive devices (IEDs), provide personnel protection and meet other urgent needs. However, this is an area that will require continued attention and improvement and, if confirmed as Deputy Secretary, will receive my personal attention.

Question. If confirmed, what steps will you take to enhance the effectiveness of technology transition efforts?

Answer. One of the challenges I will face, if confirmed, is to provide flexibility for just-in-time application of funds in a highly constrained and competitive funding process. Recent years have seen many situations in which rapidly evolving threats create needs and/or rapidly evolving technologies create opportunities that move faster than our normal planning and budget processes were designed to accommodate. Notably, we have had some significant successes in quick reaction programs that speed new technologies to warfighters to counter IEDs, provide personnel protection, improve communications and intelligence capabilities, and meet other urgent needs. I am also pleased to report that we have been successful across the spectrum of transition programs, including those that resolve risks and qualify new technologies for insertion into programs of record—programs such as Small Business Innovative Research, Advanced Concept Technology Demonstrations, Defense Acquisition Challenge Program and several other DOD and military department technology transition initiatives.

If confirmed, I will work to continue to build the trust in the Department's technology transition programs that will go hand in hand with our requests for increased funding flexibility.

CHEMICAL WEAPONS CONVENTION

Question. The Department does not appear to be on track to eliminate its chemical weapons in accordance with the timelines established by the Chemical Weapons Convention.

What steps is the Department taking to ensure that the U.S. remains in compliance with its treaty obligations for chemical weapons destruction?

Answer. My understanding is that if the Chemical Demilitarization Program continues on its current path, the United States will not meet the Convention's extended 100 percent destruction deadline of April 29, 2012. Accordingly, the Department requested that alternative approaches be developed to evaluate whether the deadline can be met using a different approach.

POST-CONFLICT AND STABILITY OPERATIONS

Question. The Secretary of Defense is currently considering a new directive on post-conflict and stability operations.

What changes, if any, do you believe the conventional and Special Operations Forces need to make to better plan for, and be better trained and equipped for, post-conflict and stability operations?

Answer. With regard to my personal observations, the Department should:

- Continue to build on ongoing stability operations initiatives within the U.S. Government and clarify roles and responsibilities within DOD;
- Incorporate stability operations into all phases of military planning, training and exercises and into professional military education;
- Set up a management structure and reporting requirements to ensure that stability operations capabilities are developed in an integrated manner;
- Create a comprehensive joint doctrine for stability operations;
- Increase involvement of other USG Departments and agencies, international organizations, non-governmental organizations and the private sector into DOD military planning, training and exercises; and
- Develop a concept for working with civilian-military teams based on the Provisional Reconstruction Team model used in Afghanistan.

Question. What changes, if any do you believe are needed to ensure that U.S. forces can operate effectively in coordination with foreign forces in such operations?

Answer. Based on my experience as Secretary of the Navy, we have been reasonably successful in working interoperability with navies throughout the world. We meet regularly with the Chiefs of Naval Operations (CNOs) from other countries (for example, in 2003, 55 CNOs at the Naval War College at Newport and the Southern Hemisphere CNOs in San Diego) and regularly have staff-to-staff interfaces. Additionally, the Navy has many joint exercises and operates with other naval forces—in the U.S. Central Command area of responsibility, for example—and in other key areas throughout the world. I believe that the other U.S. military departments have similar regular contact with their counterparts throughout the world. In my judgment, high levels of interface, joint exercises and compatible equipment have been effective in making sure that U.S. and foreign forces can operate together. It is, therefore, important that DOD have broad flexibility in training with and equipping foreign forces.

SPECIAL OPERATIONS FORCES

Question. Given the current and projected operational and personnel tempo for Special Operations Forces, what changes, if any, do you think are needed in the size of these forces?

Answer. The Quadrennial Defense review will consider Special Operations Forces (SOF) capabilities to meet the four challenge areas—traditional, irregular, catastrophic, and disruptive.

The appropriate mix of capabilities needed to meet all these missions will be a primary focus of QDR 2005. Once able to determine the right mix of capabilities across the total force, then DOD will be positioned to determine what is the appropriate force planning construct from which to size the force while keeping current operational and future risk within a moderate and acceptable range.

Question. What steps, if any, do you believe are needed to ensure that the immediate demands for direct action in counter-terrorism missions do not undermine our ability to conduct an appropriate number and quality of special operations foreign training missions?

Answer. I do not have significant direct experience in this area except for the relationship of the U.S. Marines with the SOF and the interface of the U.S. Marines with other international Marine forces. However, I would be pleased to work with Congress on this important issue, if confirmed.

COOPERATIVE THREAT REDUCTION PROGRAM

Question. Do you support the Cooperative Threat Reduction (CTR) program?

Answer. Yes. CTR is an important program that addresses highly dangerous WMD, related infrastructure and delivery systems at their sources—primarily in the former Soviet states.

Question. Do you envision a need to expand the CTR program either geographically or programmatically?

Answer. Section 1308 of the National Defense Authorization Act for Fiscal Year 2004 provided authority for CTR to conduct activities outside the Former Soviet

Union (FSU) in special circumstances. CTR's first use of this authority is to eliminate poorly guarded chemical weapons in Albania. This new authority recognizes that the WMD threat is not confined to one region, although we do not expect significant expansion of CTR activities outside the FSU. The administration may request a modification of section 1308 to make the authority more flexible.

Question. If so, what goals do you believe would be achieved by the expansion of the CTR program?

Answer. Wherever CTR activities occur, the goals should always be to address the threat of WMD, related infrastructure or delivery systems.

TASK FORCE ON NUCLEAR CAPABILITIES

Question. The Defense Science Board recently established a Task Force on Nuclear Capabilities to examine options for the nuclear weapons stockpile.

If confirmed, what role do you expect to play on these issues? Do you expect to have any input to the DSB study?

Answer. The Defense Science Board is an advisory body to provide independent advice to senior DOD leadership. The study to which you refer was requested by the Secretary of Defense as a part of a broader review of the status of the process of the transformation of U.S. military capabilities. Upon receipt of their findings and recommendations, however, the Department will take them under consideration and determine a proper course of action after a detailed assessment of the issue.

EXECUTIVE AGENT FOR SPACE

Question. Do you believe that the Under Secretary of the Air Force should retain responsibility as Executive Agent for Space? Why or why not?

Answer. I have no preconceived notion regarding the role of the Under Secretary of the Air Force as Executive Agent for Space. I understand that the former Under Secretary of the Air Force has expressed important views on this. Those views will be considered.

DELIVERY OF LEGAL SERVICES

Question. As the Secretary of the Navy, you have observed the working relationship between the Navy General Counsel, the Judge Advocate General of the Navy, and the Staff Judge Advocate to the Commandant of the Marine Corps in providing legal counsel and services within the Department.

What are your views about the responsibility of the Judge Advocates General of the Services and the Staff Judge Advocate for the Commandant to provide independent legal advice to the service chiefs, particularly in the area of military justice and operational law?

What are your views about the responsibility of staff judge advocates within the Services, the Joint Staff, and the combatant commands, to provide independent legal advice to military commanders?

Answer. The Judge Advocates General of the military departments and the Staff Judge Advocate to the Commandant, like their civilian counterparts, and their staffs provide invaluable service to the Department of Defense. Senior leaders within the Department of Defense are best served by lawyers at all levels who provide objective and candid legal advice that faithfully reflects the law. I am aware that Congress addressed the roles of uniformed lawyers in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005. Congress also mandated the relationships between the legal elements of the military departments. The panel has been selected and is beginning this important task. I assure you that, if confirmed, I will carefully consider the panel's recommendations.

TRANSFORMATION

Question. Secretary Rumsfeld has established transformation of the Armed Forces to meet 21st century threats as one of the Department's highest priorities and has stated that only weapons systems that are truly transformational should be acquired.

How would you assess the level of risk to each of the Services of foregoing or curtailing current acquisition programs in favor of future transformation?

Answer. For 229 years, a strength of the U.S. military has been its ability to adapt and change. As the rate of change of technology continues to accelerate, it will be even more important that the U.S. military keep pace. Recognizing this need, the Department established an integrated risk framework for decision making which was first articulated in QDR 2001.

Question. Can we afford this risk considering the current level of global threats?

Answer. Some enemies of the United States have also kept pace with technological change and are quick to take advantage. The greater institutional risk for DOD is over reliance on traditional platforms and delaying the advent of new technologies and systems.

BALLISTIC MISSILE DEFENSE

Question. The fielding of initial elements of the Ground-Based Midcourse Defense system has begun as part of the ballistic missile defense test bed and for use in an emergency. In accordance with section 234 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, the system has not yet been subject to the operational test and evaluation process applicable to other major weapon systems.

What role do you believe independent operational test and evaluation should play in ensuring that the Ground-Based Midcourse Defense system will work in an operationally effective manner?

Answer. DOD is committed to conducting operationally realistic testing of our missile defense program. Our test program has become more robust and realistic over time. I expect that this trend will continue.

I also understand that in November 2004 the Director of OT&E (DOT&E) approved the Missile Defense Agency's (MDA) Integrated Master Test Program and that he will continue to work closely with MDA to ensure an increasingly operationally realistic test program.

Question. What steps do you believe should be taken to ensure that ground-based interceptors will work in an operationally effective manner?

Answer. The ground-based interceptors are designed to be operationally effective and the testing to date has demonstrated the basic hit to kill functionality. The recent test failures indicated a need for more component qualification testing and a more robust approach to quality control. Steps have been taken by the Director of the Missile Defense Agency to address these shortfalls. DOD expects a return to a robust flight program will occur this year to demonstrate the interceptor's effectiveness with operationally realistic tests agreed upon by the DOT&E.

Question. The Ballistic Missile Defense System is being developed and fielded by the Missile Defense Agency using Research, Development, Test, and Engineering funds.

At what point do you believe that elements of the system should transition to the military departments and procurement funds?

Answer. My personal experience as Secretary of the Navy is that systems should transition to the military departments and utilize procurement funds when the design is stable, tested and ready for production. Until that time, systems should remain in RDT&E where greater flexibility is available to make necessary and appropriate changes to the design.

Question. Do you believe that the Department should be developing scientific plans for this transition now?

Answer. Each of the individual missile defense program elements is in a different stage of its development; consequently, some are much more mature than others.

I support close collaboration between the Missile Defense Agency and the military departments so the Department can understand the costs, logistics and other implications of transitioning missile defense capabilities to better prepare for transition.

SHIPBUILDING INDUSTRIAL BASE

Question. In a recent letter to several Senators regarding the Navy's intent to change the acquisition strategy for the DD(X) program, you minimized the value to the Navy of avoiding a sole source relationship with a single shipyard for building major surface combatants.

Was avoiding a sole source relationship considered in the Navy's decision for adopting a new DD(X) strategy?

Answer. Competition is a key component of any strategy to control costs. The effects on the future ability to hold competitions for follow-on surface combatants were factored into the Navy's decision-making process. However, it is not certain that the acquisition strategy for the DD(X) class will force a sole-source environment for all future surface combatant work. A given shipyard could compete on other work, either commercial or military, and yards that have not built surface combatants in the past may choose to enter that line of work.

Question. What are your views on this issue?

Answer. The decision to review the DD(X) acquisition strategy was necessitated due to the number of DD(X) destroyers to be procured between fiscal years 2007 and 2011. This DD(X) procurement profile represents a build rate of one ship per year

versus the two to three ships per year previously programmed. The Navy's assessment of the impact of the decline in the number of DD(X) hulls in the Future Years Defense Plan upon the surface combatant industrial base indicates that the remaining workload is not sufficient to support two shipyards in a cost-effective level of operation. Building DD(X) in two shipyards at the lower build rate is significantly more costly because the overhead burden is spread across a reduced business base.

The revised DD(X) acquisition strategy is intended to reduce ship unit cost by concentrating the workload associated with the lower build rate at a single shipyard. Navy analysis indicates that sufficient production capacity exists in either surface combatant shipyard to support a build rate of up to two DD(X) destroyers per year. The Navy expects to save in excess of $1 billion over the FYDP by avoiding the premium required to maintain a second shipyard building DD(X).

Question. Have the Navy and the Department of Defense already arrived at a conclusion as to how many DD(X) vessels to build before having conducted the QDR analysis?

Answer. The CNO has spoken of a range of total combat ships. In the case of DD(X), the draft 30-year shipbuilding plan calls for 8 to 12 DD(X)s. Clearly, while the QDR will guide future shipbuilding rates, the Navy's analysis does not predict procuring more than two per year.

LOW DENSITY/HIGH DEMAND FORCES

Question. If confirmed, how would you address the challenges of the Army and Air Force in manning low density/high demand units and officer and enlisted career specialties?

Answer. I have not focused previously on the specific challenges of the Army and the Air Force in low density/high demand units. My experience with the Navy and Marine Corps has shown that an effective way to address the issue is to create incentives for people to pursue understaffed specialties. With Navy end strength declining, we have created opportunities for Sailors to transfer into other less populated ratings. A typical indirect benefit of such rate transfers to the Sailor is greater promotion potential. While this is proving to be an effective short-term solution, changing our recruiting, training and assignment processes will be key to ensuring we have the right numbers and skill mix that we need for the future. This is an issue that requires constant close monitoring and adjustment as necessary.

Related to this issue, the Navy has recently undertaken initiatives to better support joint requirements to relieve stress on Army forces. Specific examples include the training of Navy Masters-at-Arms to replace soldiers in detainee operations and the upcoming deployment of Navy helicopters for air ambulance and medium lift missions in Iraq. Should I be confirmed, I will work with the leadership of the military departments to develop specific actions to address this concern.

READINESS DEFICIENCIES

Question. In response to the committee's advance policy questions in connection with your previous confirmation hearing, you indicated that the Navy had made good progress in meeting readiness deficiencies.

What do you view as the major readiness challenges that need to be addressed in each of the Services, and, if confirmed, how would you approach these issues?

Answer. My experience as Secretary of the Navy is that readiness is a direct function of Operation and Maintenance (O&M) dollars available. Underfunding O&M adversely affects readiness. On the other hand, overfunding O&M does not necessarily provide improvement. Therefore, a balance needs to be struck in the O&M account. However, it is critically important that O&M adequately fund training, spares, depot maintenance, fuel, equipment and the like.

Question. Section 482 of title 10, United States Code, requires the Department to submit a quarterly readiness report to Congress. The Department is nearly a year behind in providing this information, and has failed to provide the required reports for the last three quarters of calendar year 2004.

If confirmed, would you place a priority on ensuring that the Department timely submits the reports required by law under section 482, title 10, United States Code?

Answer. If confirmed, I will seek timely submissions of the quarterly readiness reports to Congress.

ARMY AND MARINE CORPS RECRUITING AND RETENTION

Question. The Army, Army Reserves, Army National Guard, and the Marine Corps have experienced shortfalls in achieving recruiting goals. Many concerns have been raised about the ability of the ground forces to recruit effectively during wartime.

How would you evaluate the status of the Army, Army Reserve, Army National Guard, and the Marine Corps in recruiting and retaining high caliber personnel?

Answer. At this time, I am only qualified to discuss the U.S. Marine Corps regarding recruiting and retention of high-caliber personnel. The Marine Corps continues to meet its recruiting missions, having shipped 13,738 new recruits against an accession mission of 13,477, 102 percent. The Marine Corps did miss the new contract mission in January, February, and March. The Marine Corps is on track to meet yearly recruiting goals, however, this recent experience is an indicator of increased recruiting difficulties. On the other hand, retention is higher than planned, and retention among deployed forces is higher than among forces that are not deployed. In the aggregate, the Marines do not have a recruiting/retention problem of high-caliber personnel, but are taking steps to improve recruiting with particular emphasis on improving communications with parents of potential recruits. I realize the importance of looking at this problem in depth for all the Services.

Question. What initiatives would you propose? If confirmed, to further improve the attractiveness of active and Reserve component service?

Answer. My sense is that we should present the U.S. military as a way for young men and women to serve their country and to protect freedom and liberty for future generations while also utilizing the enhanced enlistment and re-enlistment incentives provided by Congress.

ARMY END STRENGTH

Question. The task of establishing the appropriate size of the active-duty Army and budgeting for projected increases in end strength have presented challenging issues for the Department and Congress. These issues have been compounded by uncertainties associated with recruiting for an All-Volunteer Force.

What recommendations do you have, if any, for changes in the size of the Army's Active Force or in the manner in which planning and budgeting for this force takes place.

Answer. Although I am not familiar with the specifics of Army end strength, the Secretary of Defense has directed that an extensive review of the total force size be undertaken as part of the fiscal year 2005 QDR.

Question. The Department of Defense has relied on supplemental appropriations to fund increases in end strength and permanent changes in force structure, known as "modularity" in the Army and "Force Structure Review Group" for the Marine Corps.

Do you believe it is sound budgetary and management practice to fund these costs through supplemental appropriations rather than through the Department's annual budget submissions? Please explain.

Answer. The annual budget funds daily and predictable requirements of the DOD while the supplemental funds less predictable requirements like the cost of war and other contingencies. War funding is directly related to the pace of operations and the situation on the ground. It is not practical to fund a war this dynamic far in advance.

INVESTMENT IN INFRASTRUCTURE

Question. Witnesses appearing before the committee in recent years have testified that the military services under-invest in their facilities compared to private industry standards. Decades of under-investment in military installations have led to increasing backlogs of facility maintenance needs, created substandard living and working conditions.

Based on your private sector experience, do you believe the Department of Defense is investing enough in its infrastructure?

Answer. During my tenure as Secretary of the Navy, I have seen continuing, significant progress in solving longstanding housing and other facilities concerns, both within the Department of the Navy and across the Department of Defense, by embracing private sector practices and capabilities. Housing is an excellent example. First pioneered by the Department of the Navy, and with the strong support of Congress, all the military departments have now moved aggressively to solve their longstanding family housing needs through the use of private sector capital using public/private ventures. The Department of the Navy has secured almost $3 billion in private sector investment from $300 million of Navy investment in 15 housing privatization projects. The Department of the Navy is now pursuing applying privatization benefits to solve bachelor housing concerns. Moreover, in the area of facilities management, DOD has implemented facilities sustainment and recapitalization metrics based on private sector benchmarks.

APPLICABILITY OF BASE REALIGNMENT AND CLOSURE (BRAC)

Question. Last year the Army started using emergency authorities to buy temporary buildings to station the first of the new so-called "modular" brigades. The Army provided a series of information papers to this committee on July 28, 2004, stating that, with respect to these 10 new brigades, "Permanent stationing for all units will be fully addressed through the BRAC 2005 process." However, the Army has subsequently qualified this language and removed the direct reference to BRAC. Last September when DOD submitted its "Strengthening U.S. Global Defense Posture" report to Congress, Under Secretary of Defense Feith stated in the introduction to that report that "the Defense Department will incorporate its projected overseas posture changes into the BRAC 2005 process." In testimony before the committee this year, the Navy has taken the position that some decisions related to the basing of aircraft carriers will be made as part of the base realignment and closure (BRAC) process while others will not.

How does the Department of Defense intend to address these basing issues? Will these basing decisions be subject to the review of the base closure commission, or will they be presented to Congress using the normal authorization and appropriation process?

Answer. The 2005 base realignment and closure process will permit the Department to assess comprehensively its infrastructure assets and to rationalize those assets with the Department's force structure and mission needs. All military installations in the United States, its territories, and possessions are being assessed within this process. The Global Defense Posture review resulted in a number of decisions that will reposition some U.S. military forces currently permanently stationed abroad to domestic installations in the United States. In those cases, the BRAC process has been informed by those decisions.

NATIONAL SECURITY PERSONNEL SYSTEM

Question. Since March 2004, you have served as the Department's senior official directing implementation of the National Security Personnel System (NSPS).

What are your views of the challenges faced by the Department in implementing the NSPS?

Answer. NSPS is a mission-driven, performance-based system to motivate, recognize and reward excellence which will result in an overall improvement to mission effectiveness and enhanced national security. It is also a significant change, and change is always stressful even when beneficial to employees and to the Nation. Accordingly, the largest challenge to implementing NSPS is managing the change processes. It will require training in both soft skills and in training employees and all members of the management organization in the implementation processes and procedures. It is vitally important that personnel be appropriately trained to implement NSPS fairly across DOD.

Question. If confirmed, what role would you play in the Department's implementation of these far-reaching reforms?

Answer. I expect to remain fully engaged in the NSPS design and implementation and continue as the Department's Senior Executive for NSPS. The Overarching Integrated Product Team (OIPT) and the Program Executive Officer (PEO) will continue to report directly to me, at least until publication of the Final NSPS Regulations and until the first phase of NSPS is implemented. When direct leadership is transitioned, I will continue in an active oversight role.

Question. Do you believe that the long-term research and development mission of the defense laboratories and technical centers and the unique recruiting and retention needs of those laboratories and technical centers warrant a specialized personnel system tailored to their unique mission?

Answer. Based on progress to date in defining NSPS, I believe that the new NSPS system will be sufficiently flexible and adaptable to apply eventually across DOD, including laboratories and technical centers. The labor relations sections will apply across DOD after publication of the Final Regulations, but the Human Resources (HR) system will not apply for laboratories and technical centers until at least 2008. The law requires that the NSPS system be certified as superior to the existing laboratories and technical centers personnel system, and my expectation is that that certification will be obtained and that the conversion date for the HR system will occur in 2008.

UNIFIED MEDICAL COMMAND

Question. Deputy Secretary Wolfowitz directed the Under Secretary of Defense (Personnel and Readiness) to develop a plan for a unified medical command in the DOD.

What are your views on the advantages and disadvantages of a unified command structure for military medical programs? and

If confirmed, how would you assess the impact of a new structure in support of joint warfighting capabilities and the delivery of quality health care to family members and retirees?

Answer. While there appear to be many operational and economic benefits to a unified medical command in DOD, this is not an area that I have personally examined. However, since it appears to offer considerable benefit, it will receive my attention as the Deputy, if confirmed.

SEXUAL ASSAULT

Question. The Department has made significant progress in establishing policies relating to the prevention of sexual assault and improved services for its victims. If confirmed, what policy would you establish to ensure accountability of commanding officers and all senior officials in the Department of Defense for performance of their responsibilities with respect to the prevention and identification of crimes of sexual assault?

Answer. DOD established a policy this winter that set high standards. If confirmed, I will hold people accountable and responsible for their actions to uphold these standards.

DETAINEE ABUSE

Question. Do you believe that the Constitution, laws, and treaty obligations of the United States prohibit the torture or cruel, inhuman, or degrading treatment or punishment of persons held in DOD custody?

Answer. For me, it is unequivocal that persons held in DOD custody will be treated humanely and certainly will not be tortured. Violations to this policy cannot be tolerated. More importantly, this has been the consistent policy of the President and the Secretary.

MILITARY TO CIVILIAN CONVERSION

Question. Under your leadership as Secretary, the Navy developed an aggressive plan to eliminate thousands of medical billets from the active and Reserve components.

What guidance did you give regarding the end state of Navy medicine that caused these reductions?

Answer. The guidance was to ensure operational and other missions that required military personnel would not be adversely affected by any Navy medical personnel conversions. Guidance also stressed that access to health care services should also not be affected.

Question. Did that guidance include a business case analysis to assess the cost and feasibility of converting military medical and dental positions to civilians?

Answer. Yes. Because the majority of Navy medical department personnel are required for (and assigned to) support missions or platforms that support operations (i.e., fleet hospitals, hospital ships), the guidance provided included two significant decision points. First, were medical personnel required for a valid operational mission? If the answer was yes, those billets were not part of the military-civilian conversion. If the answer was no, then a business case analysis was performed to see if those billets could reasonably be converted. If the business case analysis supported that the personnel could reasonably be obtained by hiring from the civilian sector, then the Navy moved to convert the billets from military to civilian. If the business case analysis did not show benefit to the government, the Department of the Navy did not move to convert.

Question. Were the needs of the Army and Air Force taken into consideration before eliminating Navy medical assets?

Answer. Yes, the Navy consulted with the Army and Air Force about military billets it converted.

Question. If confirmed, you would inherit plans for military to civilian conversions across all the military departments. How would you assess these plans, particularly in terms of actual cost savings for the Department?

Answer. Pending other input, I would assess plans across the Department the same way as they were assessed across the Department of the Navy; namely, based on operational need and business case analysis.

MANAGEMENT ISSUES

Question. The Government Performance and Results Act (GPRA) is intended to provide managers with a disciplined approach—developing a strategic plan, establishing annual goals, measuring performance, and reporting on the results—for improving the performance and internal management of an organization.

What are your views on this law and your experience with it?

Answer. GPRA and similar legislative initiatives have had a positive impact on the Department. As a businessman, I fully appreciate the benefits that clear plans, goals, expectations, and results can bring to an organization. For me, as Secretary of the Navy, the issuance of annual goals has been a critical joint endeavor with the Chief of Naval Operations and the Commandant of the Marine Corps. Progress to these goals is measured monthly, and yearly results published throughout the Department of the Navy. The tenets of GPRA have been reinforced through the President's Management Agenda, which I energetically support and will continue to do so if confirmed.

Question. Are you familiar with the strategic plan, annual performance plans, annual accountability report, and financial statements of the Department of Defense?

Answer. Yes. As Secretary of the Navy, I have been responsible for direct input to the Annual Defense Report, which serves as the Department's performance plan. The Department of the Navy works closely with the staff of the Secretary of Defense on the performance information in that plan and in the annual accountability report, and also provides financial statements.

Question. What do you consider to be the most important priorities and challenges facing DOD as it strives to achieve these management goals?

Answer. Clearly, the Department's first priority must be to provide the men and women of our Armed Forces the training, equipment, and support necessary for them to do their jobs, while ensuring security for their families. The foundation of this effort is an effective and agile management system.

Question. What changes, if any, do you feel might be necessary in these plans?

Answer. It is important for the Department to link strategy, goals and individual objectives with a feedback system of metrics to measure performance to goals. In this regard, the NSPS system will be most helpful. NSPS' pay-for-performance will require definitive and measurable goals for every person in DOD. Accordingly, when fully implemented, the pay-for-performance system will link the Secretary of Defense's goals to the individual performance of each employee and at all locations. Since each employee's objectives need to be measurable for pay-for-performance determination, a performance feedback system will be inherent in the process.

Question. How would you determine whether the Department has in place the key information management processes required by law, including a detailed architecture, an investment control process, and appropriate information security plans?

Answer. The Defense Business Systems Management Committee (DBSMC) was recently established as the management mechanism for the Department to provide direction and oversight of architectures, investments, security and measures of effectiveness to support business processes. The deputy chairs this committee and, therefore, if confirmed, I will be directly responsible for these plans and implementations. This management structure will also ensure that DOD business systems comply with applicable laws such as the Clinger-Cohen Act.

Question. If confirmed, what role do you envision you will play in managing or providing oversight over these processes?

Answer. In addition to managing the Department's processes and procedures, as the COO and as Chairman of the Defense Business Systems Management Committee, I will continue full implementation of the President's Management Agenda to fully support the administration's goals of more effective and efficient government.

Question. GAO has consistently stated that cultural resistance to change and the lack of sustained leadership are two key underlying causes of DOD's inability to resolve its long-standing financial and business management problems.

Do you believe the Department needs to have a single leader with sufficient authority and span of control to bring together all of the functional areas of the Department and be accountable for the success of the Department's management reform efforts?

If so, how do you believe this function ought to be performed?

Answer. During my tenure as Secretary of the Navy, this topic has been the subject of considerable discussion and debate within DOD and with the Government Ac-

countability Office. If confirmed, this question will be examined in depth under my cognizance as Deputy. It would be premature to speculate on the outcome of these efforts, except to state that it is vitally important that the Department have a coherent management process to set goals and objectives, measure performance and respond rapidly to changing world events. If confirmed as Deputy Secretary of DOD, I would continue to work directly with Congress, the GAO, independent advisory boards, and the leadership team of DOD to address this issue.

Question. The DOD workforce has undergone significant downsizing in the past several years, and with the current labor market, it is becoming increasingly difficult to attract and retain talent.

How would you work to attract and retain individuals with the experience, education, and skills needed throughout the Department of Defense?

Answer. Agile military forces on the front lines need an agile civilian workforce behind the lines. Congress was highly supportive of DOD in passing the NSPS provisions in the 2003 NDAA. NSPS will improve the effectiveness of the Department through a modern civilian personnel system that will improve the way DOD hires and assigns, compensates and rewards employees. This modern, flexible, and agile human resource system will be responsive to the national security environment, while preserving employee protections and benefits, as well as the core values of the civil service. Pay for performance is expected to be an important factor in hiring and retaining top performers.

Question. GAO has consistently taken the position that strategic human capital management must be the centerpiece of any serious effort to transform the workforce of a government agency. Last June, GAO reported that "DOD and [its] components do not have comprehensive strategic workforce plans to guide their human capital efforts. " In particular, GAO found that DOD had consistently failed to analyze the gaps between critical skills and competencies in the current workforce and those that will be needed in the future.

Do you believe that strategic human capital management must be a centerpiece of any successful effort to address the Department's management problems?

Answer. Our human capital is the most valuable resource within the Department of Defense. To recruit and retain top-caliber personnel, it is essential that the department have a strategic human capital management approach. DOD human capital strategic plan does identify gaps in competencies and skills. It needs to ensure that these gaps in competencies and skills are continuously updated to reflect new missions and technologies of the Department. Personally, I view human capital as vitally important to the Department and, if confirmed, will ensure that DOD planning is comprehensive and timely.

Question. If confirmed, what role, if any do you expect to play in ensuring that the Department addresses deficiencies in its human capital planning?

Answer. If confirmed, my role as COO will include ensuring that the Department's strategic planning and metrics are adequate to safeguard against deficiencies and promote the effective use of human capital.

FINANCIAL MANAGEMENT

Question. Four years ago, DOD promised to establish a new business enterprise architecture and transition plan to transform its business operations. GAO has reported that DOD still does not have a comprehensive architecture and transition plan and that the way that DOD makes business systems investment decisions remain largely unchanged.

Do you believe that a comprehensive business systems architecture and transition plan is the key to reform in this area?

Answer. Yes. The Department needs a systems architecture, and is building one that clearly delineates between the DOD level enterprise systems and the component level systems. Just like any large corporation that consists of multiple operating divisions, the best business systems architecture for an organization of DOD's size is one in which clear standards and report elements are defined so that the subsidiary organizations can comply with those requirements. With this architecture in place, the transition plan will guide migration from legacy systems to a transformed end state.

Question. If so, what role do you expect to play, if confirmed, in ensuring that the Department develops and implements such an architecture and transition plan?

Answer. If confirmed as Deputy Secretary of Defense, I will be the Chairman of the Defense Business Systems Management Committee and will oversee business transformation efforts including the Business Management Modernization Program (BMMP).

Question. Four years ago, senior DOD officials took the position that the Department's financial problems had to be attacked at the root, by developing and fielding new systems. Over the past 2 years, however, the Department has turned in the direction of a new goal of having auditable financial statements by as soon as fiscal year 2007, even though the military services won't have new business management systems in place until 2012 at the earliest. To this end, the Department has proposed to increase its audit spending by more than a billion dollars over the FYDP.

Do you believe that it is reasonable for the Department to try to get auditable financial statements before it has effective business systems in place, or is such an effort likely to result in large expenditures on audits without producing sustainable results?

Answer. That is not a reasonable approach, and it is not the approach the Department is taking. The Department understands the time involved in delivering new systems, and also recognizes the responsibility to be a good steward of taxpayer dollars. For this reason, DOD is continuing to improve financial management practices to achieve a sustainable audit capability.

ACQUISITION POLICY

Question. What role do you expect to play, if confirmed, in the development and implementation of acquisition policy for the Department of Defense?

Answer. I plan to work closely with USD (AT&L) to better align DOD acquisition policies to the world environment that exists today. When Goldwater-Nichols was enacted, the Nation was in the Cold War, acquiring large quantities of defense materials with many new starts and a large and diverse industrial base. DOD is now at low rates of production with few new starts, a downsized industrial base and the vital need to respond quickly to operational needs.

Question. What steps do you believe the Department should take to improve the management and efficiency of its spending on contract support services?

Answer. DOD now spends more on services than on equipment. It is, therefore, essential that the Department ensure that services are acquired strategically and efficiently.

Question. What steps do you believe the Department should take to improve the management and efficiency of its major defense acquisition programs?

Answer. A business practices/processes IPT has been established as part of the QDR to examine the structure of the defense acquisition programs, to improve acquisition performance and streamline the acquisition of goals and services for the warfighter. I will strive to ensure that other management initiatives are coordinated with the QDR.

Question. The Department has chosen to rely increasingly on so-called "incremental" or "phased" acquisition approaches in its defense acquisition programs.

What is your assessment of the benefits and drawbacks, if any of incremental and phased acquisition strategies?

Answer. The use of an "incremental" or "phased" approach to deliver advanced capabilities to the warfighter as expeditiously as possible is appropriate for some programs. The principal benefit of such an approach is speed of delivery of new technologies or capabilities. This is an increasingly important factor as technologies mature more rapidly than ever before, and we are engaged in a war with an adaptable enemy who has shown an ability to exploit new technologies. A challenge with such an approach is ensuring the adequacy of processes to properly match desired capabilities with the maturing of the new technologies and the availability of budget resources to finance acquisitions. I do not, however, endorse "incremental" funding as a means to increase production. Great caution needs to be applied to "incremental" funding to assure that the out-year financial obligations that result can be funded within the DOD top line.

Question. What steps do you believe the Department should take to ensure accountability for cost, schedule and performance when it pursues incremental and phased acquisition strategies?

Answer. Accountability for costs, schedule and performance should be applied the same for phased acquisitions as for any other acquisition.

Question. The Under Secretary of Defense for Acquisition, Technology and Logistics has testified that "any further reductions [in the defense acquisition workforce] will adversely impact our ability to successfully execute a growing workload" and "Now more than ever, I believe we need to increase the size of the acquisition workforce to handle the growing workload, especially as requirements increase in the coming years."

What are your views on this issue?

Answer. The acquisition process has become too complex, cumbersome and slow. Larger organizations do not always provide more effective oversight and accountability. The issue of how to better structure and resource the acquisition functions of the Department of Defense to support wartime operations is under review as part of the Quadrennial Defense Review. This effort should provide the Secretary with recommendations to make the acquisition processes more effective and more attuned to the current acquisition environment.

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, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Deputy Secretary of Defense?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN WARNER

TRANSITION OF SMALL BUSINESS INNOVATIVE RESEARCH

1. Senator WARNER. Secretary England, the Small Business Innovative Research (SBIR) program was established in 1982 to meet agency mission needs through the use of unique expertise found in the Nation's small business community. The Department of Defense (DOD) invests over $500 million each year in these programs, which have yielded many successful results to improve current systems and platforms and to accelerate development of new capabilities. The Department has a more limited track record in timely transition of technology into major acquisition programs and systems. The Office of Management and Budget (OMB) noted in a program assessment rating accompanying the fiscal year 2006 budget request that the Department had taken no action over the last year to implement a recommendation to "seek to get highly successful awardees to enter the mainstream of Defense contracting." Each year, small businesses who have successfully completed Phase II of the SBIR process, and who have technologies available to meet Department requirements, visit Congress seeking assistance with transition funds. Should the Department pursue a more aggressive approach to funding and transitioning successful SBIR Phase II technologies to meet Department needs?

Mr. ENGLAND. My experience in the Department of the Navy with the Small Business Innovative Research Program has been quite positive. The SBIR program has been very good for the Department. It includes a large business sector of the country not previously involved in support of DOD. We have had numerous programs that have gone from SBIR initiatives to being fully embedded in acquisition programs. These programs have gone on to make a difference in the fleet. The Department of the Navy has an aggressive program to move promising programs into mainstream contracting. It has exploited the legal advantages that small business has in transitioning to major companies. Having worked with small businesses while in the private sector, I fully recognize the fragile nature of this group as a whole. Funding flow and timing of contracts make or break such companies. I believe DOD must have an aggressive approach to transitioning successful SBIR initiatives. We have to work hard both for the good of small business and for the benefit of the Department of Defense. If confirmed, I will aggressively support transition of successful SBIR Phase II projects that meet Department needs.

2. Senator WARNER. Secretary England, are there best practices within the Services such as the Primes Initiative and the Technology Assistance Program, that could be disseminated across the Department to improve the transition process and time frame and to address internal and external transition challenges?

Mr. ENGLAND. From my Department of the Navy experience, we have several initiatives in which we solicit new small business, help those new to the process of working with the government, and make early connections of SBIR performers to potential transition customers. These customers include both government agencies and relevant potential prime contractors. These are practices we share with other DOD and non-DOD SBIR managers, and we learn to do better each year. Thus there are numerous best practices including the Primes Initiatives and the Technology Assistance Program that are shared within the Services and Government as a whole.

QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

C–130J PROCUREMENT RECONSIDERATION

3. Senator INHOFE. Secretary England, in early March, Secretary Teets, just prior to his retirement, testified before this committee. At that time, 30 C–130Es were grounded and another 60 C–130s, both Es and Hs, were being restricted due to cracks in the highly stressed wingbox area. That is still the case today. Because of the heavy employment of the C–130 and the need for additional tactical airlift we, as Congress, approved the purchase of the C–130J. A Mobility Capability Study was commissioned in order to determine exactly just how short we were in strategic and tactical airlift resources. We are awaiting the results of this study. I have expressed concern repeatedly, as I did with Secretary Teets, about why the Department of Defense and the U.S. Air Force decided to cancel the C–130J at this time. First, there are extensive termination costs, some say as much as $1.3 billion, associated with the cancellation. I cannot understand why such a decision would be made without even an estimate of termination costs. It should be one of the data points in such a decision. We never seem to learn from the past. We did the same thing with the Army's Crusader program—no analysis and huge termination costs. Second, the Air Force's C–130J cancellation will have an additive impact on the cost per unit of the Marine Corps KC–130J. Finally, we don't know exactly what the final disposition or cost will be to repair the 90 grounded and restricted C–130 E and H models. As I have stated, I believe we have been quite shortsighted in the cancellation of the C–130J based on my earlier comments. I think the Air Force and the DOD is being "penny-wise and pound-foolish," with regard to this program. As a result, both Secretary Teets and General Jumper stated that there would be a review of this cancellation.

You may not be able to comment on the specifics of this matter given that it is about the Air Force, at a time when you were focused on the Navy. However, I would like you to comment on the way we reach these decisions, and how you believe we can improve the process around which DOD program cancellation decisions are made.

Mr. ENGLAND. I believe all complex program decisions should be made in consultation with relevant DOD stakeholders and utilize the best available data—including relevant contract termination costs—to make the decision. The C–130J decision is being reconsidered based on new data. If confirmed, and as I become more knowledgeable of the details of this issue, I would be happy then to discuss this specific issue with you.

BUDGET AND BUSINESS OPERATIONS

4. Senator INHOFE. Secretary England, a few years ago, Secretary Dov Zakheim, DOD Comptroller, addressed the Armed Services Committee. He showed us a very complex chart, a "spaghetti" chart with lots of lines and data showing this committee how we could save a percent of DOD budget according to Secretary Rumsfeld if we successfully modernized our DOD systems and reduce inefficiencies. I can tell you I was very excited about this possibility. In his prepared statement before the Readiness and Management Support Subcommittee last week, Mr. David Walker, the Comptroller General of the United States, said that the DOD has not been all that successful in addressing inefficiencies and that "the Secretary of Defense has estimated that improving business operations could save 5 percent of DOD's annual budget." This is a savings of about $22 billion a year based on the fiscal year 2004 budget. Personally, I am a little outraged that with all the business systems and

best practices that we have been translating from the private sector, and with the expertise of executives and mid-level managers that have been hired into the government, we have not been able to realize these results. The realized savings could go a long way to addressing the proposed reductions for much needed systems that appear to be cut mainly due to budgetary whims since no studies and data have been presented to this committee to show the justification for these cuts based on future capability or military needs. Is anyone working on fixing these business operations issues? What would you propose we do in order to capture these unrealized savings?

Mr. ENGLAND. There are many people at all levels of the Department working to improve our business operations and, if confirmed, I expect to play a major role in improving the efficiency and effectiveness of our business systems—where there is significant potential for savings. Systems modernization is only a part of what it takes to realize such savings. In private industry, continuous business process improvements result from holding leaders accountable for achieving clear, quantifiable and measurable objectives. I would emphasize a similar approach for the Department's critical business transformation priorities including business systems transformation efforts.

TRANSFORMATION

5. Senator INHOFE. Secretary England, Secretary Rumsfeld has now been in office for more than 4 years. When appointed to and confirmed for the role as Secretary of Defense, he and his team took on the transformation of the military as a critical goal for this administration. During the assessment and formulation of the plan for this transformation, the tragedy of September 11 struck our great Nation and the global war on terrorism began. Since that time, our military has been involved in a war unlike any we have seen before. Operation Enduring Freedom, followed by Operation Iraqi Freedom, has taken our military resources, stretched them and utilized our Active Duty, Reserve, and National Guard components in ways that we would not have anticipated prior to September 11. These two major campaigns have gone very well, with the post-war phase in Iraq now yielding tremendous results. I am sure you will agree that though attention on the transformation initiative was momentarily diverted, given all that the DOD has confronted over these last 4 years, it is now keenly refocused. You have been a part of Secretary Rumsfeld's leadership team. As you review all that our military has faced since September 11, do you believe that we are on the right path for transformation?

Mr. ENGLAND. As a Department we have set a strategic course for transformation and have promulgated that vision in both our strategic documents and by our actions. The Services and the CoComs have incorporated our vision of transformation into acquisition programs and operational plans. For the Department of the Navy, fiscal year 2006 is the first year where all ship procurements will consist of vessels designed since the end of the Cold War. The Army Future Combat System (FCS) will incorporate networked communications and sensors into each vehicle and every soldier's equipment. The Air Force is creating a network of persistent long-range surveillance/reconnaissance Unmanned Aerial Vehicles like Global Hawk. There are numerous joint programs such as the Joint Strike Fighter (JSF) and the Joint Unmanned Combat Air Vehicles (J–UCAS). The CoComs are continuously exploiting options to employ new, transformational capabilities.

6. Senator INHOFE. Secretary England, with such current programs such as Missile Defense, the Army's Future Combat System, the Air Force's F/A–22, and the Navy's need for a new carrier, what are the one or two "must-dos" to keep this transformation initiative moving forward?

Mr. ENGLAND. The programmatic efforts to move the transformation initiative forward such as those you note plus others such as Joint Strike Fighter, MV–22, and U–UCAS are well underway. The actions most necessary to keep the transformation initiative moving forward are those associated with making sure the Department operates as efficiently and effectively as possible. The three most important initiatives to this means are the 2005 Base Realignment and Closure processes, the deployment of the National Security Personnel System, and execution and implementation of the Quadrennial Defense Review.

QUESTION SUBMITTED BY SENATOR SUSAN COLLINS

RELEASE OF FUNDS

7. Senator COLLINS. Secretary England, during our discussion at your nomination hearing this week, when asked if you were taking a second look at the Navy's proposed DD(X) "one shipyard" acquisition strategy, you responded by saying, "Senator, look, obviously, we're going to do whatever the law of the land is, so if this Congress takes action, obviously we're going to do that." The enacted fiscal year 2005 defense appropriations bill specifically directs $84.4 million funding "only for design and advance procurement requirements associated with construction of the second (DDX) ship at an alternative second source shipyard." Why hasn't the Navy and the Office of the Secretary of Defense (OSD) released these funds, given the unambiguous law and clear direction from Congress?

Mr. ENGLAND. OSD has released the $84.4 million Advance Procurement funds to the Navy but they are on hold pending conduct of Milestone B and a decision on the shipbuilder portion of the acquisition strategy. The DD(X) acquisition strategy requires a successful Milestone B review prior to proceeding with ship detail design and construction. The Navy is currently in discussions with OSD as to when to conduct the Milestone Review to evaluate the shipbuilder portion of the strategy. The Navy is also reviewing its acquisition strategy options in light of congressional action and is developing a way to proceed.

USD (AT&L) has authorized actions to separate the systems development and the software development contracts from the shipbuilder detail design effort. Actions are being taken to implement this change immediately and award those contracts using lead ship advance procurement funds.

QUESTIONS SUBMITTED BY SENATOR CARL LEVIN

CHIEF MANAGEMENT OFFICER

8. Senator LEVIN. Secretary England, for several years, the Government Accountability Office (GAO) has reported that DOD continues to confront pervasive, decades-old management problems related to business operations that waste billions of dollars annually. GAO recently testified on key elements needed to successfully transform DOD's business operations, including the need to create a full-time, executive level II position for a Chief Management Official (CMO), who would serve as the Deputy Secretary of Defense for Management. This position would be filled by an individual appointed by the President and confirmed by the Senate, for a set term of 7 years with the potential for reappointment. Senators Ensign, Akaka, and Voinovich recently introduced legislation to create this CMO position. What is your position on the proposed legislation for creating a CMO at DOD who would serve as the Deputy Secretary of Defense for Management?

Mr. ENGLAND. My recommendation is that the Senate take no action on this legislation until I have had sufficient time after confirmation to review the overall structure of DOD and decide on an appropriate course of action. If I am confirmed, the management of the Department will be a high priority, and this topic has been discussed with Secretary Rumsfeld. While I am open to a potential position of a Chief Management Officer within DOD, that is not a foregone conclusion. Rather, I would appreciate the opportunity to gain hands-on experience and then make a recommendation based on a better understanding of the full spectrum of DOD processes and operations.

9. Senator LEVIN. Secretary England, if Congress creates this position, what term limits should be set? What is your position on a 7-year term?

Mr. ENGLAND. My suggestion is that the Congress not create this position until Secretary Rumsfeld and I (if confirmed) have an opportunity for further examination and determination of the best management structure for DOD. If we conclude that a Chief Management Officer is appropriate, then we will also make recommendations for a specific term limit.

10. Senator LEVIN. Secretary England, if you do not support the concept of a CMO, how will the Department address the significant problems that have resulted in the addition of a number of DOD's key business operations to GAO's High-Risk List of government programs and activities at risk of waste, fraud, abuse, and mismanagement and how will DOD demonstrate results and progress in successfully transforming its business operations to the committee?

Mr. ENGLAND. If confirmed, my general approach will be to set specific objectives with schedules and appropriate metrics that address all business aspects of the Department. My initial judgment is that we need to greatly simplify business processes within DOD and better align authority and responsibility. That said, it may still be appropriate to have a Chief Management Officer to assist the Deputy Secretary to better accomplish this task. I can assure that I am very open on this subject and will recommend whatever is most appropriate to achieve maximum efficiency and effectiveness in the Department.

QUESTION SUBMITTED BY SENATOR BILL NELSON

KENNEDY AIR CRAFT CARRIER

11. Senator BILL NELSON. Secretary England, on April 20, 2004 in your speech before the Jacksonville Chamber of Commerce and Northeast Florida Navy League, it was reported by the Florida Times Union, "England said JFK would return and remain at Mayport until it is decommissioned in 2018." Then in December you called me to announce that the *Kennedy* would be mothballed. Please explain this discrepancy.

Mr. ENGLAND.

THE SECRETARY OF THE NAVY
WASHINGTON DC 20350-1000

April 28, 2005

The Honorable Bill Nelson
United States Senate
Washington, D.C. 20510-0905

Dear Senator Nelson:

This letter is in response to your recent question regarding my comments in Jacksonville last April.

In April, 2004, the Navy's announced plan and budget was to temporarily change the homeport of the USS JOHN F. KENNEDY from Mayport to Norfolk as part of a planned overhaul. At that time, this temporary homeport change was causing some angst in the Jacksonville area. The purpose of my remarks in Jacksonville was to assuage this concern.

Circumstances change. Even though the Navy budget has increased in 2006, the Department of the Navy has concluded that it no longer needs to retain the KENNEDY in active service to meet current and future operational needs.

Retiring the KENNEDY allows us to address other high-priority Navy needs and to accelerate the replacement of the KENNEDY at Mayport with a nuclear carrier. These two actions will enhance the national security posture of the United States, and your support is therefore requested and appreciated.

Thanks!

John England

Cc: Chairman Warner

[The nomination reference of Gordon R. England follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 7, 2005.

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

Gordon R. England, of Texas, to be Deputy Secretary of Defense, vice Paul D. Wolfowitz, resigned.

[The biographical sketch of Gordon R. England, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF HON. GORDON R. ENGLAND

Gordon England was confirmed as the 73rd Secretary of the Navy on 26 September 2003 and sworn in on 1 October. He becomes only the second person in history to serve twice as the leader of the Navy-Marine Corps Team and the first to serve in back-to-back terms. Prior to his return to the Navy Department he was the first Deputy Secretary of the Department of Homeland Security. The Department of Homeland Security was established on January 24, 2003, to integrate 22 different agencies with a common mission to protect the American people.

Secretary England served as the 72nd Secretary of the Navy from May 24, 2001, until he joined the Department of Homeland Security in January 2003. As Secretary of the Navy, Mr. England leads America's Navy and Marine Corps and is responsible for an annual budget in excess of $110 billion and more than 800,000 personnel.

Prior to joining the administration of President George W. Bush, Mr. England served as executive vice president of General Dynamics Corporation from 1997 until 2001. In that position he was responsible for two major sectors of the corporation: Information Systems and International. Previously, he served as executive vice president of the Combat Systems Group, president of General Dynamics Fort Worth aircraft company (later Lockheed), president of General Dynamics Land Systems Company and as the principal of a mergers and acquisition consulting company.

A native of Baltimore, Mr. England graduated from the University of Maryland in 1961 with a bachelor's degree in electrical engineering. In 1975 he earned a master's degree in business administration from the M.J. Neeley School of Business at Texas Christian University and is a member of various honorary societies: Beta Gamma Sigma (business), Omicron Delta Kappa (leadership) and Eta Kappa Nu (engineering).

Mr. England has been actively involved in a variety of civic, charitable and government organizations, including serving as a city councilman; Vice Chair, Board of Goodwill, International; the USO's Board of Governors; the Defense Science Board; the Board of Visitors at Texas Christian University; and many others.

He has been recognized for numerous professional and service contributions from multiple organizations such as Distinguished Alumnus Award from the University of Maryland; the Department of Defense Distinguished Public Service Award; the Silver Beaver Award from the Boy Scouts of America; the Silver Knight of Management Award from the National Management Association; the Henry M. Jackson Award and the IEEE Centennial Award.

[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 Gordon R. England in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Gordon Richard England.

2. **Position to which nominated:**
Deputy Secretary of Defense.

3. **Date of nomination:**
April 7, 2005.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
September 15, 1937; Baltimore, MD.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Dorothy Marie Hennlein.

7. **Names and ages of children:**
Gordon England, Jr., 42; Margaret Kristen Rankin, 39; and Marisa Claire Walpert, 32.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Graduate, Mount St. Joseph High School, Baltimore, Maryland, 1951–1955, June 1955.
University of Maryland, College Park, Maryland, 1956–1961, BSEE, June 1961.
Graduate, Texas Christian University, 1968–1975 (night school), MBA, May 1975.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
10/03–present Secretary of the Navy, Department of Defense, Pentagon.
1/03–9/03 Deputy Secretary, Department of Homeland Security, Nebraska Avenue Complex.
5/01–1/03 Secretary of the Navy, Department of Defense, Pentagon.
3/97–4/01 Executive Vice President, General Dynamics Corporation, Headquarters, Falls Church, VA.
3/95–3/97 CEO, GRE Consultants, Inc., Fort Worth, TX.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Benbrook Texas City Council and mayor pro tem, 1982–1986, no party affiliation.
Member of the Defense Science Board from 1991 to 1996.
Member of the Defense Science Board Acquisition Subpanel, 1997 to 1998.
Member of the Defense Science Board Task Force on Globalization and Security, 1998 to 1999.

National Research Council, Vice Chairman of Study on the Future of U.S. Aerospace Infrastructure, 2000–2001.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Member, Omicron Delta Kappa (leadership).
Member, Beta Gamma Sigma (business).
Member, Eta Kappa Nu (engineering).
Lifetime member, Navy League of the United States (Mr. and Mrs. England).

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

GD PAC contributions (withheld from paycheck).
2000–$1,000.

Personal Contributions.
2005—Kay Granger Re-Election—$2,000.
2004—Armendariz Klein Campaign—$500.
2004—Kay Granger Campaign Fund—$2,000.
2004—Bush-Cheney 2004 (Primary) Inc.—$2,000. (G. England)
2004—Bush-Cheney 2004 (Primary) Inc.—$2,000. (D. England)
2003—Kay Granger Re-Election—$2,000.
2002—Good Government Fund (Senator Kay Bailey Hutchinson sponsor)—$5,000.
2002—Congressman Joe Barton Committee—$2,000.
2001—Kay Granger Re-Election Campaign Event, April 11, 2001—$1,000.
2000—Johnson for Congress 2000—$1,000.
2000—Texas Freedom Fund—$1,000.
2000—Texas Freedom Fund—$1,000.
2000—Tiahrt for Congress—$1,000.
2000—Re-Election Campaign of Cong. Chet Edwards—$1,000.
2000—Common Sense, Common Solutions PAC—$500.
2000—Lazio 2000—$2,000.
2000—RNC Victory 2000—$2,000.
2000—Texas Freedom Fund PAC, Inc.—$1,000.
2000—Kay Granger Campaign Fund—$1,000 (by Dorothy H. England)
2000—Kay Granger Campaign Fund—$1,000.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Henry M. Jackson Distinguished Service Award.
Distinguished Alumnus Award for 2002, University of Maryland.
DOD Medal for Distinguished Public Service.
Department of the Air Force Exceptional Public Service Award.
Department of the Army Exceptional Public Service Award.
Honorary Doctor of Science, School of Engineering, Oakland University.
Louis V. Koerber Patriotism Award.
Citizen of the Year, Goodwill Industries, Fort Worth.
Distinguished Alumnus of 2005, Texas Christian University.
Silver Knight of Management Award, National Management Association.
Silver Award, National Defense Industrial Association.
Selected to Aviation Heritage Hall of Fame, Fort Worth.
Institute of Electrical and Electronics Engineering Centennial awardee.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Boston Herald—U.S.S. *Constitution,* a reminder of our heroes, July 4, 2002.

Washington Times—Chief Executive Transformed—September 10, 2002.
Naval Institute Proceedings—One Team—One Flight—November/December 2002.
Sea Power Magazine—Our Mission is Clear—December 2001.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

Please see attached copies of speeches.

[Nominee responded and the information is contained in the committee's executive files.]

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

GORDON R. ENGLAND.

This 14th day of April 2005.

[The nomination of Gordon R. England was reported to the Senate by Chairman Warner on July 29, 2005, with the recommendation that the nomination be confirmed. Mr. England received a recess appointment as Deputy Secretary of Defense on January 4, 2006. The nomination was confirmed by the Senate on April 6, 2006.]

[Prepared questions submitted to ADM Michael G. Mullen, USN, by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. Almost two decades have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. You have had an opportunity to observe the implementation and impact of those reforms, particularly in your joint assignments as Commander, Striking Fleet Atlantic/U.S. Second Fleet, and Commander, Joint Force Command Naples/U.S. Naval Forces Europe.

Do you support full implementation of these defense reforms?

Answer. Yes. I strongly support full implementation of the Goldwater-Nichols Department of Defense Reorganization Act of 1986. These changes were the right approach and have resulted in a stronger, more capable and responsive defense organization.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. I believe that we have made great strides in implementing these defense reforms and these reforms have enhanced our Nation's warfighting capabilities. Examples include the changes I've seen in my current assignment in Europe and the U.S. military's support of Operations Enduring Freedom and Iraqi Freedom. In the European Theater, it is clear many other nations have adopted similar reforms and are moving in the right direction.

I also believe there is room for improvement. The future lies in leading and supporting coalition forces and this will require further integration of these reforms. We

have made major progress in developing joint perspectives. It is now time to examine joint educational requirements, joint billet structure and joint service credit to ensure we are best postured, from a statutory point of view, for the 21st century. If confirmed, one of my goals will be to the make the Navy a more joint force.

Finally, additional reforms are required, I believe, in the acquisition process to ensure that new systems are in full compliance with joint interoperability requirements, and in improving the coordination and interaction between the uniformed requirements personnel and the civilian acquisition professionals to deliver systems which are "born joint." Among the greatest risks facing us is the spiraling cost of the procurement of modern military systems. Additionally, implementation of the act's provisions giving "sole responsibility" for acquisition to the Service Secretaries has effectively cut the Service Chiefs out of the acquisition process. The voice of the Service Chiefs in the process should be enhanced.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. I believe the most important aspect of these defense reforms is the emphasis and commitment to joint warfighting with commensurate regard for each of the Service's core competencies. I believe our Nation has been well-served by operations conducted under the command of regional combatant commanders with joint forces from all the Services. As noted above, this is critical for the success of future operations and missions.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes.

Question. Recently, there have been expressions of interest and testimony from senior military officers recommending modifications to Goldwater-Nichols.

Do you believe that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

Answer. I am not familiar with any particular legislative proposals to amend Goldwater-Nichols. However, after 20 years, a comprehensive review might be an idea worthy of consideration. If confirmed, I will work closely with the Secretary of Defense and Secretary of the Navy if I see the need to seek improvements.

Question. What do you understand the role of the Chief of Naval Operations to be under the Goldwater-Nichols Act relative to the Secretary of Defense, the Secretary of the Navy, the Chairman of the Joint Chiefs of Staff, the other members of the Joint Chiefs, and the combatant commanders?

Answer. I am comfortable with the Chief of Naval Operations' (CNO) interaction with these principal leaders. If confirmed, I will work for the Secretary of Defense and the Secretary of the Navy, who will be my direct civilian superior. Along with the other Service Chiefs, I will be a member of the Joint Chiefs of Staff (JCS) tasked with the responsibility for actively reviewing and evaluating military matters and offering professional military advice on any issues relevant to our national defense. Finally, Title X makes the CNO responsible for organizing, training, and equipping forces in support of the combatant commanders with whom I will endeavor to foster close working relationships.

RELATIONSHIPS

Question. Section 5033 of title 10, United States Code, discusses the responsibilities and authority of the Chief of Naval Operations. Section 151 of title 10, United States Code, discusses the composition and functions of the Joint Chiefs of Staff, including the authority of the Chief of Naval Operations, as a member of the Joint Chiefs of Staff, to submit advice and opinions to the President, the National Security Council, or the Secretary of Defense. Other sections of law and traditional practice, also establish important relationships outside the chain of command. Please describe your understanding of the relationship of the Chief of Naval Operations to the following offices:

Secretary of Defense

Deputy Secretary of Defense

The Under Secretaries of Defense
The Chairman of the Joint Chiefs of Staff
The Vice Chairman of the Joint Chiefs of Staff
The Secretary of the Navy
The Under Secretary of the Navy
The Assistant Secretaries of the Navy
The General Counsel of the Navy
The Judge Advocate General of the Navy
The Commandant of the Marine Corps
The Chiefs of Staff of the Army and Air Force
The combatant commanders
Answer.

Secretary of Defense

The Secretary of Defense is the principal assistant to the President in all matters relating to the Department of Defense. As a Service Chief and member of the Joint Chiefs of Staff, the Chief of Naval Operations is a military adviser to the Secretary of Defense, particularly regarding matters of naval warfare, policy, and strategy.

Deputy Secretary of Defense

The Deputy Secretary of Defense, on occasion, serves as acting Secretary in the absence of the Secretary. During these periods, my relationship with the Deputy Secretary will essentially be the same as with the Secretary. The Deputy Secretary is also responsible for the day-to-day operation of the Department of Defense. If confirmed, I will endeavor to regularly interact with him and provide him with the best possible professional military advice and the same level of support as I would the Secretary.

The Under Secretaries of Defense

Under current DOD Directives, Under Secretaries of Defense coordinate and exchange information with DOD components, to include the services, in the functional areas under their cognizance. If confirmed as CNO, I intend to respond and reciprocate. If confirmed, I will use this exchange of information as I communicate with the CJCS and provide military advice to the Secretary of Defense.

The Assistant Secretaries of Defense

All assistant secretaries are subordinate to one of the Under Secretaries of Defense with two exceptions. This means that any relationship I would have with subordinate assistant secretaries would be with and through the applicable Under Secretary of Defense. Since the Assistant Secretaries of Defense for C3I and Legislative Affairs are principal deputies to the SECDEF, my relationships with them would be conducted along the same lines as those with the various under secretaries. Additionally, if confirmed as CNO, I intend to foster collaborative working relationships with the civilian leadership in the Office of the Secretary of Defense and to consult with them on matters within their respective areas of responsibility.

The Chairman of the Joint Chiefs of Staff

If confirmed, I look forward to working with and through the Chairman in the execution of my newly assigned duties as the Chief of Naval Operations member of the Joint Chiefs of Staff. My statutory responsibility as a Service Chief would be to provide properly organized, trained, and equipped forces to the combatant commanders to accomplish their military missions and to provide military advice to the President and Secretary of Defense.

The Vice Chairman of the Joint Chiefs of Staff

When functioning as the acting Chairman, the Vice Chairman's relationship with combatant commanders is exactly that of the chairman. The 103rd Congress amended Title 10 to give the Vice Chairman the same rights and obligations of other members of the Joint Chiefs of Staff. If confirmed, I would exchange views with the Vice Chairman on any defense matter considered by the Joint Chiefs of Staff. The Vice Chairman also heads or plays a key role on many boards that affect readiness and programs and, therefore, the preparedness of naval forces. If confirmed, I will endeavor to establish a close relationship with the Vice Chairman on these critical issues.

The Assistant to the Chairman of the Joint Chiefs of Staff

The Assistant to the Chairman represents the Chairman in the interagency process; while there is no command relationship between the Assistant to the Chairman and a Service Chief, informal exchanges of view are of mutual benefit. If confirmed, I would expect to participate in such exchanges, especially regarding initiatives and

support for the global war on terror. In addition, if confirmed, I would be committed to exploring methods of improving interagency cooperation, including interagency participation on the staffs of combatant commanders.

The Director of the Joint Staff

The Director of the Joint Staff is generally the Joint Staff point of contact for soliciting information from the combatant commanders as the chairman develops a position on an important issue.

The Secretary of the Navy, the Under Secretary of the Navy, the Assistant Secretaries of the Navy, the General Counsel of the Navy, the Judge Advocate General of the Navy, and the Secretary of the Navy

Statutorily, the CNO performs his duties under the authority, direction, and control of the Secretary of the Navy. Specifically, the CNO is responsible for providing properly organized, trained, and equipped forces to support the Combatant Commanders in the accomplishment of their missions. In addition, the CNO assists the Secretary of the Navy, through the OPNAV staff, in the development of plans and recommendations for the operation of the Department of the Navy. In my opinion, the interaction and coordination between these two organizations and staffs has improved markedly during the last 4 years, to the direct benefit of the readiness of our Navy. There is a much more collaborative environment within the Department of the Navy, and if confirmed, I intend to work closely with the Secretary of the Navy to continue this positive progress.

The Under Secretary, the Assistant Secretaries and the General Counsel

These principals of the Secretary of the Navy, and their staffs, work to implement the Secretary's vision for the Navy and Marine Corps of tomorrow. If confirmed, I will work closely with each of them to achieve the Secretary's goals.

The Judge Advocate General of the Navy

Under 10 USC § 5148(d), the Judge Advocate General (JAG) of the Navy performs duties relating to any and all Department of Navy legal matters assigned to him by SECNAV. The JAG provides and supervises the provision of all legal advice and related services throughout the Department of the Navy, except for the advice and services provided by the General Counsel.

It is important that the CNO receive independent legal advice from his senior uniformed judge advocates. He/she is a significant component of the Department's legal service infrastructure and performs functions that are essential to the proper operation of the Department as a whole. I believe that no officer or employee of the DOD may interfere with the ability of the JAG to give the CNO independent legal advice.

If confirmed, I will endeavor to establish a close working relationship with the JAG and will seek his/her independent legal guidance.

The Commandant of the Marine Corps

I believe there is a close historical, operational and joint relationship between the Navy and the Marine Corps. If confirmed, my relationship with the Commandant of the Marine Corps must necessarily be exceptionally close. Many of our capabilities, programs, and personnel issues are inextricably linked; our forces deploy together, and both must be "ready on arrival." If confirmed as CNO, I will work to make the Navy-Marine Corps team stronger wherever possible

The Chiefs of Staff of the other Services

In my view, the only way for our Armed Forces to be truly effective on behalf of this Nation is to work together, to recognize each other's strengths and to complement each other's capabilities. We can—and must—achieve synergy in warfare, training, and procurement to ensure each Service contributes optimally to joint and combined operations. If confirmed, I am absolutely committed to making the relationships with my counterparts as mutually beneficial as possible and to enhance, wherever possible, joint interoperability and other aspects of the joint relationship in order to improve the warfighting capabilities of the United States.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next Chief of Naval Operations?

I think the major challenges confronting the next Chief of Naval Operations are:

1) the need to maintain and sustain our Navy's current readiness, to deliver for the President and this nation exactly the right combat capability for exactly the right cost—today. Admiral Clark's innovative organizational and financial reforms these last 5 years have produced a Navy far more combat-ready than it has been

since the end of the Cold War. One need look no further than the Navy's extraordinary contributions to Operations Enduring and Iraqi Freedom or our rapid response in support of East Asian nations hit by the devastating tsunami in December to see the truth in that statement. We are, as one journalist recently so aptly put it, a "force for good," but we cannot rest on those laurels;

2) the need to build the Navy of the future—to create a Fleet that is properly sized and balanced to meet head-on the uncertain and dynamic security environment that awaits us over the next 20 to 30 years. I believe our Navy must be prepared to fight major conflicts against aggressor states while simultaneously dealing with the asymmetric warfare this global war on terror will continue to present. We are ready now for the war we are fighting, but we are not yet appropriately shaped for the types of threats we will most assuredly face in the future, and

3) the need to likewise shape the Navy's manpower and personnel system for the 21st century—to transform a Cold War-era assignment, distribution and compensation system into one that is more reflective of and, quite frankly, more responsive to the unique and incredible talent of the men and women serving our Navy today. Our readiness—current and future—is inextricably tied to the growth and development of our people and to the quality of service we provide them and their families. I believe that, though we are clearly winning the battle for talent, the marketplace for that talent will grow increasingly competitive in the future. Admiral Clark's emphasis this year on the development of a Human Capital Strategy is well-placed and, in my view, an imperative for the future.

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

Answer. If confirmed, I plan to focus my efforts early and firmly on these three challenges.

I will ensure we continue to put to sea a combat-ready Navy through the tenets of the Fleet Response Plan, and that through this plan we remain a rotational force for the Nation—forward deployed, fully engaged and surge capable. I believe strongly in the notion of "presence with a purpose" and will work hard to provide the President and the people of the United States a Navy that can—and will—be where they need it to be, when they need it to be there. Likewise, if confirmed, I plan to ensure our units are ready for combat operations earlier in the training and maintenance cycles, and that they remain so for a longer period of time, generating a higher return on our country's investment. Thus, I intend to advance our Integrated Readiness Capability Assessment (IRCA) process.

Having held joint command and served these last 6 months as a NATO commander in Europe, I am well-versed in the importance of joint and combined operations. I know the Navy brings to the fight unique maritime and expeditionary warfighting capabilities, but I also realize that such capabilities are only as good as the contribution it makes to the overall strategic effort. If confirmed, I plan to work to improve "jointness" in the Navy—from a systems acquisition, operational planning and execution, and manpower perspective. I am convinced this is one, very significant way we can increase both the effectiveness and the efficiency of our current operational readiness. If the war on terror has taught us nothing else, it is that the future of national and international security lies in mutual cooperation and interoperability—not only with our sister services but also with allies, coalition partners, and a host of corporate and nongovernmental agencies.

As to the challenge posed by building our future Navy, I intend to remain true to the vision articulated in Sea Power 21. Through that vision—and its pillars of Sea Strike, Sea Shield, and Sea Basing—I believe the Navy has laid the groundwork to truly transform itself for the century to come. If confirmed, I will focus my efforts on evaluating the composition and capabilities required to make that transformation a reality and will work with the Secretary of Defense, Congress, and industry to more effectively and efficiently deliver to the Nation those precise capabilities, as well as the fleet that will take them to sea.

In particular, I believe we must continue—through Sea Enterprise—to reap the savings necessary to buy our future Navy and to balance our investments with those of our sister services. Continued increased productivity is vital as well. We must aggressively pursue the acquisition of systems that are "born joint," and we must be courageous enough to further accelerate the testing and fielding of these new systems. Technology is changing—and our enemies are adapting—far too fast for us to remain hamstrung by Cold War era procurement practices. In a similar vein, I am convinced the shipbuilding challenge before us is significant and portends to stifle the development of the very Navy we will need to win this war on terror and protect the homeland. If confirmed, I look forward to working closely with OSD, Congress, and industry leaders to develop a shipbuilding plan that delivers the fleet our Nation needs to prevail in war and live in peace.

Finally, as we build this future Navy, we must stay mindful of the impact our decisions have on our people and their families. Recruiting and retaining the very best talent and providing these brave men and women meaningful, rewarding career opportunities remains critical to the readiness and combat capability of our Navy. If confirmed, I will aggressively pursue the development of a Human Capital Strategy that maximizes the potential of all who serve, be they active, Reserve, or civilian. We will continue to pursue the kinds of new technologies and competitive personnel policies that will streamline both combat and non-combat personnel positions, improve the two-way integration of active and Reserve missions, and reduce the Navy's total manpower structure.

We expect to be a better educated and trained, but smaller, workforce in the future. Getting there will likely require changes in the way we recruit, assess, train and manage the workforce. It will, therefore, also require some flexible authorities and incentive tools to shape both the career paths and our skills mix in ways that let us compete for the right talent in a competitive marketplace.

MOST SERIOUS PROBLEMS

Question. What do you consider to be the most serious problems in the execution of the functions of the Chief of Naval Operations?

Answer. In my view, the most serious problems that the next Chief of Naval Operation will face in terms of executing his duties are: ensuring cost effective readiness while achieving increased productivity; properly balancing current resources allocated to maintain, train, and equip the Navy; obtaining the necessary resources to build the future Navy; managing personnel through an outdated, cumbersome manpower system; improving the speed, agility, and flexibility of naval forces; and reconciling acquisition policies and methodologies to meet our needs.

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

Answer. Mindful of both the results of BRAC and the QDR, if confirmed, I will move immediately to review in-place execution issues in the fleet; craft a clear, concise vision and execution plan; develop a plan to track real savings for future use; aggressively pursue the development—and delivery—of a 21st century Human Capital Strategy; maintain and strengthen organizational, financial, and operational alignment across our Navy; work closely with OSD, Congress, and industry leaders to develop a shipbuilding plan that delivers the fleet our Nation needs; foster amongst our Navy's four-star admirals a broad and productive guiding coalition; and deepen the relationship between our Navy and the U.S. Marine Corps.

STATUTORY AUTHORITY OF THE OFFICE OF THE CHIEF OF NAVAL OPERATIONS

Question. Chapter 505 of title 10, United States Code, provides the statutory framework for the Office of the Chief of Naval Operations and delineates the authority and duties of the Chief of Naval Operations, Vice Chief of Naval Operations, the Deputy Chiefs of Naval Operations, and Assistant Chiefs of Naval Operations.

Based on your extensive experience serving in the Office of the Chief of Naval Operations, what recommendations for legislative changes do you have, if any, to chapter 505?

Answer. I do not currently have any recommendations for legislative changes for chapter 505. I believe the current authority is appropriate and commensurate to the many designated duties required of the Chief of Naval Operations. If confirmed and if I do have any recommended changes, I will work closely with the Secretary of the Navy on such initiatives.

QUALIFICATIONS

Question. Section 5033 of title 10, United States Code, requires the Chief of Naval Operations to have had significant experience in joint duty assignments, including at least one full tour of duty in a joint duty assignment as a flag officer.

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

Answer. I believe I am qualified to serve as Chief of Naval Operations and have significant experience in the duties required. I had the privilege of six command tours from which I gained a solid operational foundation. I have served in two joint flag positions: Commander Striking Fleet Atlantic and currently as Commander, Allied Joint Force Command Naples, Italy. Further, I served in the Office of the Secretary of Defense, completed four tours at Navy Headquarters, a tour with the Bureau of Naval Personnel and one in naval training. I have an MS in Operations Research and Analysis from our Naval Post Graduate School, and I completed an Executive Business Course at Harvard University. Finally, I believe my programmatic

background and experience will be beneficial in leading the Navy through the fiscal challenges that lie ahead.

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Question. At her confirmation hearing in January, Secretary of State Rice expressed the administration's strong support for the U.N. Convention on the Law of Sea. She stated that she would work with the Senate leadership to bring the Convention to a vote during this Congress. You have been a strong advocate of the Convention and testified in favor of its ratification before congressional committees in 2003 and 2004.

Do you continue to support United States accession to the United Nations Convention on the Law of the Sea?

Answer. Yes, I support United States' accession to the Law of the Sea Convention, and I believe that joining the Convention will strengthen our military's ability to conduct operations.

Question. In your opinion, is this Treaty in the national security interest of the United States? If so, why?

Answer. Yes, I believe that accession to the Law of the Sea Convention is in national security interest of our Nation. The basic tenets of the Law of the Sea Convention are clear and the U.S. Navy reaps many benefits from its provisions. From the right of unimpeded transit passage through straits used for international navigation, to reaffirming the sovereign immunity of our warships, providing a framework for countering excessive claims of other states, and preserving the right to conduct military activities in exclusive economic zones, the Convention provides the stable and predictable legal regime we need to conduct our operations today and in the future.

The ability of U.S. military forces to operate freely on, over and above the vast military maneuver space of the oceans is critical to our national security interests, the military in general, and the Navy in particular. Your Navy's—and your military's—ability to operate freely across the vast domain of the world's oceans in peace and in war make possible the unfettered projection of American influence and power. The military basis for support for the Law of the Sea Convention is broad because it codifies fundamental benefits important to our operating forces as they train and fight:

- It codifies essential navigational freedoms through key international straits and archipelagoes, in the exclusive economic zone, and on the high seas;
- It supports the operational maneuver space for combat and other operations of our warships and aircraft; and
- It enhances our own maritime interests in our territorial sea, contiguous zone and exclusive economic zone.

These provisions and others are important, and it is preferable for the United States to be a party to the Convention that codifies the freedoms of navigation and overflight needed to support U.S. military operations. Likewise, it is beneficial to have a seat at the table to shape future developments of the Law of the Sea Convention. Amendments made to the Convention in the 1990s satisfied many of the concerns that opponents have expressed.

Since 1983, the U.S. Navy has conducted its activities in accordance with President Reagan's Statement on United States Oceans Policy, operating consistent with the Convention's provisions on navigational freedoms. If the U.S. becomes a party to the Law of the Sea Convention, we would continue to operate as we have since 1983, and would be recognized for our leadership role in law of the sea matters. Joining the Law of the Sea Convention will have no adverse effect on the President's Proliferation Security Initiative (PSI) or on U.S. intelligence gathering activities. Rather, joining the Convention is another important step in prosecuting and ultimately prevailing in the global war on terrorism.

TRANSFORMATION

Question. If confirmed, you would play an important role in the process of transforming the Navy to meet new and emerging threats.

What are your goals regarding Navy transformation?

Answer. I fully support the Navy's ongoing transformation efforts. If confirmed, Sea Power 21 will remain the Navy's vision for the future, and I firmly believe we have made great strides through that vision towards developing the capabilities we will need in coming years. But, much work remains. I believe our Navy is not yet properly shaped for the future, especially for operations in the littoral. We must continue to refine and accelerate Sea Power 21, particularly Sea Basing and FORCEnet

capabilities. Both are vital to providing national capabilities that enhance our warfighting potential—as a Navy and as part of the joint force.

FLEET RESPONSE PLAN

Question. The Fleet Response Plan has been implemented to provide a surge capability for "presence with a purpose." There have been some reports indicating sailors' dissatisfaction with the unpredictability of the new deployment schedules.

What strengths and weaknesses have you perceived to date with the implementation of the Fleet Response Plan?

Answer. The Fleet Response Plan is a new operational construct, which retains and builds on our current force rotation concept, to better leverage the Navy's force and provide the President more responsive, flexible, and combat credible options.

I believe we have demonstrated the viability and value of FRP—the ability to surge more Carrier and Expeditionary Strike Groups and combat power than before, largely within the resources already planned (OIF, Summer Pulse 2004, and tsunami). At the same time, we have a better understanding of how we must continue to assess, refine and improve the associated training and maintenance cycles needed to support FRP in the long term.

There is a certain amount of unpredictability to the FRP, though frankly I view this as a strength and a deterrent to those who have long studied and contemplated taking advantage of our historical "heel to toe" schedule of deployments. While unpredictability may initially cause some angst in the fleet, my experience with Sailors and their families throughout my career is if we remain honest and upfront with them about what we are doing and why—they will readily accept the mission and accomplish it with the same exceptional level of professionalism and dedication they have demonstrated in the past.

Question. After a surge, do you feel there is sufficient maintenance and repair capability in the public and private sector to quickly reconstitute the force?

Answer. Yes, there is sufficient maintenance and repair capability to reconstitute the force after a surge. This ability was amply demonstrated during Operation Iraqi Freedom (OIF), during which we surged seven Carrier Battle Groups and 75 percent of our amphibious force. In all, more than half the fleet deployed and was then reconstituted using both public and private ship depot repair facilities. A big part of our success was due to the superb support from this committee and the rest of Congress—for which the Navy remains extremely grateful.

Question. How does "presence with a purpose" differ from other concepts such as "virtual presence"?

Answer. Simply put, "Presence with a purpose" is about being there for a reason. We can no longer afford to stay on station, "boring holes in the water" as sailors like to say, merely for "presence" sake. The Navy's response to the Asian tsunami is a telling example. U.S. naval units involved in theater engagement activities were diverted and quickly arrived on scene, providing vital support in the early hours after the tsunami. This highlights both the value of "presence with a purpose" and the responsiveness of naval forces rotationally deploying overseas.

In addition to actively assisting the tsunami victims as no other military or organization in the world could have in such a timely manner, there was a significant down payment made on the prevention of terrorism in that vital part of the world. You have to actually be there to achieve that.

"Virtual presence" on the other hand, is actual absence.

NAVY FORCE STRUCTURE

Question. Until recently, the Navy had a stated requirement for 375 ships, based on the Sea Power 21 vision. In a recent report by the Congressional Research Service (CRS) concerning alternative funding approaches for shipbuilding, CRS postulates "the fundamental cause for instability in the shipbuilding industrial base may be the absence of a current, officially approved, consensus plan for the future size and structure of the Navy." A Quadrennial Defense Review (QDR) is now underway, based on a new National Defense Strategy that could affect the Navy's force structure.

If confirmed, how do you intend to work within the QDR process to gain consensus on the number and types of ships required in the Navy?

Answer. If confirmed, I will work to ensure that the full capabilities of naval forces are judiciously considered and weighed against other alternatives as the QDR seeks to provide the most effective joint force to our Nation within a resource constrained environment. My recommendations will be based on detailed analysis of the capabilities required to defeat the future threat.

I believe that the value of—and the need for—naval forces will increase as very significant numbers of troops currently based overseas redeploy back to the United States without replacement, and our adjustment continues to the reality of the reduction of our ability to freely use the sovereign territory of other counties, even that of our allies. I believe there is—and must be—a balance between the size of the fleet and the combat capability of individual platforms.

Operations Enduring Freedom and Iraqi Freedom proved the value of the combat readiness in which this nation has invested and the importance we must place on improving the fleet's ability to respond with decisive, persistent combat power for major combat operations.

This is an enduring requirement for naval forces.

These operations demonstrated the importance of the latest technology in surveillance, command and control, and persistent attack. Sensors and precision weaponry are changing everything we know about the balance between firepower and maneuver in a battlespace defined increasingly by time and information rather than by distance and geography. In this environment, time critical targets will increasingly be the norm rather than the exception, and the speed of action will demand that we deal more effectively with the doctrinal problems associated with fratricide. Distributed and networked solutions must become the norm.

Our operations over the last few years have also highlighted once again that overflight and basing overseas are not guaranteed. Therefore, our supremacy of the maritime domain and our consequent ability to quickly deliver an agile combat force is a priceless advantage.

Question. The Navy is already 25 ships below the level that was determined to be required in the last QDR. Most of these shortfalls are in surface combatants, but there is also a shortage of submarines. If the Navy decommissions an aircraft carrier, as it has announced it intends to do, a shortfall will arise in that category as well.

With an ongoing QDR and Global Posture Review, and Base Realignment and Closure process commencing, what are your views about the Navy proceeding now with major force structure changes?

Answer. I believe that our first commitment must be to maintaining the requisite combat readiness to fight and win the global war on terror and to respond to major crises. The Fleet Response Plan has enabled the Navy to deliver significantly more combat power faster, thereby increasing the operational availability and utility of the fleet even as the size of that fleet has decreased in terms of numbers.

So, while the Navy is currently below the levels determined in the last QDR, we continue to meet our operational requirements through innovative operational, maintenance, and manning policies. Resources must, however, be found for the recapitalization of the Navy. We are not yet properly shaped for the future. While I support the decommissioning of the aircraft carrier now, I would not support any additional major force reductions until I have an opportunity to assess the results from the global posture review, BRAC, and the QDR.

ALTERNATIVE FINANCING METHODS FOR SHIPBUILDING

Question. Navy leaders have testified that alternative financing methods must be found for shipbuilding.

What are your views and recommendations on the benefits and feasibility of alternative financing methods, such as incremental funding and advance appropriations?

Answer. I believe that alternative financing methods in conjunction with a shipbuilding plan could be very helpful in reducing uncertainty for our Nation's shipbuilders and could ultimately lead to more affordable ships and a larger fleet.

I believe that funding lead ships of new classes that introduce advanced technologies with research and development funds is both appropriate and reasonable as well as consistent with the current acquisition practices of most major, technologically advanced programs.

I also believe that it is in our country's best interest to reduce the large perturbations in the new ship construction account caused by the funding of capital ships under current funding policy and that the Navy, industry and Congress should explore the full range of mitigations available as well as other resources and resourcing methods.

Question. What is your assessment of the long-term impact of such alternative financing methods on the availability of funds for shipbuilding?

Answer. Alternative financing methods have the potential to reduce uncertainty and enhance the efficiency of our shipbuilders, lowering to some extent the per-unit cost of new ships and thereby freeing resources that could be apportioned for the construction of additional ships. Alternative financing methods are, however, nei-

ther a panacea nor a replacement for appropriate funding levels overall. What is needed is a shipbuilding plan to which we are committed and for which resources consistently support. All too often, the best-laid plans are undone by affordability challenges and increased costs.

The ultimate requirement for shipbuilding, however, will be shaped by the potential for emerging technologies, the amount of forward basing, and innovative manning concepts such as Sea Swap. Additional critical variables are operational availability and force posture, survivability and war plan timelines.

ATTACK SUBMARINE FORCE LEVELS

Question. The most recent official statement of requirements for attack submarine force levels was included in a study by the Joint Chiefs of Staff in fiscal year 1999. That study indicated that the minimum requirement for attack submarines is 55 and that in the future the Navy would need to have between 68 and 72 submarines. Substantial portions of these boats were deemed in the study to be necessary to meet various intelligence, surveillance, and reconnaissance requirements. Despite this, there have been indications that the Navy is considering significantly reducing the force structure of attack submarines to fewer than 40 boats.

What are the considerations that might lead the Navy to conclude that a number of attack submarines substantially smaller than 55 would be sufficient to meet the requirements of the combatant commanders and other intelligence, surveillance, and reconnaissance needs?

Answer. In considering whether the minimum attack submarine force-level requirement of 55 should be reduced, it is important for studies and analyses to evaluate the range of options and potential performance versus the risk associated with those options and the trade off between competing platform investments. We have a responsibility to balance all of our warfighting investments to deliver the full range of naval capabilities. Over the past 4 years, we have made tough decisions to reduce the total number of surface combatants and tactical aircraft based on this kind of analysis. Submarines are, and will continue to be, part of the calculus in determining how best to deliver the capabilities the Nation requires of its Navy. The major considerations in establishing submarine force levels begins with establishing the capabilities required to, first, meet wartime requirements and, second, fulfill additional requirements, such as intelligence, surveillance and reconnaissance.

Although no definitive submarine force structure has been determined, the 2001 QDR set 55 submarines as the baseline.

I believe that a thorough analysis of the required number of submarines should, at a minimum, consider the potential duration of future conflicts and subsequent threat draw down rates; the value of precursor actions and distributed sensors; possible changes in threat numbers and capabilities; changes in the environment or theater of operations; changes in strategy and tactics; inherent differences in capabilities of platforms; forward basing and optional crew rotation versus supportable infrastructure; political climate; and the vulnerability of forward basing to weather, threats and other variables. It is also a question of affordability of these units, which must be considered in any evaluation. An improved availability of the submarines we currently have will be important for our future force structure as well.

NAVY MARINE CORPS INTRANET

Question. What is your assessment of the status of the Navy Marine Corps Intranet program and the ability of that program to meet the Navy's information technology needs?

Answer. The Navy-Marine Corps Intranet (NMCI) is essential to increasing our organizational efficiency, controlling overall information technology costs and maintaining the high level of information assurance and security we need for the 360,000 users we currently have transitioned.

Implementation of NMCI has revealed just how vulnerable our networks were, the fragility of our system architecture, and the extent of unnecessary legacy systems Navy owned.

If confirmed, I will remain committed to NMCI and to bringing the entire department onto a single, secure, enterprise-wide intranet. NMCI is meeting our information technology needs, particularly in the realm of information assurance and security, and in the near term we will continue the rapid "cutover" of NMCI seats to the NMCI network.

MILITARY TO CIVILIAN CONVERSIONS

Question. The Services have been engaged in a multiyear effort to eliminate thousands of military billets and replace them with civilian or contractor personnel. The

Navy has been unique in targeting health profession billets for military-to-civilian conversions.

If confirmed, how would you use military-to-civilian conversions to shape the future force of the Navy?

Answer. The Navy is conducting a careful and measured review of military billets to determine what billets require the unique skills of a uniformed sailor and which ones could best be performed as effectively, and at lower cost, by a civilian or by private industry.

In conducting this review, we are using several tools, including "zero-based reviews" of individual officer communities and enlisted ratings; functional reviews of service delivery for various infrastructure requirements; and a review of the model for providing total force health care requirements. We will phase in the results of these analyses to ensure that sailors continue to have viable and rewarding career paths and that we continue to support the fleet with an appropriate mix of civilian and uniformed professionals.

If confirmed, I will continue to support these efforts.

Question. If confirmed, what metrics would you establish to measure the effectiveness of this transformational tool, and how would you determine if and when DOD civilians and private contractors could perform work in a more efficient or cost effective manner?

Answer. Effectiveness of the Navy's military-to-civilian conversion efforts will be measured by the degree to which they meet the following criteria: maintaining—or improving—fleet readiness; overall cost savings; and the continued growth and development of our sailors.

The identification of those billets most appropriate for conversion will stem principally from our "zero-based reviews" of individual officer communities and enlisted ratings, functional reviews of service delivery for various infrastructure requirements, and a review of the model for providing total force health care requirements.

Question. How would you measure the impact of such conversions on readiness?

Answer. Warfighting capability and readiness will be assessed using those metrics and methods of assessment already in place, which are applied across the fleet by the operational commander.

Question. If confirmed, how would you assess the quality and availability of civilian physicians, dentists and nurses, and their willingness to serve in the Federal civilian workforce?

Answer. The Navy's Surgeon General provides oversight for the Navy's medical services, including civilians, and I would, if confirmed, charge the Surgeon General with assessing both the quality of care provided by civilian physicians, dentists and nurses serving Navy Service members as well as their willingness to serve in the Federal civilian workforce. It is my understanding that the Quadrennial Defense Review is addressing the delivery of military medical care and those results will play a significant role in determining the final structure and delivery mechanisms for military and Navy medicine.

PREVENTION AND RESPONSE TO SEXUAL ASSAULTS

Question. On February 25, 2004, the Senate Armed Services Committee Subcommittee on Personnel conducted a hearing on policies and programs of the Department of Defense for preventing and responding to incidents of sexual assault in the Armed Forces at which you testified and endorsed a "zero tolerance" standard. In late April 2004, the DOD Task Force on Care for Victims of Sexual Assault issued its report and recommendations, noting "If the Department of Defense is to provide a responsive system to address sexual assault, it must be a top-down program with emphasis placed at the highest levels within the Department down to the lowest levels of command leadership. It must develop performance metrics and establish an evaluative framework for regular review and quality improvement."

In response to the report and recommendations of the DOD Task Force report, what actions has the Navy taken to prevent and respond to sexual assaults?

Answer. As the then Vice Chief of Naval Operations, I testified before the hearing in February 2004. As I stated then, and re-emphasize now, sexual assault is not tolerated in our Navy. Prevention is our first priority, but, when incidents occur, we have a sound process in place to provide specialized assistance to the victim quickly, conduct a full and fair investigation, and hold offenders accountable. We must rigidly adhere to and improve this process.

The senior leadership of the Navy has personally communicated to each commanding officer our expectations regarding Sexual Assault Victim Intervention (SAVI) responsibilities and reporting compliance. Annual training on sexual assault awareness and prevention is required. Training is also included throughout the

Navy's student curricula, including RTC Great Lakes, the Naval Academy, NAS Pensacola, prospective Commanding Officers and Executive Officers courses, Surface Warfare Officer classes, and at the Senior Enlisted Academy. Additionally, we are starting to conduct an internal monthly review of sexual assault data to identify trends and propose corrective action where required.

If confirmed, I will continue to personally support these efforts and look for ways to improve our training and prevention programs, our reporting and data collection processes and our response methodologies in order to address this issue. I will adequately resource these programs.

Question. What additional resources and organizational changes, if any, has the Navy devoted to its Sexual Assault Victim Intervention (SAVI) program?

Answer. We are continually evaluating resource requirements and, accordingly, have allocated additional funding for fiscal year 2005 to further enhance program services and to offset increasing costs. In addition, the Navy is working to improve its reporting and data collection processes.

Question. If confirmed, what actions do you plan to take to ensure that senior leaders of the Navy have day-to-day visibility into the incidence of sexual assaults and the effectiveness of policies aimed at ensuring zero tolerance?

Answer. In general, I believe we have effective policies in place in the areas of awareness, prevention education, and victim advocacy. To improve our ability to execute those policies, we have focused—and will continue to focus—commanding officer attention on the issue, we have committed the additional funding noted above, and we are working to develop better performance metrics in our data collection and trend analysis.

If confirmed I will personally and stridently support these efforts and will communicate early and often the need for all leaders in the Navy—at all levels of the chain of command—to remain vigilant to the conditions and behavior that precipitate sexual assault and to the special needs of victims.

QUALITY OF LIFE

Question. In October 2002, the Center for Naval Analyses conducted a study to measure the retention benefits of several of the Navy's Quality of Life programs, and to compare these benefits with the costs of providing the programs. The study's results indicated that most Quality of Life programs have a positive impact on satisfaction with the Navy. Morale, Welfare, and Recreation programs, family housing and child development centers all had a positive impact on retention of enlisted personnel.

What is your view of the importance of quality of life programs in the Navy, and the impact of such programs on recruitment, retention and readiness?

Answer. Quality of life programs are crucial to maintaining a healthy working environment for Navy's Service members, their families, and our civilian professionals. They are particularly important in offsetting the rigors of a rotationally deploying force that operates overseas regularly. Quality of Life programs increase our attractiveness to potential recruits and subsequently ease recruiting challenges, enhance retention and increase our operational readiness.

I believe that quality of life programs provide a significant return on investment and that these are some of the most valued benefits of naval service. We provide—as we should—the gold standard of medical care, family support (particularly during deployments), Fleet and Family Support Centers, recreational facilities and services, childcare and personal development and education programs to help Sailors achieve their own goals. The result is a fleet of professional, motivated men and women ready in all respects to fight on their nation's behalf.

Question. What are your recommendations on how best to ensure the financial sustainability of such programs in the future?

Answer. I believe mechanisms currently in place adequately ensure the financial sustainability of these important programs. I will pay attention to these programs, if confirmed.

DELIVERY OF LEGAL SERVICES

Question. As Vice Chief of Naval Operations, you observed the working relationship between the General Counsel of the Navy and the Judge Advocate General of the Navy, as well as the working relationship of these individuals and their staffs with the Chairman's legal advisor, the General Counsel of the Department of Defense, and the legal advisors of the other Services.

What are your views about the responsibility of the Judge Advocate General of the Navy to provide independent legal advice to the Chief of Naval Operations, particularly in the area of military justice and operational law?

Answer. I believe it is critical that the CNO receive independent legal advice from his senior uniformed judge advocates. Pursuant to 10 USC § 5148(d), the Judge Advocate General (JAG) of the Navy performs duties relating to any and all DoN legal matters assigned to him by SECNAV. Pursuant to U.S. Navy Regulations, 1990, Article 0331, the Navy JAG commands the Office of the Judge Advocate General and is the Chief of the Judge Advocate General's Corps.

The JAG provides and supervises the provision of all legal advice and related services throughout the Department of the Navy, except for the advice and services provided by the General Counsel. In accordance with the Manual for Courts-Martial, the Staff Judge Advocate (SJA) is the principal legal advisor of a command in the Navy.

The JAG is, in essence, the SJA to the CNO and is tasked to advise and assist the CNO in formatting and implementing policies and initiatives pertaining to the provision of legal service within the Navy. Additionally, the JAG effects liaison with the Commandant of the Marine Corps, other DOD components, other governmental agencies and agencies outside the Government on legal service matters affecting the Navy.

It is critical that the CNO receive independent legal advice from the JAG as he/she is a significant component of the Department's legal service infrastructure and performs functions that are essential to the proper operation of the Department as a whole. No officer or employee of the DOD may interfere with the ability of the JAG to give the CNO independent legal advice. I am comfortable with the existing working relationships and interactions.

Question. What are your views about the responsibility of staff judge advocates throughout the Navy to provide independent legal advice to military commanders in the fleet and throughout the naval establishment?

Answer. Uniformed staff judge advocates are essential to the proper functioning of both operational and shore based units of the Navy and Marine Corps. In the critical area of military justice, commanders and commanding officers are required by statute (10 U.S.C. § 806) to communicate with their staff judge advocates with the purpose of receiving instruction and guidance in this field. In addition, officers rely on their staff judge advocates for advice on all types of legal matters, extending beyond their statutory responsibilities.

A staff judge advocate has a major responsibility to promote the interests of a command by providing relevant, timely, and independent advice to its military commander, whether at shore or in the fleet. 10 U.S.C. § 5148(2)(2) reinforces the critical need for independent advice from a staff judge advocate, by prohibiting all interference with a judge advocate's ability to give independent legal advice to commanders, as applied to any employee of DOD. Navy and Marine Corps commanders depend extensively on their staff judge advocates to provide independent advice, which combines legal acumen and understanding of military requirements and operations.

BALLISTIC MISSILE DEFENSE

Question. The Navy will play an important role in defending the Nation against the threat of long-range ballistic missile attack and in defending allies, friends and deployed forces against theater ballistic missile threats.

Do you view ballistic missile defense as a core Navy mission?

Answer. Yes, missile defense is a core Navy mission. If confirmed, I will ensure that the Navy continues to work with the Missile Defense Agency (MDA) to develop and field this important capability aboard naval vessels. I also believe that the Navy's ability to provide ballistic missile defense will be increasingly important to joint warfighting and, based on successes to date, that the MDA's investment in naval missile defense systems is delivering important operational joint and national capabilities. In short, I believe there is great value in this capability for our Nation, and will be more so in the future.

Question. What plans does the Navy have for testing the Aegis Ballistic Missile Defense System?

Answer. The Missile Defense Agency is currently charged with testing of the Aegis Ballistic Missile Defense System (ABMD) for the Defense Department. Under this construct, the Navy will continue testing of the Aegis-SM–3 missile defense capability under the current agreement with MDA, providing full-time commitment of an Aegis equipped Cruiser to the Testing and Evaluation (T&E) role.

Additionally, the Navy plans to modify other Aegis equipped ships to conduct MDA missions when required, has entered into an international partnership to increase the capability of the SM–3 missile and has invested in science and technology to develop defenses against more advanced ballistic missiles.

Question. Are you satisfied with the current rate of production for the SM–3?

Answer. I believe that the current rate of production is the minimum prudent rate and that overall operational risk could be reduced and testing accelerated if additional resources were available. It is MDA, however, that funds and procures missile defense systems and they must balance their risks and requirements within their constraints.

SCIENCE AND TECHNOLOGY PROGRAM

Question. The defense science and technology program is recovering after years of declining budgets. However, the budget request for defense S&T still falls short of the Secretary of Defense's goal of dedicating 3 percent of the total defense budget to science and technology. In particular, the Navy science and technology program, especially the investment in long-term, innovative work which has been so successful in confronting emerging threats, has declined significantly over the last 3 years.

If confirmed, how do you plan to address the shortfalls in the Navy science and technology program to meet the Secretary's goal?

Answer. Three percent of the budget remains our goal as we balance competing investment priorities from year to year. The fiscal year 2006 Navy S&T budget is $1.8 billion and maintains a broad base of science and technology to provide new capabilities to the warfighter and technological innovation in support of the National Military Strategy. Though short of the goal, I believe this sum provides a sufficient level of investment in this very important program for this year.

Question. What is your view of the role and value of science and technology programs in meeting the Navy's transformation roadmap goals?

Answer. The Navy's ongoing efforts to integrate advanced technology with new operational concepts and organizational constructs result in a real transformation of military capability through our Future Naval Capabilities program. In that vein, the maturing technology we're seeing today and beginning to incorporate into platforms, weapons, sensors, and process improvements are the result of long-term investments in Science and Technology and an important element of the Navy's transformation.

TECHNOLOGY CHALLENGES

Question. In recent testimony before the Senate Armed Services Committee, the Chief of Naval Operations discussed challenges related to the national security environment. He noted that the Department of Defense must establish an "unblinking eye" above and throughout the battlespace. He maintained that speed and agility are the attributes that will define operational success.

What do you see as the most challenging technological needs or capability gaps facing the Navy in achieving speed, agility, and the referenced "unblinking eye"?

Answer. The ongoing global war on terror has highlighted the technological challenges of sustaining maritime domain awareness across a variety of theaters with an "unblinking eye". Technologically, this means pursuing the "needle in the haystack" to ensure security and continued domination in the maritime environment, as well as responding rapidly when detection occurs.

Speed and agility are critical to our operational success and are achieved through a combination of investments in modern platforms and through the increased operational availability of our existing forces. The Fleet Response Plan has achieved significant improvements on the Navy's ability to respond to the Nation's most pressing needs, and greatly increased our force posture achieved with our current force structure.

Investments in ACS, CG(X), DD(X), FORCEnet, Integrated Propulsion Systems, Littoral Combat Ship, JSF, MMA, SSGN, SSN–774, stealth, and unmanned systems will also ensure mission agility in response to a broad range of threats. These investments will help our Navy adjust its warfighting capabilities in order to support small-scale contingencies, such as peacekeeping and stability operations in addition to traditional warfighting requirements. Diversification of capabilities will assist in mitigating risk against irregular, catastrophic, and disruptive challenges we face today and for the foreseeable future. We must also pay attention to technological investments for additional high-leverage forces, e.g., SOF, EOD, SeaBees, medical, and maritime security forces.

Question. If confirmed, how will you work with the Navy's research enterprise to ensure adequate investments in areas that will provide the technical breakthroughs of the future?

Answer. The Navy must continue to pursue a comparative advantage versus competitive advantage against our opposing forces. Rather than engage in a platform vs. platform, force-on-force conflict, we must exploit our technological advantages to develop sensors and systems to enhance our warfighting capability within the con-

straints of our current force structure. If confirmed, I will continue the current commitment to a strong science and technology program and will work with the Navy's research enterprise to explore development of a variety of weapons systems and propulsion systems as well as a range of sensors and surveillance capabilities to leverage our Country's and our Navy's technological superiority as an asymmetric advantage. Also, I believe we should explore, support, and sustain the developments produced by small, innovative companies.

NAVAL RESERVE FORCE STRUCTURE

Question. As a result of the Navy's "zero based review," significant changes in the size and structure of the Naval Reserve are taking place.

What role and mission do you expect the Naval Reserve to perform now and in the future?

Answer. The zero-based review of the Naval Reserve structure between the Chief of Naval Reserve and the Commander of Fleet Forces Command will allow us to rebaseline the Reserve Force with one overarching objective in mind: a Reserve Force fully integrated with the Active Force.

The roles and missions of the Reserve Force will continue to respond to the changing threat landscape. This includes Reserve Force contribution to the global war on terror, including increased emphasis on civil affairs.

Question. How would you access the progress being made in transforming the Naval Reserve into a fully integrated and capable force?

Answer. We have made great strides in Active Reserve Integration (ARI). We continue to pursue the creation of fleet response units (FRUs) which go hand-in-glove with the Fleet Response Plan to provide the Nation more operational availability of our combined, naval forces.

An illustration of our progress is our multiple efforts to have Reserve Sailors report to ships, not to buildings. Reserve centers are being replaced by operational organizations that help facilitate the vital contribution of the naval force across a broad spectrum of required capabilities.

Question. What is your view of the optimal size of the Naval Reserve in the future?

Answer. The optimal size of the Naval Reserve is really a function of capacity management to determine what capabilities and skill sets we want to own in the Active Force. We must ensure that the right capabilities reside in the proper component; and that each component can work in ways that are fully complementary. While we are driving down the number of Reserve personnel, their capability and skills remain vital to the success of the Navy's strategic vision for building the Total Navy Force.

NAVY END STRENGTH

Question. The Navy's proposed budget for fiscal year 2006 includes reductions of 13,200 personnel in the Active-Duty ranks and 10,300 in the Naval Reserve. Admiral Clark has indicated that one of his goals is to reduce the Navy's Active-Duty Force to 350,000 sailors from the current authorized level of 373,800.

Do you agree with these reductions?

Answer. Yes, I agree with the reductions as a goal and will conduct my own review, if confirmed. Some of these proposed reductions are predicated on technology insertion, which suggests an overall phased approach as the technology is fielded. Organizational alignment, including initiatives like Optimal Manning, and billet reviews will also yield legitimate opportunities for reducing our total workforce and should be implemented if appropriate.

Question. What is the justification for these reductions in Active-Duty and Naval Reserve Forces?

Answer. The Navy's overall strategy is still evolving and considerable effort is being devoted to ensuring that the changes we make are the right ones. The combat power of our forces is not directly tied to the number of sailors, but rather their skills and the capabilities of the equipment they operate.

Additionally, there are still remnants of Cold War practices that are personnel-intensive and can be replaced by new organizations—such as Navy Installations Command—to potentially reduce our personnel requirements and continue to seek out and gather efficiencies ashore. There remains work to do in this area. Finally, by focusing on the military skills of our sailors, we are finding that some functions can best be filled by the Reserve component, converted to government civilian or outsourced to great benefits: increased efficiency, higher quality of life, contractual service targets and lower cost.

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, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Chief of Naval Operations?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

CHINA/TAIWAN

1. Senator INHOFE. Admiral Mullen, with regard to our military, I am very concerned with the actions of China during the past decade or so. In the 1990s China was caught stealing U.S. nuclear secrets. The W–88 warhead was the crown jewel of our nuclear program that allowed up to 10 nuclear missiles to be attached to the same warhead. In 1995, we discovered that China had stolen this technology. China gained the capability of accurately reaching the continental U.S. with nuclear missiles and the ability to target between 13 and 18 U.S. cities. China transferred prohibited weapons technology to North Korea, Iran, Iraq, and other countries. China continues to threaten to absorb Taiwan and they continue to intimidate our treaty allies in South Korea and Japan. Recently China placed into law the proclamation that force would be used to prevent Taiwan from becoming independent. China has continued to expand and solidify her influence. She has long had ambitions to increase her military presence over the surrounding region. Her "string of pearls" strategy included a listening post in Pakistan, billions of dollars of military aid to Burma, military training and equipment into Thailand and Bangladesh, etc. On my last trip to Africa I saw Chinese influence everywhere I looked. A recent Pentagon report quoted in the Washington Times, outlines, "China . . . is not looking only to build a blue-water navy to control sea lanes, but also to develop undersea mines and missile capabilities to deter the potential disruption of its energy supplies from potential threats, including the U.S. Navy, especially in the case of a conflict with Taiwan." The weapons China is investing in include long-range cruise missiles, submarines, long-range target acquisition systems, specifically cutting-edge satellites and unmanned aerial vehicles. I could go on and on. My question to you is this, how do you view China as you prepare to lead the United States Navy?

Admiral MULLEN. [Deleted.]

2. Senator INHOFE. Admiral Mullen, what do we need to concern ourselves with and what do we need to do about the emergence of China as a very strong regional and world player?

Admiral MULLEN. [Deleted.]

CHINA IN AFRICA

3. Senator INHOFE. Admiral Mullen, I have traveled several times to Africa as part of a congressional delegation. I was shocked to see the amount of Chinese influence there. In Benin I saw a conference center being constructed, and in Congo I saw a large sports stadium, both donated by the Chinese. China has been expanding its influence throughout Africa with projects like this. One saying I heard was, "The U.S. tells you what you need, but China gives you what you want." I think the fact that these countries have large oil and mineral deposits paints the real picture. The

Gulf of Guinea, bordered by nations with these natural resources is a particular focus for Chinese influence. In your previous role as Commander, U.S. Naval Forces Europe, I believe you had responsibility for this geographical area. What challenges do you foresee as we address U.S. national security concerns, given the influence of China, with its extensive need for oil, in this part of the world?

Admiral MULLEN. [Deleted.]

QUESTIONS SUBMITTED BY SENATOR SUSAN COLLINS

P–3C ORION AIRCRAFT

4. Senator COLLINS. Admiral Mullen, five P–3C Orions from Squadron 8 at the Naval Air Station in Brunswick, Maine, recently participated in the tsunami relief efforts. I remain very proud of their participation. These invaluable aircraft and dedicated squadrons have also proven invaluable during Operation Enduring Freedom and Operation Iraqi Freedom. Given that the P–3 continues to demonstrate its effectiveness across mission areas for the Navy from drug interdiction to search and rescue to antisubmarine and maritime surveillance, P–3s are clearly valuable and necessary sea and land surveillance platforms. Would you agree that the P–3 aircraft and its capabilities are critical operational concepts for current and future missions?

Admiral MULLEN. The Navy has relied on the tremendous capabilities of the P–3 since the aircraft's Fleet introduction in 1962. Today, P–3s are making vital contributions in support of Operations Enduring Freedom and Iraqi Freedom. The introduction of the Anti-Surface (ASuW) Improvement Program (AIP) version of the P–3 in the 1990s has allowed the Navy to leverage the P–3's tremendous maritime surveillance capabilities in new roles, including overland and littoral Intelligence, Surveillance, and Reconnaissance (ISR) missions.

As Commander, Naval Forces Europe, I am very aware of the utility of these aircraft, not only for ISR missions in the theater, but also for the benefit of having them available as yet another tool for theater engagement with fledgling democracies in Africa and the Black Sea areas. Also, in my role as a NATO Commander, P–3 aircraft proved themselves invaluable in support of various NATO operations throughout the theater, including Kosovo. Indeed, P–3 aircraft in Kosovo have supported U.S. participation in NATO operations by providing surveillance related to force protection, route security, and civil unrest. Further, just as P–3s have been detached to Africa and the Black Sea region as a tool for bilateral engagement, so may there be future opportunities to engage with developing partners throughout the Balkans.

While the P–3 will be in the fleet for many years, the aircraft are nearing the end of their originally projected service life. The criticality of the P–3's continuing contributions is reflected in the President's fiscal year 2006 budget request that includes an investment of over a billion dollars in P–3 sustainment and modernization programs. These programs are needed to sustain the P–3 until it can be replaced by the P–8A Multimission Maritime Aircraft over the period from 2013 to 2019. Moreover, the P–3s long-term importance is highlighted by inclusion of P–3 programs totaling over $38 million in the Chief of Naval Operations' fiscal year 2006 Unfunded Priority List.

AIR RECONNAISSANCE

5. Senator COLLINS. Admiral Mullen, as the threats of the future evolve and change, do you believe that it is crucial that there be a permanent naval air reconnaissance presence at all "four corners" of our Nation?

Admiral MULLEN. Awareness of activities in the maritime domain is a critical component to ensuring the security of our homeland and naval air reconnaissance provides an important contribution to that effort. To improve our understanding of maritime activities, Navy and Coast Guard have been working in partnership to develop a concept called Maritime Domain Awareness (MDA). While we currently have some level of MDA through our operational forces and legacy systems, MDA's full potential will be realized by improving our ability to collect, fuse; analyze, and disseminate actionable information and intelligence to operational commanders. Accomplishing this involves collaboration among U.S. Joint Forces, U.S. Government Agencies, international coalition partners and forces; commercial entities, and especially the intelligence community.

Comprehensive MDA requires input from a wide variety of sensors and sources to support a defense in depth. These sensors and sources, some existing and others

yet to be developed, will form the basis for detection, identification and tracking as required. The components will include active and passive sensors, along with cooperative and space based capabilities. The Navy's contribution to MDA includes intelligence and information collection by widely dispersed, networked naval forces and the analysis, integration, and dissemination of that data via intelligence activities such as the National Maritime Intelligence Center (NMIC), which hosts the Office of Naval Intelligence (ONI).

The maintenance of a permanent Naval air reconnaissance presence at all "four corners" of the Nation, like all military base requirements, was reviewed during the Department of Defense (DOD) Base Realignment and Closure (BRAC) process. The DOD's complete analysis was made available to the BRAC Commission on 13 May 2005. DOD has recommended consolidating east coast P–3 assets at a single site (NAS Jacksonville, FL) in order to optimize Naval Aviation infrastructure resources. As part of the realignment, NAS Brunswick is recommended for major realignment into a Naval Air Facility, with it's P–3s and C–130 squadrons relocating to NAS Jacksonville. The realignment will save the Navy significant resources each year, resulting in greater investment in the warfighting needs of the future.

[The nomination reference of ADM Michael G. Mullen, USN, follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
March 2, 2005.

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

The following named officer for appointment as Chief of Naval Operations, United States Navy and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5033:

To be Admiral

ADM Michael G. Mullen, 9509.

[The biographical sketch of ADM Michael G. Mullen, USN, which was transmitted to the committee at the time the nomination was referred, follows:]

TRANSCRIPT OF NAVAL SERVICE FOR ADM MICHAEL GLENN MULLEN, USN

04 Oct. 1946	Born in Los Angeles, California
05 June 1968	Ensign
05 June 1969	Lieutenant (junior grade)
01 July 1971	Lieutenant
01 Oct. 1977	Lieutenant Commander
01 June 1983	Commander
01 Sep. 1989	Captain
01 Apr. 1996	Rear Admiral (lower half)
05 Mar. 1998	Designated Rear Admiral while serving in billets commensurate with that grade
01 Oct. 1998	Rear Admiral
21 Sep. 2000	Designated Vice Admiral while serving in billets commensurate with that grade
01 Nov. 2000	Vice Admiral
28 Aug. 2003	Admiral, Service continuous to date

Assignments and duties:

	From	To
Fleet Training Center, San Diego, CA (DUINS)	June 1968	Aug. 1968
Fleet Anti-Submarine Warfare School, San Diego, CA (DUINS)	Aug. 1968	Sep. 1968
U.S.S. *Collett* (DD 730) (ASW Officer)	Sep. 1968	June 1970
Naval Destroyer School, Newport, RI (DUINS)	June 1970	Feb. 1971
Nuclear Weapons Training Group, Atlantic, Norfolk, VA (DUINS)	Feb. 1971	Feb. 1971

	From	To
U.S.S. *Blandy* (DD 943) (Weapons/Operations Officer)	Feb. 1971	Nov. 1972
Fleet Training Center, Norfolk, VA (DUINS)	Nov. 1972	Jan. 1973
Staff, Commander Service Force, U.S. Atlantic Fleet (DUINS)	Jan. 1973	Jan. 1973
CO, U.S.S. *Noxubee* (AOG 56)	Jan. 1973	July 1975
U.S. Naval Academy, Annapolis, MD (Company Officer/Executive Assistant to Commandant)	July 1975	May 1978
Ship Material Readiness Group, Idaho Falls, ID (DUINS)	May 1978	Oct. 1978
U.S.S. *Fox* (CG 33) (Engineering Officer)	Oct. 1978	Apr. 1981
Surface Warfare Officers School Command, Newport, RI (DUINS)	Apr. 1981	July 1981
XO, U.S.S. *Sterett* (CG 31)	July 1981	Jan. 1983
Naval Postgraduate School, Monterey, CA (DUINS)	Jan. 1983	Mar. 1985
Surface Warfare Officers School Command, Newport, RI (DUINS)	Apr. 1985	May 1985
CO, U.S.S. *Goldsborough* (DDG 20)	June 1985	Oct. 1987
Naval War College, Newport, RI (DUINS)	Oct. 1987	Dec. 1987
Surface Warfare Officers School Command, Newport, RI (Director Surface Warfare Division Officer Course)	Dec. 1987	Sep. 1989
Office of the Secretary of Defense, Washington, DC (Military Staff Assistant to Director, Operational Test and Evaluation)	Sep. 1989	Aug. 1991
Harvard University Advanced Management Program	Aug. 1991	Nov. 1991
Surface Warfare Officers School Command, Newport, RI (DUINS)	Nov. 1991	Nov. 1991
Tactical Training Group Atlantic (DUINS)	Nov. 1991	Dec. 1991
COMNAVSURFLANT (DUINS)	Dec. 1991	Jan. 1992
AEGIS Training Center Dahlgren, VA (DUINS)	Feb. 1992	Apr. 1992
CO, U.S.S. *Yorktown* (CG 48)	Apr. 1992	Jan. 1994
Bureau of Naval Personnel (Director, Surface Officer Distribution Division) (PERS–41)	Feb. 1994	Aug. 1995
Office of CNO (Director, Surface Warfare Plans/Programs/Requirements Division, N863)	Aug. 1995	May 1996
Office of CNO (Deputy Director, Surface Warfare Division, N86B)	May 1996	July 1996
Tactical Training Group Atlantic (DUINS)	July 1996	Aug. 1996
Commander, Cruiser Destroyer Group TWO	Aug. 1996	May 1998
Office of CNO (Director, Surface Warfare Division) (N86)	May 1998	Oct. 2000
Commander, SECOND Fleet/Commander, Striking Fleet Atlantic	Oct. 2000	Aug. 2001
Office of CNO (Deputy Chief of Naval Operations for Resources, Requirements, and Assessments) (N8)	Aug. 2001	Aug. 2003
Vice Chief of Naval Operations	Aug. 2003	Oct. 2004
Commander, U.S. Naval Forces, Europe/Commander, Joint Forces, Naples	Oct. 2004	To Date

Medals and awards:

Distinguished Service Medal with one Gold Star
Defense Superior Service Medal
Legion of Merit with three Gold Stars
Meritorious Service Medal
Navy and Marine Corps Commendation Medal
Navy and Marine Corps Achievement Medal
Navy "E" Ribbon with Wreath
Navy Expeditionary Medal
National Defense Service Medal with two Bronze Stars
Armed Forces Expeditionary Medal
Vietnam Service Medal
Humanitarian Service Medal
Sea Service Deployment Ribbon
Navy and Marine Corps Overseas Service Ribbon
Republic of Vietnam Gallantry Cross Unit Citation
Republic of Vietnam Civil Actions Unit Citation

Special qualifications:

BS (Naval Science) U.S. Naval Academy, 1968
MS (Operations Research) Naval Postgraduate School, 1985
Language Qualifications: Italian (Knowledge)

Personal data:

Wife: Deborah Morgan of Sherman Oaks, California

Children: John Stewart Mullen (Son), Born: 30 April 1979; and Michael Edward Mullen (Son), Born: 29 December 1980.

Summary of joint duty assignments:

Assignment	Dates	Rank
Office of the Secretary of Defense, Washington, DC (Military Staff Assistant for U.S. Navy Programs to the Director, Operational Test and Evaluation).	Sep. 1989–Aug. 1991	CAPT
Commander, SECOND Fleet/Commander, Striking FleetAtlantic	Oct. 2000–Aug. 2001	VADM
Commander, U.S. Naval Forces, Europe/Commander, Joint Forces, Naples	Oct. 2004–To Date	ADM

[The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by ADM Michael G. Mullen, USN, in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Michael G. Mullen.

2. **Position to which nominated:**
Chief of Naval Operations.

3. **Date of nomination:**
2 March 2005.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
October 4, 1946; Hollywood, California.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Deborah Morgan Mullen.

7. **Names and ages of children:**
John Stewart Mullen, 25; and Michael Edward Mullen, 24.

8. **Government experience:** List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above.
None.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
None.

10. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
None.

11. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognition's for outstanding service or achievements other than those listed on the service record extract provided to the committee by the executive branch.
None.

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?
Yes.

13. **Personal views:** Do you agree, when asked before any duly constituted committee of Congress, to give your personal views, even if those views differ from the administration in power?
Yes.

[The nominee responded to the questions in Parts B–E of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–E are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

MICHAEL G. MULLEN.

This 2nd day of March 2005.

[The nomination of ADM Michael G. Mullen, USN, was reported to the Senate by Chairman Warner on April 28, 2005, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on April 28, 2005.]

NOMINATIONS OF KENNETH J. KRIEG TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS; AND LT. GEN. MICHAEL V. HAYDEN, USAF, TO THE GRADE OF GENERAL AND TO BE PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE

THURSDAY, APRIL 21, 2005

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 10:10 a.m. in room SD–106, Dirksen Senate Office Building, Senator John Warner (chairman) presiding.

Committee members present: Senators Warner, Inhofe, Roberts, Collins, Talent, Chambliss, Levin, and E. Benjamin Nelson.

Other Senators present: Senator Sununu.

Committee staff members present: Judith A. Ansley, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Charles W. Alsup, professional staff member; William C. Greenwalt, professional staff member; Gregory T. Kiley, professional staff member; David M. Morriss, counsel; Scott W. Stucky, general counsel; and Richard F. Walsh, counsel.

Minority staff members present: Richard D. DeBobes, Democratic staff director; Gabriella Eisen, research assistant; Richard W. Fieldhouse, professional staff member; Creighton Greene, professional staff member; and Peter K. Levine, minority counsel.

Staff assistants present: Alison E. Brill and Catherine E. Sendak.

Committee members assistants present: Cord Sterling, assistant to Senator Warner; Christopher J. Paul, assistant to Senator McCain; Mackenzie M. Eaglen, assistant to Senator Collins; Clyde A. Taylor IV, assistant to Senator Chambliss; Russell J. Thomasson, assistant to Senator Cornyn; Bob Taylor, assistant to Senator Thune; Frederick M. Downey, assistant to Senator Lieberman; William K. Sutey, assistant to Senator Bill Nelson; and Eric Pierce, assistant to Senator Ben Nelson.

OPENING STATEMENT OF SENATOR JOHN WARNER, CHAIRMAN

Chairman WARNER. Good morning, everyone, the committee meets this morning for two very important nominations made by the President of the United States, Kenneth Krieg, who has been nominated for the position of Under Secretary of Defense for Acquisition, Technology, and Logistics (AT&L) and Lt. Gen. Michael Hayden, United States Air Force, nominated for appointment to the grade of General, and to be the Principal Deputy Director of National Intelligence (DNI).

Now, we're going to depart from the normal routine to recognize the distinguished chairman of the Senate Intelligence Committee for the purposes of an introduction. Mr. Chairman.

STATEMENT OF HON. PAT ROBERTS, U.S. SENATOR FROM THE STATE OF KANSAS

Senator ROBERTS. Thank you, Mr. Chairman. Thank you for your courtesy, and it is my privilege and honor to join Senator Collins to introduce to the committee and to all present, and to endorse, Lt. Gen. Michael Hayden to receive his fourth star. As a matter of fact, I think he does a five star effort in regards to the Intelligence Community, and so to you, Sir, I thank you and to Senator Levin, and I'm looking forward to the comments by Senator Collins as well.

Last week at the Intelligence Committee when we had the hearing on the General's nomination to be the first Principal Deputy Director of National Intelligence, I said that General Hayden is an excellent choice. I've crossed that out—I put outstanding—and he is a distinguished public servant who has really dedicated over 35 years of outstanding service to our country. I must say that in my years on the Intelligence Committee and Armed Services Committee, when I've had the privilege of being briefed by General Hayden, I never met a better briefer who is more credible and to the point, and to do that with the House and Senate, and earn the respect of everybody in the room, regardless of their opinion on an issue, I think, takes great skill.

He's held a number of intelligence positions in the Department of Defense (DOD) and served on the staff of the National Security Council. I believe his most recent experience as the Director of the National Security Agency (NSA) best prepares him for the challenges he will face as the Principal Deputy of DNI. With Ambassador Negroponte obviously having a great deal of credibility in the international community, and being a consumer and user of intelligence, we have as his Deputy somebody who knows the Intelligence Community forwards and backwards, and it will be a great team.

As Director of NSA since before the initiation of the global war on terror and operations in regards to Iraq and Enduring Freedom, the General understands the challenges of providing immediate intelligence support to the warfighter, while also ensuring that timely and accurate information, also of primary importance, reaches the principal consumers of intelligence, i.e., the policymakers, no less than the President of the United States.

Just yesterday, I spoke with the senior commander, a three-star marine who just came back from Iraq, and we were talking about General Hayden, and General, your ears shouldn't have burned, because this marine said that your personal efforts to ensure that our marines and soldiers on the ground receive the intelligence they need for the ongoing experience was a true credit. He says, "He's the man who presses the button and makes things happen." As such, I don't think you can get a finer nominee to be the Deputy.

It is this kind of experienced leadership that will be so critical in ensuring the success of the Director of National Intelligence. I look forward to working with General Hayden in his new position, I urge my colleagues to approve his fourth star quickly. He is most deserving, and I thank you, Mr. Chairman, for allowing me to speak.

Chairman WARNER. Thank you, Senator. My understanding is you now go to the Senate floor to present the nomination of Mr. Negroponte.

Senator ROBERTS. That is correct, sir.

Chairman WARNER. Senator Collins, my understanding is you wish to join the Senator from Kansas. Do you wish to speak at this juncture? Or at the time we bring up the General?

Senator COLLINS. I will wait.

Chairman WARNER. Thank you very much. Our colleague, Senator Sununu, may we have the benefit of your wisdom here this morning? We welcome you, dear friend.

STATEMENT OF HON. JOHN E. SUNUNU, U.S. SENATOR FROM THE STATE OF NEW HAMPSHIRE

Senator SUNUNU. Thank you very much, Mr. Chairman. It's a pleasure to be here, and a pleasure to introduce a good friend, Ken Krieg, to be Under Secretary of Defense for Acquisition, Technology, and Logistics. I will be happy to share an introduction, and I appreciate your setting the bar very high in describing anything I have to say as wise.

Ken has already distinguished himself as an outstanding public servant, but equally important in his current role, he's already shown himself to be a very capable assistant to the Secretary of Defense in a number of critical areas, most recently handling program analysis and evaluation. He's also brought to his work in the public sector, experience in the private sector. I think this is the kind of experience in today's Department of Defense that's really invaluable—being able to bring a perspective of budgets and strategy, resource allocation in the kind of work that he's been doing for the Secretary of Defense, looking at where we make investments, how do we allocate resources—and as this committee knows far better than I, resources have to be deployed as efficiently and effectively as possible, given all of the challenges that are being faced by our men and women in the armed services.

Prior to serving, since July 2001, in the Defense Department, Ken had worked for 11 years at International Paper. He was the vice president and general manager of a very large office, Consumer Paper Products Division, and had to deal with all the challenges faced within a large corporation that are analogous, not identical, but analogous to the challenges we see in today's Depart-

ment of Defense. Whether it's communications and employee motivation, information technology, the budgeting and analysis I spoke about earlier, or allocating resources to meet a clear set of strategies. Those are the things that Ken has wrestled with in the private sector, and the kind of experience and background that he's able to bring to his current post in the Department of Defense.

But even prior to his recent work, he previously served within the White House, the National Security Council, and the Department of Defense in previous administrations. So he is able to draw on both the good and the bad—successes and failures that he's seen in previous administrations working in these national security positions—to the work that he is doing today. I think he has already served with great distinction in his current position, and as Under Secretary of Defense for Acquisition, Technology, and Logistics, he'll be able to bring a very broad range of experiences—and, I think, a reputation for concise, clear, evenhanded analysis—to a critical role. I know that he will do a great job, and it's a pleasure to introduce him, to be with him here today, and to strongly recommend his nomination.

Thank you, Mr. Chairman.

Chairman WARNER. We thank you very much, Senator. That is a strong endorsement, and it becomes a part of our record, and I see the presence of the family of Mr. Krieg in the room today. I think it an appropriate time now for you to introduce them before I begin to opine a little bit here.

Mr. KRIEG. Well, thank you Mr. Chairman.

I am very pleased to be joined today by my family.

Chairman WARNER. I cannot see Meredith. Meredith, do you want a better chair? It seems to me you're blocked by your father's broad shoulders, and if everybody moved one seat to the right, you could get a better view.

Mr. KRIEG. See, I hope you're more successful than me with her, because I tried that line, and she said, "No, I want to sit where I'm sitting," so let's see if you're more successful than I was.

Chairman WARNER. I'll knock the gavel.

Mr. KRIEG. The chairman has ordered everyone move one seat to the right. [Laughter.]

Senator LEVIN. The ultimate test of the power of the chairman. [Laughter.]

Mr. KRIEG. I have with me my daughter, Meredith, who is 10; my son Allen, who is 12; my wife, Anne, who is patient; and my in-laws, Anne Hurt and Al Hurt, from Roanoke, Virginia, so we have your State covered as well.

Chairman WARNER. Thank you very much. Well, I welcome you here this morning, and the position to which Mr. Krieg has been nominated is one of the most important in the Department of Defense.

It was established by Congress to implement a recommendation of the 1986 Packard Commission to place a senior official in charge of managing and overseeing the Department of Defense acquisition process.

If I might interject a personal note, I was privileged to serve in the Department under David Packard, and I never in my entire lifetime met a more knowledgeable or imposing individual in the

field to which you aspire to lead in this new position. We ought to call it "The Packard Seat" or something, maybe we'll think about that, like they do at universities, you hold a chair. We should think about that.

This is not an easy job. Every sailor, soldier, airman, and marine depends upon the Under Secretary to ensure that their equipment is the best it can be, and every American taxpayer depends upon the Under Secretary to ensure that this equipment is purchased in the most cost-efficient manner. We are troubled, many of us, however, that over 20 years after the creation of the Under Secretary of Defense for Acquisition, Technology, and Logistics in the Goldwater-Nichols reforms, many of the same acquisition problems identified by David Packard still emerge today. This is an issue of great concern to the committee, and we hope that you will do your best to see that the situation conforms, and is administered consistent with the guidelines laid down by the Packard Commission Report.

So we welcome you and your wife, your family. It's very important that the family come, because there's a record made of this proceeding, and in the years to come it will fade a little bit. I still have the one when I appeared before the Senate, so long ago that it is hard to read the print now, but I assure you, your children will value and treasure that record, and the fact that you were here, and your names appear in that record as family members.

The role of the family is so important, with regard to those individuals who serve in our Government, but most particularly in the Department of Defense, because you have to give up a great deal of time with your spouse, or as the case may be, with your father, while he performs his very important functions for our Nation.

You currently serve at the Department of Defense as special assistant to the Secretary of Defense and Director for Program Analysis and Evaluation (PA&E), joining the Department in July 2001 to serve as Executive Secretary of the Senior Executive Council, which is responsible for initiatives to improve the management and organization of the Department. Prior to joining the Department, you gained the private sector experience, which was detailed by our distinguished colleague, and I shall not repeat that.

Mr. Krieg, you bring a wealth of experience to the job, and you have my support. At this point in time, I'd like first to go to Senator Levin before I go into the standard questions.

STATEMENT OF SENATOR CARL LEVIN

Senator LEVIN. Thank you, Mr. Chairman.

Let me join you in welcoming Ken Krieg and his family to the committee. Mr. Krieg, we thank you in advance for your continuing service to our Nation, and I join the chairman in thanking your family whose support is so critical to your success. There are going to be many times, kids, when your dad is not going to be able to do all of things that he wants to do with you, and it is our fault. Don't blame him. The chairman and I are the ones to blame. You come and complain to us when that happens. You particularly should complain to the chairman. [Laughter.]

But we thank you all, seriously, for being here, for supporting your husband, and your dad, and your son-in-law.

Ken Krieg has served in the Department of Defense for the last 4 years, most recently as the Director for Program Analysis and Evaluation, the office that is responsible for providing and focusing on independent advice to the Secretary on Defense acquisitions, programs, and resource allocation issues.

As Secretary of PA&E, Mr. Krieg has shown the independence, the judgment, and the willingness to stand up for what is right. That should serve him very well in his new position. Mr. Krieg, there are some difficulties which have surfaced in the organization whose leadership you're going to assume. Far too many of our major weapons acquisitions have been plagued by cost increases, late deliveries to the warfighter, and performance shortfalls. On top of that, the Department has now acknowledged that its acquisition strategy for several major programs, including the Air Force tanker lease program, the Air Force C–130J program, and the Army Future Combat System program, were flawed.

At a recent hearing of one of our subcommittees, the acting Secretary of the Air Force acknowledged that his Department went too far in downsizing its acquisition organization. It had removed critical balances from the acquisition process while doing that. These problems are not unique to the Air Force. The time is long come for a top-to-bottom review of the Department's acquisition organization, its acquisition workforce, and its acquisition processes. I think you are well-trained by your experience, and well-positioned by your character, which you have shown to be one of integrity and independence to take on that responsibility. So I look forward to working with you. I know all the members of the committee will be working closely as you attack all these challenges. Thank you.

Chairman WARNER. Thank you very much, Senator Levin.

The committee has asked for Mr. Krieg to answer a series of advance policy questions, and he has responded to those questions, and without objection, those questions will be made a part of this record.

I also have a series of questions on behalf of the committee, and indeed the entire Senate, which we ask each nominee who appears before our committee, so if you will respond.

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

Mr. KRIEG. Yes, Senator.

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

Mr. KRIEG. No, I have not.

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

Mr. KRIEG. Yes, sir.

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

Mr. KRIEG. Yes, I will.

Chairman WARNER. Will those witnesses be protected from any possible reprisal from you or anyone else within your supervision for their testimony or briefings?

Mr. KRIEG. Yes, they will.

Chairman WARNER. Do you agree, if confirmed to appear and testify upon request before any duly constituted committee of the Senate?

Mr. KRIEG. Yes.

Chairman WARNER. Do you agree to give your personal views when asked before the committee to do so, even if those views differ from the administration in power and your immediate supervisor?

Mr. KRIEG. I will always offer you my best professional judgment.

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

Mr. KRIEG. Yes, sir, I'll do my best.

Chairman WARNER. Now, if you have some opening remarks, the committee would very much like to hear them.

STATEMENT OF KENNETH J. KRIEG, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS

Mr. KRIEG. Yes, sir. Thank you, Mr. Chairman. I want to thank all of the members of the committee for being here today. I especially want to thank Senator Sununu for his kind introduction, and I want to thank you all very much for your kind welcome to my family. Family is very important to me, and it means a lot for you to offer that warm welcome to them.

Chairman WARNER. I wonder if you might also acknowledge that, based on some modest experience that I had, all those decisions made in the Department after 8 o'clock are usually reversed the following morning, which would enable you to get home at a proper time. Can you take cognizance of that admonition?

Mr. KRIEG. I will, sir.

Chairman WARNER. We understand

Mr. KRIEG. I will report to you on a regular basis when I'm later than that. How's that? Or at least my wife will.

I'm both honored and humbled by the confidence expressed by the President and the Secretary of Defense in their nomination, and recommendations of me, respectively.

I look forward to your questions today, and if confirmed, look forward to working with this committee in the months and years ahead on the wide range of challenging issues that we have before us.

The late Don Atwood, former Deputy Secretary of Defense and one of my mentors advised me as I worked for him to, "Go out and learn in a real economy while you're still young enough for them to take a chance on you. You can always come back later," he said. His advice led me to International Paper, and a decade of experience in a tough, consolidating, low-margin, high capital, global industry. I hope he would be proud today.

As you noted, Mr. Chairman, the Under Secretary serves both the people of this Nation, who invest their hard-earned resources in the Department of Defense, and the men and women of our

armed services, both today and in the future, who invest their lives in our freedom. That is, indeed, a humbling charge.

I've had the good fortune to watch the position of the Under Secretary of Defense for Acquisition, Technology, and Logistics from a number of vantage points over the years. On the staff of the Packard Commission, I witnessed the debates, and know quite well this committee's key leadership in that position's creation. In Don Atwood's office, I saw the challenging inception of the role. As the Executive Secretary of the Senior Executive Council, I worked closely with Mr. Aldridge and the Service Secretaries on business process changes, many of which are just now coming to fruition. Most recently, as Director of Program Analysis and Evaluation, I served as an advisor to the Under Secretary, and a member of the Defense Acquisition Board, Defense Logistics Board, and in other similar settings.

No one is ever fully prepared for these roles, but I am committed: to a leadership role in guiding change management; to objectivity and integrity in our decisions; to fact-based management, good governance and a trusting relationship with Congress; to aligning authority with responsibility and assigning accountability for success, and to building business processes that have both strong oversight and agile performance.

Mr. Chairman, thank you again, for the opportunity to appear before you today, I hope that you'll find my experience and my commitment will prepare me for this role. If confirmed, I look forward to working with Congress, and especially with this committee, and I'll be happy to answer any questions you might have.

Chairman WARNER. We thank you very much. We will proceed to our usual 6-minute round of questions.

Mr. Krieg, regrettably, this committee has witnessed in the past several years, some extraordinary problems in the acquisition field: the length of time that it requires a weapons system to be fully researched, tested and then put into production and delivery; the ever-increasing costs; the problems associated with the industrial infrastructure; and what level must be kept in place in order to get adequate competition, and the best possible product.

Now, those are problems that, through the years, have always been there, but each Secretary of Defense seems to experience his own unique problems. Many of us on this committee go back and think about the past as a guide to avoid problems in the future, the situation at the Department of the Air Force, a very proud organization, is—I don't know, in my some 30 plus years involved in this business, I've never seen anything that would equal that—as to how one individual was able to circumvent the whole process. You have got to represent to this committee, in order to get confirmation, that you will endeavor to do everything you can to work with the Secretary of Defense, and hopefully, the newly-nominated Deputy Secretary, to work to eliminate the problems that were experienced by the Department of the Air Force, so that that Department can, once again, regain its rightful place alongside its sister Departments of the Army and the Navy.

Likewise, the battlefield acquisition requirements for the Afghanistan and Iraq conflicts, including the up-armoring, the inadequacy of body armor. Now this all isn't directly in your domain, but you

have with your responsibilities a lot of authority. This committee has gone through endless hours of testimony regarding the sequencing of contracts with the industrial base to get the needed body armor and the up-armoring of vehicles.

Lastly, the improvised explosive devices (IED) that the insurgents have successfully used. The systems are very rudimentary in design, but extraordinarily difficult, technologically, to defeat. We continue to get in this committee messages from industry, "Well, we've got a product that nobody will hear us out. We think we can solve the problem." There's an IED task force, and this committee gets a regular briefing from that task force.

Now, I'm not trying to criticize the task force, but the challenges before you are enormous, and I hope that you can represent that you will do everything you can to bring the wisdom that you've shown in the past to bear on these current problems, and help the Department resolve them.

Mr. KRIEG. Sir, you have my absolute commitment to do that, and to recognize that handling these kinds of changes, and meeting these kinds of challenges, require both leadership and the commitment of a team of people. So, if confirmed, I look forward to working with this committee, to understand your views, and to incorporate you clearly in what we need to do. I look forward to trying to build a team of people within the Department of Defense, with the Secretary, the Deputy Secretary and others, to handle the wide range of challenges we have in front of us.

Chairman WARNER. The Secretary has often said, and I think he's correct in his observation, having previously served as Secretary of Defense, that today's threat environment lacks the clarity that it had years ago. In the Cold War, we knew precisely what was facing us. We knew what was required to deter an outbreak, and fortunately it was deterred.

Today, terrorism often has no situs, no state sponsorship. It's just a few individuals using innovative ideas with the crudest forms of weaponry. The proliferation of weapons of mass destruction is such a challenge today. I think you have to put your bureaucracy in place, but incentivize them to use their own initiatives and their own ideas and think out of the box. My recollection of the earlier PA&E folks, and you and I discussed this in my office yesterday, they were constantly giving a fit to the Secretary of Defense, the Deputy, and the Service Secretaries because they were always thinking about ideas that we never, in our chains of command and daily briefings and so forth, just either didn't have the time to address, or never thought of.

But today's problems just can't be solved by the standard bureaucracy going up and down and checking off boxes and things of that nature. Even though an individual may get in a little hot water from time to time, I'd rather that you supervise them and encourage them and they'll survive, if they've been prepared and honest in their thinking and thought processes. A little thinking out of the box there, Mr. Secretary?

Mr. KRIEG. Yes, sir. If you think about the world in which we live——

Chairman WARNER. I think about it every day.

Mr. KRIEG.—the rule sets of the competition are changing dramatically. We need the agility to deal with changing circumstances, the ability to anticipate the next set of challenges. We often find ourselves in a period of change, chasing the last challenge, and not anticipating the next.

Then lastly, we must be willing to innovate. In a period of innovation, one has to be willing to make mistakes in innovation, but make mistakes with a very clear understanding of why you're innovating, and innovating in the right places. So all of those will be challenges for us, and to look ahead, because the fundamental rule sets of the competition in the world in which we're participating are changing in front of us.

Chairman WARNER. I thank you, sir.

Senator Levin.

Senator LEVIN. Thank you, Mr. Chairman. At a committee hearing last fall, a senior Air Force acquisition official, General Martin, testified that in the 1990s, not only did we go through a very serious restructuring of our forces and drawdown, but we also went through a major acquisition reform that took away much of the oversight and took many of the checks and balances out. He added that the pendulum may have gone too far.

We've been told as a result of some organizational changes in the 1990s that the Air Force has almost completely lost its system engineering capability, and the other military services may have similar problems.

Moreover, the Government Accountability Office (GAO) reported earlier this year that roughly a quarter of the contracts that they reviewed were subject to inadequate oversight after award. When you're confirmed, will you work with us to re-examine the acquisition organization and the acquisition processes of the Department of Defense to ensure that we have the structures and the processes that we need to deliver high-quality systems to the warfighter in a timely and a cost-effective basis?

Mr. KRIEG. Sir, you have my commitment that I'll be glad to work with the committee.

Senator LEVIN. Thank you. Last week the current Under Secretary, Mike Wynne, testified before our Readiness and Management Support Subcommittee about the reductions in the defense acquisition workforce. This is what he told us, "The numbers are startling. The defense acquisition workforce has been downsized by roughly half since 1990, while the contract dollars have roughly doubled during the same period." He went on, "We need to continue to renew and restore the defense acquisition workforce. We need to ensure we have the right people in the jobs to perform the functions required to support our warfighters, and now more than ever," he said, "I believe we need to increase the size of the acquisition workforce to handle the growing workload, especially as retirements increase in the coming years." I'm wondering whether you share Under Secretary Wynne's concerns about the acquisition workforce.

Mr. KRIEG. First of all, Senator, I share the concern in general about the Department of Defense workforce. As one looks at the average age of the population that we have in our workforce—and

thinking through how one makes the change of generations—this is really one of the biggest challenges we have as managers.

With regard to specifics of the acquisition workforce, they need to have special knowledges and special capabilities, so it makes the challenge all the more difficult. You have my commitment that this will be one area that I will spend a lot of time on. I personally believe that people drive processes. Success is about people, and getting the people right is absolutely critical as we go forward.

Senator LEVIN. Do you have a concern, also, about the downsizing of the acquisition workforce?

Mr. KRIEG. I have not spent a lot of time up to now, thinking about that. It is clearly one of the issues we have to look at. Pendulums tend to swing, and they often swing in directions that may go a little farther than we should, but I look forward to, if confirmed, working with the committee to understand that issue, and work on it.

Senator LEVIN. Thank you. A recent series of hearings by the Airland Subcommittee highlighted continuing problems that result from so-called "commercial item strategies," which have been pursued by the Department of Defense over the last decade. Now, under this approach, the Department has attempted to acquire major weapons systems under streamlined procedures intended for the purchase of commercial items. In the case of the proposed Air Force tanker lease, the result was a heightened risk of fraud and abuse, which would have significantly increased cost to the taxpayer. The committee disagreed with that lease proposal. You were very helpful, and very independent along the way relative to that lease, and your work is noted. The Department has recently agreed to restructure two other major defense acquisition programs, the Air Force's C–130J aircraft program, and the Army's Future Combat Systems program to avoid similar risk. We struggle long and hard to increase the use of commercial products. It was a reform on which this committee took the lead in pressing, and it has been misused. My question is will you work with us to ensure that the commercial items strategies are used to purchase true commercial items, and not to avoid requirements which are designed to protect the taxpayers in the purchase of major weapons systems?

Mr. KRIEG. Yes, sir, I would be glad to.

Senator LEVIN. According to the GAO, the General Services Administration (GSA) has seen alone, just in its own purchases, a 10-fold increase in interagency contract sales since 1992, which pushed its total sales up to $32 billion in fiscal year 2004. Now, what happens is that all too often when one agency uses a contract which is entered into by another agency to obtain services or products, it appears that neither agency takes responsibility for making sure that the rules are followed and good management sense is applied. As a result, the Department of Defense Inspector General, the GSA Inspector General, and others have identified a long series of problems with these so-called "interagency" contracts, including lack of acquisition planning, inadequate competition, excessive use of time and materials, improper use of expired funds, inappropriate expenditures, and a failure to monitor contractor performance.

In just one recent case, Department of Defense officials in Iraq obtained the services of contract interrogators by sending money to

a Department of Interior contracting center in Arizona, which then placed an order with the company, through a contract which has been awarded through the General Services Administration. Both the Army General Counsel and the Department of Interior Inspector General have determined that the interrogators' services were totally outside of the scope of the GSA contract, which was supposed to be limited to purchases of information technology. So, you have a GSA contract whose purpose is the purchase of information technology, which is used by the Department of Defense to hire civilian interrogators for detainees. Now the result is what we have seen, I'm afraid, the lack of accountability and lack of oversight. I'm afraid that we have also, in relying so heavily on other agencies to do much of the contracting for the Department of Defense, failed to build the capabilities that need to be built inside of the Department of Defense acquisition system.

My question: will you work with us to avoid the improper use of interagency contracts and to ensure that appropriate mechanisms are in place to protect the interest of the Department and the taxpayer in those cases where it is necessary or appropriate to use such contracts?

Mr. KRIEG. Yes, Senator. Certainly, if confirmed, I would be glad to work with this committee on these issues.

Senator LEVIN. Thank you, my time is up, thank you very much.

Chairman WARNER. Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman.

I won't be able to be here for the second panel, but I want to assure General Hayden that the comments, that were very general comments that were made by Senator Roberts reflect my feelings, and I look forward to working with you, General.

First of all, Mr. Krieg, I appreciate your giving me the time that you did in my office. We've had a chance to go over a lot of the concerns I had. I think the chairman brought up something in his line of questioning that I'm very much concerned about, and that is the acquisition timeline, the length of time it takes for a new weapons system. I told you a story about when Dick Cunningham and I used to sit next to each other on the House Armed Services Committee. We watched technology change so quickly, Mr. Chairman, that by the time you had a Global Positioning System (GPS) unit established in the cockpit it was already obsolete. Well, we changed that, we were able to change that, but it's not quite as easy with whole weapons systems.

You responded to Senator Warner that you were committed to doing that, so do you have any specific thoughts now about how you're going to do that?

Mr. KRIEG. Yes sir. I think first of all, you hit on one of the biggest challenges—if it takes 25 years to develop a weapons system in an era in which information processing capability is cycling every 18 months, obviously we will be challenged to get the right systems at the right time. So, I think one of the key areas is to make sure that we get—the words have been used multiple ways: the statement of demand; or the requirement; or what it is we want to be able to do—a clear understanding of both what the demand statement is, what the requirement is, how long it will take, and how much it will cost. There is always a trade off among those

three things. I think that one of the key areas is to work on what it is we're going to build, not just how we build it. Obviously, working on streamlining processes, while maintaining oversight, is going to be one of the key areas and challenges we build into the acquisition process. But, if confirmed, I look forward to working with the committee on those issues.

Senator INHOFE. I know it's a difficult thing, but I agree that it needs to be looked at, and Senator Levin covered the Michael Wynne statement. I would like to leave one quote from him that Senator Levin did not use, and that is, "I believe we're at the point where any further reductions beyond the levels of this workforce consistent with the President's 2006 budget request will adversely affect our ability to successfully execute a growing workload." I agree with that. Believe me, as a conservative, I'm the last one in the world to oppose any reduction of anything in the government, but in this case—back during the 1990s during the Clinton administration when they talked about reductions—I became convinced, and I became somewhat outspoken at that time, that we were going to have to pay for this in one way or another whether it's using lead systems integrators, or whether it's using other methods that are going to end up being more expensive. I just wanted to tell you that I agree with the question and with the concern.

I personally feel, as I told you in my office, when you look at the problems we have, the only solution is going to be increased spending on our military in general. As I mentioned to you, even the Secretary did say that during his first confirmation hearing, 4½ years ago. So, that's a concern, that's our problem up here, not your problem.

But, I would like to have you address one last thing here, and that is, in the State of Oklahoma, small businesses are complaining that they're being cut out of contracting because of bundling of contracts to larger vendors. DOD complains the cuts in acquisition personnel are forcing these measures, and frankly, I think that's true, but there is a concern about small businesses being able to participate. I would like to have your commitment to try and help us in resolving this, but not at the expense of the overall bottom line, and what we're able to acquire.

Do you have any ideas on how we could do this? I've talked to other members at this table up here who say that in their States they're receiving the same complaints, and I believe there should be a system set up as there was before, to assist some of the smaller businesses to participate.

Mr. KRIEG. Senator, I don't come with a pre-conceived set of ideas about what to do. I do recognize that across our industrial base, whether it is the large contractors or the small innovators who have trouble figuring out how to work with us, that as the rule sets of our competition change, and what we want to do changes, we have to figure out how to work in different ways with our industrial base. I think that is, along with the workforce, one of the greater challenges I would face if confirmed.

Senator INHOFE. As I've mentioned to you before, and we've mentioned to a lot of people, the one thing that nobody at this table likes is surprises. I was very much distressed when, while we were actually in our authorization meeting a few years ago, to have the

Crusader system cancelled, and no one even knew that it was going to happen. I would like to have a commitment from you that if you see something coming up where there is a change of need or a change of technology that requires an abrupt change in what we have been planning and we have been authorizing, that you would be very forthright and come to us so that we aren't suffering from some of the same surprises as we have in the past.

Mr. KRIEG. Senator, I'll do my best, if confirmed, I know that one of the things that people like least is surprise, and so I will do my best, if confirmed, to communicate with you all as changes are made.

Senator INHOFE. That's fair enough. I look forward to working with you. Thank you, Mr. Chairman.

Mr. KRIEG. Thank you, sir.

Chairman WARNER. Thank you very much, Senator Inhofe.

We now have Senator Ben Nelson.

Senator BEN NELSON. Thank you, Mr. Chairman. Mr. Krieg, obviously you're facing a daunting challenge. You've heard how difficult it is, and obviously, you've moved forward and said you want to take on that challenge. You mentioned agility. I suspect that you want to combine agility and accountability to avoid obsolescence, as well as to do things in a managed, orderly fashion.

Having dealt with a bureaucracy in the past when I was governor, I concluded that the bureaucracy is full of what you call "we be's"—we be here when you come; we be here when you go—and I hope that as you work through a reduced workforce, you will bring people on board who will not have that attitude, because it's that attitude that delays unnecessarily, obstructs unnecessarily, and very often doesn't facilitate the process to move forward, and that helps create obsolescence.

It also creates a situation where people are risk averse. You're in a position where you don't dare be risk averse. On the other hand, you can't take too many risks. As you said, what you want to do is know what the risk is that you're going to take and quantify it.

I'm concerned about all the discussion about a reduced workforce within your agency, and I suspect it will be one of the first things that you do, as you've indicated, to evaluate whether you have enough people, and whether they're in the right positions. That's going to be a very critical thing. Numbers, as opposed to quantity and quality challenges.

Also, I understand that it may be an opportunity for you, because over half of your workforce there is nearing an age of retirement, not that we're happy to see people leave, necessarily, but it does create an opportunity as you're looking to the future to be able to bring on board other people without unnecessarily disrupting the agency. I emphasize "unnecessarily." Obviously you're going to have to necessarily do some things that will be a bit disruptive or you will not be the manager that we would like to have you be, and the one you want to be.

In addition to the other responsibilities, you're going to be chairing the Nuclear Weapons Council, and so my question really is, have you thought very much about the development of new nuclear weapons, such as the robust nuclear earth penetrator? Well,

the study is underway, and I know you can't say a lot of things until confirmed, but have you taken a look at that, or do you have any thoughts?

Mr. KRIEG. Senator, that's one where I have not taken a lot of time to think about it in the job of PA&E. We've looked at the overall state of health of the strategic forces and are trying to think through what the next era looks like, but in regard to that specific program, or specific idea, I haven't spent any time at all, sir.

Senator BEN NELSON. I suspect that that will be one of the things that you'll have to do as the study progresses and as technology increases. Ultimately, it appears that something will come across your desk where you'll have to work on it.

I know General Hayden is going to be dealing with some questions about Intelligence Command (INTCOM), but I'm not going to be able to do that. I suspect that we'll have a chance to talk about that at a later date.

Another concern that many of us have had, dealing with the missile defense system, is the challenge between operational testing and realistic, developmental testing. Do you have any thoughts you'd like to share on that as you look forward to your new position? I know that you've dealt with it in some of the advanced questions, I just wondered if you had any other thoughts.

Mr. KRIEG. I think the real challenge in a program, in all programs, is to get realistic testing in a timely fashion to make sure that the system works as anticipated. I've not spent a lot of time in the details of that particular testing program, but I do believe that the operational testing community is working very closely with the developmental testing community to try to figure out how to get both needs satisfied as that system develops. Clearly, I believe that systems need to have solid operational testing so that we can have an understanding of their capacity and that we know what they can do.

Senator BEN NELSON. My colleagues have heard me say it before, so I'm reluctant to say it again, but I've raised the question, if we got a scarecrow, and part of this is to make sure that, not as an offensive system, but as a defensive system, that it will ward off people who might otherwise try to do us in from afar, that has to work. So, please make sure that if this is a scarecrow, that it scares crows.

Thank you, Mr. Chairman. Thank you and good luck, and we appreciate very much your service and your family's support. It's necessary.

Mr. KRIEG. Thank you, sir.

Chairman WARNER. Governor Nelson, we always learn from you.

Senator BEN NELSON. You're very kind. Thank you, Mr. Chairman.

Chairman WARNER. We got two good little stories to work on here.

We'll now have our distinguished colleague, Ms. Collins.

Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman. It is hard to follow someone who has introduced us to scarecrows, "we be's," and other esoteric military concepts.

Mr. Krieg, first of all, let me congratulate you on your nomination. This is an extraordinarily important position, and we very much appreciate your willingness to step up to the plate and serve your country in this manner.

I want to explore with you today the role of competition in the industrial base. A healthy, competitive industrial base is critical to supplying our men and women in uniform with the very best products, weapons systems, and services, and Secretary Rumsfeld said recently in an exchange with me, "There's no doubt that competition is healthy and creates an environment that produces the best product at the best price, and it's a good thing."

But, what we've seen in recent years is a shrinking of the industrial base on which the Pentagon relies. That's very troubling to me. In some cases it's come about as a result of mergers and acquisitions. In other cases it's a result of unsustainably low rates of production.

This has become an issue in ship-building, where the Navy has proposed a radical change in its acquisition strategy for the DD(X) destroyer program. Instead of pursuing a strategy that would have ensured two shipyards participating, the Navy is proposing a "winner-take-all," one shipyard strategy. Yesterday, the current occupant of the position that you are going to assume, Under Secretary Wynne, issued a memorandum that essentially told the Navy, "Not so fast. There are a lot of questions that need to be answered," and he refused to give a green light to the Navy going forward with the one shipyard strategy for the DD(X) program.

Have you looked at this issue, and do you agree with Under Secretary Wynne that we need additional information, or the Pentagon needs additional information before a decision can be made on whether this strategy is the right one?

Mr. KRIEG. Senator, I have not looked at this specific issue, but recognize the concerns you've laid out, the valid concerns you've laid out, and simply state that, if confirmed, I obviously, will have to look at this issue. I share your concerns about the overall industrial base. We're highly dependent upon their success and performance for our success, and it's an interesting relationship between supplier and consumer. So, if confirmed, I will obviously look into this specific issue, because it's right in front of us. On the broader set of issues you laid out, I think it's one of the greater challenges we have in front of us.

Senator COLLINS. I think it is also. If we become dependent on just one supplier, inevitably it's going to drive up cost, reduce innovation, and jeopardize the ability of the Department of Defense to secure the best products, services, and weapons systems at the lowest possible price. So, I urge you to take a very close look at that, not only where I, obviously, have a very great interest, the DD(X) program, but generally speaking, because from the analysis that I have done, we're seeing a shrinking of the defense industrial base in a way that should be very troubling to us. I would note that in 2001, the Pentagon and the Justice Department blocked an acquisition by General Dynamics of Newport News, because General Dynamics already owned the other submarine construction entity, and at that time, the Department said that they explicitly looked at the

impact on competition, the impact on the warfighter, and the conclusion was that we really had to maintain competition.

I think that is a critical principle, even though the decision was adverse to my constituents, I believe it was the right decision to maintain a competitive base for the construction of nuclear submarines. That's why it's been particularly strange to see the Navy do a complete flip-flop in this area, and embrace a totally different philosophy when it comes to this next generation destroyer. But, it is an important issue, and I urge you to look at it, and to look at the broader issue of how can we ensure a healthy, competitive industrial base. Once the skilled workforce is gone, it is gone forever. When Bath Iron Works and Ingalls Shipyard came before the Seapower Subcommittee last week, they talked about the expense and number of years involved in training mechanics, engineers, and designers. This isn't something that you take someone right off the street and expect them to perform well, so I do ask you to take a close look at those issues, and I can assure you, you will be hearing from me frequently on them. I look forward to working with you.

Mr. KRIEG. Thank you, Senator.

Chairman WARNER. Thank you, Senator. I will just reflect on Senator Collins' basic theme, and I hope you will come up with some innovative programs of your own, about how you're going to reach out to this industrial base, and engage them, and listen to them. They are, of course, a necessity under our system of economics, driven by the bottom line and profit, but it is so important that that be done. Look at the research and development (R&D) which today, I'm told, is not much of a profit center, and see if you can move that more towards being a profit center, such that the industrial base will begin to risk some of its own assets with the understanding that Uncle Sam will put some of its assets at risk.

Thank you, Senator Chambliss, for your patience.

Senator CHAMBLISS. Thank you, Mr. Chairman.

Mr. Krieg, welcome to the committee this morning, and I want to thank you for coming by yesterday and letting us have a chance to visit once again, particularly with regard to the C–130J, as well as the F/A–22 program, which are critically important programs for the Air Force. I am pleased the DOD is recognizing, relative to the decision to terminate the C–130J program back in December, that you didn't have all the facts, specifically the facts related to termination costs, and more importantly, the facts regarding the current performance of that aircraft. I'm glad DOD is looking to come back with an amended budget, although, even though it's been promised, I'm still waiting to see that budget. I understand that's not your job to do that, but we look forward to getting that from the right folks.

Relative to the F/A–22 program, I appreciated your comments in my office yesterday regarding the superb job the program manager has done over the last few years in turning that program around. As we discussed last summer, the program executive officer (PEO) for the F/A–22, General Lewis, committed to this committee that he would deliver 11 of those aircraft between August 2004 and January 2005, when in fact the contractor actually delivered 13 aircraft during that time frame.

General Lewis also committed to deliver 12 aircraft between February 2005 and July 2005, and the contractor is currently on track to deliver 13 of those aircraft during that time frame. Every production metric available indicates that this program is on the right track. Am I correct in the statements regarding that, Mr. Krieg?

Mr. KRIEG. As best I understand them, Senator, the program has come a tremendous way from where it was 18 months ago.

Senator CHAMBLISS. Now just last week, Defense Acquisition Board Chairman Mike Wynne approved the F/A–22 for a full rate production, based on system design, readiness for full rate production, and successful disposition and progress on addressing suitability deficiencies identified during Initial Operational Test and Evaluation (IOT&E) testing. Let me interject, relative to IOT&E testing that Mr. Wynne commented in his decision memorandum that the F/A–22 performed significantly better than the F–15C in comparison tests, and exceeded the relevant criteria for this phase of testing.

Again, yesterday, Mr. Krieg, you commented that you supported Mr. Wynne's decision relative to full rate production, and I want to make sure that's correct for the record.

Mr. KRIEG. Yes, Senator, we had a very good discussion in the Defense Acquisition Board on that.

Senator CHAMBLISS. You concur with the decision of that Board?

Mr. KRIEG. I was comfortable, given the facts presented, with what Secretary Wynne came up with.

Senator CHAMBLISS. Now, Mr. Krieg, even with the superb progress this program has made, the excellent performance during IOT&E and the recent full rate production decision by Mr. Wynne, this committee may consider, once again, for the third year in a row, reductions in funding for this program based upon, of all things, the schedule. Now, Mr. Krieg, the 25 aircraft that are funded with fiscal year 2006 funds would deliver in 2008, and based on the fact that the contractor is currently producing approximately 25 aircraft per year, how likely is it, in your opinion, that the contractor will be able to produce 25 aircraft 3 years from now, in 2008.

Mr. KRIEG. Sir, Senator, I don't have any specific knowledge of the contractor's capability to produce or the specific schedule, I have not looked at the program in that great a detail.

Senator CHAMBLISS. But you know and understand that——

Mr. KRIEG. If we have 25 today, they should be able to make 25 in the next 3 years.

Senator CHAMBLISS. Thank you.

Mr. Krieg, do you agree that reducing the number of aircraft funded in fiscal year 2006 will do nothing to help the schedule or help the program, but will only ensure that the warfighters at Langley Air Force Base receive one less aircraft in 2008?

Mr. KRIEG. I'm not sure I can add anything to your question, except to say that I hear your question, and as your question is framed, that would be the answer.

Senator CHAMBLISS. Reducing the funding for the program, really does nothing to help the program, is that a fair statement?

Mr. KRIEG. The amount of funding the Nation provides to any of these given programs, given choices that people make, individual programs either gain or suffer, based upon those decisions.

Senator CHAMBLISS. Based upon funding for those programs.

Mr. KRIEG. Right, yes sir.

Senator CHAMBLISS. Now, Mr. Krieg, do you agree that reducing aircraft at this point in this program, or for that matter any other program, will only serve to inject instability, and would increase the per plane cost of the airplanes that we ultimately might buy?

Mr. KRIEG. I understand your question, I guess I'd have to look at the specifics of the layout to determine how much it would effect cost, given the nature of the program. I'll be glad to take all of these, for the record, to understand them, Senator. You're probably more in tune to the details of this one than I am, so if you'd like me to go back and look at them in particular, I'd be glad to do that. I don't, off the top of my head, have a specific answer to most of these questions. But we'd be glad to look into it for you.

[The information referred to follows:]

The Department reduced funding for the F/A–22 program in the President's fiscal year 2006 budget (PB06), in order to address other essential priorities. This decision, like any difficult compromise undertaken in response to budgetary pressures, will have adverse consequences. Due to economies of scale, reducing program funding creates production inefficiencies and affects the ability to get better pricing from suppliers, resulting in upward cost pressure. However, the Department has established the F/A–22 program as a "buy-to-budget" program. This creates incentives for the Air Force to work with the contractor to improve efficiencies, with a goal of producing the maximum number of aircraft possible within the budget.

PB06 reduced the planned F/A–22 buy from 26 to 25 aircraft in fiscal year 2006. This includes one replacement test aircraft to be produced with Research, Development, Test & Evaluation funds. The change has a small impact on procurement efficiency and progress on the learning curve. The ultimate impact, as you pointed out, is that the Air Force likely will receive at least one fewer aircraft within the Department's overall buy-to-budget plan. The reduction in quantity will not eliminate delays in deliveries, because the quantity planned in fiscal year 2006 (25) is an increase from the 24 aircraft being procured in fiscal year 2005. Still, the contractor is making progress in reducing those delays. Lockheed Martin and its suppliers developed production facilities and processes to support production of 32 aircraft per year, so I am confident that they will be capable of building the 25 aircraft planned, provided that sufficient funding is available within the Department's buy-to-budget plan.

The changes made to the F/A–22 procurement plan in PB06 were structured to minimize the impact on procurement efficiency. However, as you noted, changes in procurement efficiency and progress on the learning curve will tend to increase unit flyaway cost. This is the case for most weapon systems, unless the design or manufacturing facility is insensitive to quantity (for example, if the production line is mature, if the facility produces two or more items with a large number of common components, or if the facility produces software or other items without using a traditional production line).

Senator CHAMBLISS. Mr. Krieg, you are here for review of whether or not you should be in charge of the acquisition of all weapons systems for the Department of Defense. Is it a fair statement that irrespective of what the weapons system is, if we reduce the buy, or stretch out the buy on any weapons systems, that the per copy cost of that weapons system is going to increase?

Mr. KRIEG. In general, the cost per unit at any given point is related to the efficiency of the capital employed in delivering it. So, as your general statement, the answer would be yes, but in the specifics of how much, and how much the capacity can deal with the change, would be where I'd have to look at the specifics of the

question. In general, you get your maximum efficiency and maximum productivity when you fully employ the capital to produce what the capital is laid out to manufacture. So, the answer to your general question would be yes.

Senator CHAMBLISS. Thank you. Thank you, Mr. Chairman.

Chairman WARNER. Senator Chambliss, if you wish to take additional time, that's a very important sequence of questions, and certainly it's been the record of the Department that when programs have been stretched or curtailed, the unit costs have gone up. I don't know of any instance when they've ever gone down.

Senator CHAMBLISS. I mean, that's a fundamental question that somebody who is going to be heading up the department of acquisition for the Pentagon, I would hope would understand. I think you answered it that that is true from a general standpoint. I understand you can't talk about the specifics of this program, or whether it's ships or tanks, but if we start—if we continue—to curtail programs, we continue to move money around in programs, it's a given fact, Mr. Krieg, that the per copy cost is going to continue to rise, and you're going to be faced with a very critical decision. You and I talked a little bit about this yesterday, and I want to use the tactical aircraft issue as the classic example because this is my 11th year, and we've seen this train wreck coming between how many tactical aircraft we want to buy and how many tactical aircraft we can afford. Now, we are fast approaching that crossroads, we may even be there, and you're the guy that's going to be sitting in that position of really making that fundamental decision about what direction we're going in. You're going to have the same problem with ships. I don't think we're buying enough ships today, I think we're depleting our Navy of some assets that I think, one of these days, we're going to regret.

Now, on the other side of the coin, we're trying to take the money that we have and utilize it in the best way, and you're the guy that, in effect, is going to be signing the checks on which direction we go in, so I think this is a fundamental aspect of your job that we need to think seriously about, because you're going to be the guy making that decision.

I think you answered my question very adequately, but Mr. Chairman, we all know that we've been arguing over this for a number of years, and we've been trying to legislatively make decisions within the budget numbers, and trying to make sure that we provide our men and women with all of the assets they need, but I think the next 2 or 3 years are going to be the real critical point that we reach relative to acquisition of weapons systems, and we have to make a decision whether we're going to increase the top line to give them more money, and whether we're going to stay within that top line, and make your job even tougher. It is a fundamental thing that I think anybody stepping into the acquisition position is just going to have to deal with immediately, so I think he answered my question, Mr. Chairman. Thank you.

Chairman WARNER. Thank you, Senator.

In consultation with Senator Levin, the Chair makes the following observation, and then the following decision. Seeing your young daughter back there, she sent a signal to me that this hearing on your nomination should come to an end. It was a very perceptible

and loud yawn, and therefore, we'll ask that you provide answers to the record to a series of questions that we might otherwise have asked in a second round.

We'll let your daughter know, also, that we're very much indebted to her for that signal. [Laughter.]

But before we close, Mr. Krieg, I think the committee should acknowledge the work that's been done by the current occupant of this position. Although he's been appointed, as opposed to confirmed, Mike Wynne has withstood a lot of tough storms, and we wish him well in the course of his next challenges in life.

So at this point, if there's no further discussion of the membership, we'll excuse you, and we'll invite the distinguished General to take his seat.

Senator LEVIN. I would like to join you, Mr. Chairman, in thanking Mr. Wynne also for his service. If somebody could pass that along.

Mr. KRIEG. I will be glad to do that. [Recess.]

Chairman WARNER. The committee will now resume its panel II with the distinguished Lt. Gen. Michael V. Hayden. We welcome you before the committee as the President's nominee to appointment to the grade of general, and the first Principal Deputy Director of National Intelligence. We welcome you and your lovely wife, and we would ask now if you would introduce your family.

General HAYDEN. Thank you, Senator. I'm joined here today by my wife, Jeanine, a counselor by training, but she has spent most of her energies supporting me and being a partner in my work for the past 37 years. Most recently at NSA she's taken on personal responsibility of supporting agency families, particularly with the additional stresses after the 2001 attacks. We have our daughter, Margaret, here too, who is an officer in the Air Force Reserve, and I can't avoid commenting, Senator, a resident of Herndon, Virginia. Her two brothers, our sons, could not be with us here today.

Chairman WARNER. Thank you. At this time we would now like very much to receive the comments of our distinguished colleague, the Senator from Maine.

Senator COLLINS. Thank you very much, Mr. Chairman. I appreciate having the opportunity to join the distinguished Chairman of the Intelligence Committee, Senator Roberts, in introducing Lt. General Michael Hayden to the committee.

I worked very closely with General Hayden last year in the writing of the Intelligence Reform Bill, and I became so impressed with him during that time. I remain very grateful for his contributions to that effort, and the advice and insight that he candidly shared with me.

I recommended General Hayden to the White House for this appointment, because I know him to be one of the Nation's foremost experts on intelligence matters. His 36 years in the United States Air Force, and most recently, his leadership as Director of the National Security Agency have prepared him very well for this position. In fact, I believe the President could not have made a finer appointment.

During his outstanding career in the military, General Hayden has been deeply involved in intelligence issues, both as a consumer and as a producer of intelligence, and from a variety of perspec-

tives. As the Chief of Intelligence for the 51st Tactical Fighter Wing in South Korea, and subsequently as Deputy Chief of Staff for the United Nations Command, and U.S. Forces Korea, he was a consumer of intelligence for warfighting purposes.

As the Director for Defense Policy and Arms Control at the National Security Council, he was a consumer of intelligence to support policymakers. As the air attaché of the U.S. Embassy in Bulgaria, he was a consumer of intelligence for diplomatic activities. It's very unusual to have an individual who has seen the need for intelligence from so many different perspectives.

Finally, he has been a producer of intelligence, both at the tactical level, as Commander of the Air Intelligence Agency, and most recently at the national level as Director of NSA. As a result of this wide range of experience, he understands the needs of intelligence consumers, and also the challenges and opportunities for collecting, analyzing, and disseminating intelligence to meet those needs. He has been a truly outstanding leader of the NSA during a time of unprecedented change in both the communications technology available to our adversaries, and the nature of the threat to our national security, he has demonstrated strong and decisive leadership skills, he developed a bold vision for transforming the NSA to enable it to perform effectively even though the volume, velocity, and variety of communications have increased exponentially.

General Hayden recognized that the NSA could no longer just gather mountains of data and then sort through them later, but rather needed to hunt for the right data, amid the torrents of available information in order to satisfy its intelligence consumers quickly and efficiently. He then set out with determination and remarkable leadership to turn that vision into reality. By directing the NSA, General Hayden has been at the forefront of our Nation's war on terrorism as our Intelligence Community has mobilized to protect and defend our homeland. Indeed, his work in transforming the NSA to confront 21st century threats, made clear to him the need for our Nation's Intelligence Community to operate as, to use the President's term, "a single, unified enterprise."

I believe the General's unique experience as both a consumer and producer of intelligence, his leadership skills, and his vision for integrating the Intelligence Community, will serve him and our Nation well as the first Principal Deputy Director of National Intelligence.

Mr. Chairman, I do want to recognize General Hayden's wife for all that she has done. I don't know whether the committee is aware that she formed a family action board, after the September 11 attacks on our Nation, to support the families of NSA's employees as their loved ones worked day and night to protect all of us. I think her actions complement the General's dedication in serving our country. This is truly a remarkable family—dedicated patriots—and I think we're very fortunate, and could not do better than to have General Hayden in this very important position.

Thank you, Mr. Chairman, and thank you General Hayden.

Chairman WARNER. Thank you, Senator Collins.

In the unlikely event that I ever appear before the Senate for confirmation, I would like very much for you to introduce me. [Laughter.]

General, our distinguished colleague, Mr. Chambliss, is about to say a few words here which I'm happy to receive.

Senator CHAMBLISS. Thank you very much, Mr. Chairman. I apologize for having to go to another matter for which I'm late. I had the chance, as did you and Senator Levin, to cross-examine General Hayden last week before the Senate Intelligence Committee, but I just couldn't have him here without echoing the sentiments of Senator Collins.

General Hayden is one of those unusual professionals within our military who has stood just head and shoulders above many other folks relative to the positions to which he's been assigned. All of our men and women in uniform do a terrific job, but I'll have to say that General Hayden, and having had a chance to work very closely with him over the last several years, particularly following September 11, he's one of the folks who stepped up and said, "Listen, we've got problems in my agency," and I never had to call him to ask him what he was doing relative to correcting the deficiencies. He would come to us as members of the House Intelligence Committee to say, "This is what we're doing," and that's a special individual that does that.

The President's made an excellent choice in General Mike Hayden to be the Deputy Director for the DNI, and I just applaud it and look forward to continuing to work with him. We're going to miss him at NSA, but we'll have an even closer working relationship at the DNI. General Hayden, thank you, and thank your family, too, for the sacrifices they all make relative to making America a better place, and a safer place, in which to live. Thank you.

General HAYDEN. Thank you, Senator, that's very kind. Thank you.

Chairman WARNER. Thank you very much.

Senator Levin.

Senator LEVIN. Thank you, Mr. Chairman.

General Hayden, let me first congratulate and thank you for your past service, for your future service, for your family's service and support of you, making your success possible, and most importantly, for your willingness to serve in a very important new capacity. I would like also to express through you, our deep appreciation for the service and the sacrifices of the men and women of the National Security Agency. Their support of our combat forces, and for the senior leadership which they also support, and their recent activities are critical and essential. You've led this with some real astuteness and some real initiative, and I greatly appreciate that.

Your service as Director of the National Security Agency for the past 6 years has been notable. You've led the agency at a time of major transformation in the way that the NSA has had to think about how it does its job, how NSA supports its traditional customers while responding to the needs of an ever-growing list of new customers. The experience as Director of the NSA at that time of major transition will equip you well to help lead the Intelligence Community, as we implement the intelligence reforms that we adopted last year.

Congress worked long and hard on that legislation last fall. Now it's the turn of the administration and the executive branch to turn that legislative guidance into a practice that functions well and

smoothly. So, we thank you for your willingness to undertake that effort. You are a wonderful choice for this position, and I look forward to working with you.

General HAYDEN. Thank you, Senator, thank you very much.

Chairman WARNER. Thank you very much, Senator Levin. I will ask that my statement be incorporated in the record, as if delivered in full.

[The prepared statement of Senator Warner follows:]

PREPARED STATEMENT BY SENATOR JOHN WARNER

We will now move to our second nominee, Lt. Gen. Michael V. Hayden, USAF. We welcome you before the committee as the President's nominee for appointment to the grade of General, and the first Principal Deputy Director of National Intelligence. We welcome you and your wife of 37 years, Jeanine, and your daughter, Margaret.

General Hayden currently serves as the Director of the National Security Agency at Fort Meade, Maryland, where he has served since March 1999. I believe he is the longest serving director in the history of the National Security Agency. The mission of the National Security Agency has changed dramatically in the past decade, as information and communications technology have proliferated. We are fortunate to have had the continuity of General Hayden's leadership during this period of rapid change.

General Hayden has a distinguished 36 year record of service, having bridged the gap between intelligence officer and operator. He has served as an attaché abroad, on the National Security Council, as the J–2 of U.S. European Command, as the Commander of the Air Intelligence Agency, and as the Deputy Chief of Staff of the U.N. Command and U.S. Forces in Korea, before serving as the head of one of the most complex elements of our Intelligence Community.

The position for which general Hayden has been nominated represents an important milestone in the efforts of the President and Congress to improve the organization and performance of the Intelligence Community. We simply must have the best possible intelligence available to our national leaders in order for them to protect our homeland, and to make decisions on the diplomatic and military actions that may be required to protect our national security interests. Similarly, we must ensure that our Armed Forces have the best possible intelligence available to them to ensure the success of their missions, in defense of our Nation.

In this time of great demand on our Armed Forces as they are conducting the all-out global war on terrorism, we must not allow intelligence support to our warfighters to diminish. We all recall that tragic chapter of history, in 1991, when General Norman Schwarzkopf came before this committee and told us that national intelligence support was simply not adequate during the first Persian Gulf War (Operation Desert Storm).

General Hayden, we seek from you your assurance that, working with Ambassador Negroponte, intelligence support to the warfighter will remain one of your top priorities.

Chairman WARNER. I would want to mention one chapter in the history of this committee which is indelibly emblazoned in my mind.

In this time of great demand of our Armed Forces, while they are conducting an all-out global war on terrorism, we must not allow intelligence support to our warfighters to diminish. We all recall the tragic chapter of history in 1991 when General Norman Schwarzkopf came before this committee and advised us that the national intelligence support was simply not adequate during the first Persian Gulf War. You probably remember that. Intelligence is, without a doubt, the greatest force multiplier available, and I'm certain you're aware of that. As you go into these, as we say in the old Navy, "uncharted waters," we wish you well. I noted from Senator Collins' introduction, and then went back and re-read your distinguished biography—and I'll put this in the record—"General Hayden entered active duty in 1969 after earning a Bachelor's De-

gree in History in 1967, and a Master's Degree in Modern American History in 1969, both from Duquesne University." Sir, you are about to make history. You were prepared for it at an early time. Thank you.

At this time, I would like to propound the questions that we ask of all nominees on behalf of not only the committee, but the entire Senate, and indeed Congress as a whole.

You answered the advance policy questions, and without objection they'll be placed in the record.

As to the specific questions, have you adhered to the applicable laws and regulations governing conflicts of interest?

General HAYDEN. Yes, Sir.

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

General HAYDEN. No, sir.

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

General HAYDEN. Yes, sir.

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

General HAYDEN. Yes, sir, Mr. Chairman.

Chairman WARNER. Will those witnesses be protected from reprisals for their testimony or briefings?

General HAYDEN. Absolutely.

Chairman WARNER. Do you agree, if confirmed, to appear and testify upon request by any duly constituted committee of the Senate?

General HAYDEN. Yes, sir.

Chairman WARNER. Do you agree to give your personal views when asked before the committee of the United States Senate?

General HAYDEN. Yes, Mr. Chairman.

Chairman WARNER. Even if those views differ from your immediate supervisors or the administration in which you are privileged to serve?

General HAYDEN. Yes, sir.

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

General HAYDEN. Yes, Mr. Chairman.

Chairman WARNER. Thank you.

At this point in time the committee would like to receive such opening remarks as you might have.

STATEMENT OF LT. GEN. MICHAEL V. HAYDEN, USAF, TO THE GRADE OF GENERAL AND TO BE PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE

General HAYDEN. Thank you, Mr. Chairman, I'll try to be very brief.

First of all, it's a privilege to be here today, to be nominated by the President. I would like to just share an anecdote I shared with

the Senate Intelligence Committee to give you some sense of the appreciation I have for this job.

The day after the President announced Ambassador Negroponte and me for these positions, I received an email from a friend of mine, a boyhood friend, with whom I was inseparable until about the 6th grade when he moved away. I lived on the lower north side of Pittsburgh in this section called "The Ward," kind of tucked between some hills in the flood plain of the Allegheny River where the two ballparks are now. My friend wrote to me in the email: "The Ward, the street parties, the picnics, Clark candy bars, and Teaberry gum thrown out the 5th floor windows of factories in our neighborhood to kids cheering on the streets and the damp train trestle on the way to and from school are the things that you are made of. You'll never get too far from them. It's those things that you will be protecting."

So, Senators, with all due respect——

Chairman WARNER. That is a very moving bit of prose.

General HAYDEN. It really was, and I don't think the committee can put any more pressure on me than Jimmie Heffley already has, frankly.

Sir, Ambassador Negroponte last week in his testimony made quite clear the importance of American intelligence. You already know full well the challenges being faced by us as a community, so we're at a pretty interesting place—never more challenged, and never more important to the safety of the Republic. We're surrounded by what seems to be a variety of dilemmas. We want more cohesion, a better sense of direction throughout the community. In fact, the Commission on the Intelligence Capabilities of the United States regarding Weapons of Mass Destruction (WMD Commission) claimed that we were a community in name only, but at the same time, we don't want so much centralization that it leads to group think or herd mentality when it comes to analysis.

All of us want us to aggressively be more effective in connecting the dots, even when there may not be many dots and some of them may be hidden in the noise, but I don't think anyone wants us to base our analysis on past context alone, or mere inertia, or isolated data points. We all know the enemy may be inside the gates, and job one is to defend our homeland. We're also required to defend the privacy rights of our citizens.

We want to strengthen our community. The law gives the DNI real power, certainly more power than we ever gave the Director of Central Intelligence (DCI), but we are here to preserve the chain of command as well, something I know that is of particular interest to this committee. I could go on, but you get the picture. This is going to be very hard work.

When I testified last summer before the House Intelligence Committee, I said our community, the Intelligence Community, had been governed by the principle of consensus for almost a half a century, and that wasn't bad. Consensus gets you a lot of things, like buy-in and balancing competing needs, priority, and stability. As an airman, I know the value of stability. It's an absolute virtue in a lot of aircraft. When I talk about this to larger audiences, I usually ask them what they think the opposite of stability is. The immediate answer is "instability," and I correct them and say, "That

is not true." In the design of an aircraft, the opposite of stability is maneuverability, and that is a virtue, too.

The legislation you approved last December made it clear to me that you want the Intelligence Community to have more maneuverability. It's hard to make sharp turns by consensus; consensus is rarely bold, and it's frequently wrong.

So, last summer when the President announced that he supported the DNI, and last fall when you enacted legislation, it was clear to me that we were dampening the principle of consensus as a way to govern our community, far more in favor of clear lines of authority and responsibility. I told the House of Representatives Committee last August that if we went down this path, we needed to take care of a couple of things. One was, if we were going to dismantle the DCI and the informal authority he had, because he also headed up the Central Intelligence Agency (CIA), we would have to aggressively codify the authorities we wanted the DNI to have.

Second, I said the DNI would need robust authorities over those big three agencies around town, where a lot of American firepower when it comes to intelligence, really resides—National Security Agency (NSA)/National Geospatial-Intelligence Agency (NGA), National Reconnaissance Office (NRO), and the Deputy Director of Operations (DDO) at the CIA.

Third, Mr. Chairman, and I know this part is particularly close to the heart of this committee, this new structure would have to accommodate the needs of America's combat forces, needs that, frankly, every day seem to redefine themselves in terms of standards for relevance and timeliness.

Mr. Chairman, DOD is the largest consumer of intelligence in the U.S. Government. In fact, I think it's the largest consumer of intelligence in the world. As a military officer I'm fully aware that in a doctrinal sense, we have opted for precision over the principle of mass. Put another way, we've decided we can create the effects we used to create by mass, by now relying on precision. We will defeat our enemies not because we can mass overwhelming fires on them, but because we can apply very discrete fires in very discrete ways. But precision weapons are never more precise than the intelligence that enables them. We need intelligence that is worthy of the precise weaponry that we have, and are creating.

This shouldn't be surprising. I personally believe that the way a nation makes war is as indicative of its culture as the way it writes poetry or creates music. We are an information-based society. America's military is an information-based combat force, hence the absolute criticality of precise, timely, and relevant intelligence for our combat forces.

I believe that the legislation signed by the President does nothing to hamper this, and in fact, actually gives us the opportunity to improve the overall performance of U.S. intelligence for all consumers, including the Department of Defense.

I've learned in my 6 years at NSA just how talented a work force we have. The work force at NSA is a microcosm of the larger Intelligence Community. I've often said the real power of the NSA goes down the elevators each night. It's hard for me to talk about NSA operational successes in an open forum like this, but let me just say that one operational commander visited me very recently, and

he began his conversation with me with the admonition, "Mike, don't change a thing."

Last month, I received a note from the Commander of the 1st Marine Expeditionary Force, whom I know you've just talked to, thanking NSA for the kind of support we've provided his marines, and I received a similar note from the Chief of Staff of the Army. That's the kind of support that Ambassador Negroponte and I have to ensure continues to occur across the entire American Intelligence Community.

We have to exercise the power that you and the President have given us without creating a new layer of bureaucracy. We have to be authoritative. We have to be right, and the DNI must ensure that we have the kind of information dominance that protects America, its people, its values, and its friends.

I know this committee will stay very involved and very interested in our work. I look forward to working with this committee in the weeks, months, and years ahead, and Mr. Chairman, I now look forward to your questions.

Chairman WARNER. Thank you, General, I must say, I was very impressed with your opening statement. It was very carefully prepared, extremely well-delivered, and those who listened and followed it have to have a heartfelt understanding of how sincere you are about taking on this new post.

General HAYDEN. Thank you, Mr. Chairman.

Chairman WARNER. At this time, our distinguished colleague, the chairman of the Government Affairs Committee is going to go to the floor in the context of the pending nomination of Ambassador Negroponte so, Senator Levin with your concurrence, I will yield my time of questions to her.

Senator COLLINS. Thank you so much, Mr. Chairman, for accommodating my schedule.

General Hayden, the new intelligence law gives the Director of National Intelligence substantial authority to set policies governing the Intelligence Community's personnel, and the purpose of giving the DNI that authority was for the new Director to institute policies that would foster an organizational culture of jointness across the Intelligence Community. Ideally, we want individuals to look at themselves as working for the Intelligence Community, not for the various entities within that Community. The Intelligence Reform Act cites the personnel provisions of the Goldwater-Nichols Reorganization Act of 1986 as a model that successfully fostered that jointness across the Defense Department.

Could you please give us your thoughts as to how the DNI should use the legislation's personnel authority in order to create a culture of jointness across the Intelligence Community?

General HAYDEN. Yes, Senator, and I know a lot of folks have talked about a Goldwater-Nichols-like Act for intelligence, but frankly, there's a lot of Goldwater-Nichols that would be very hard to transfer. The Intelligence Community is not organized the way DOD is, but title IV of Goldwater-Nichols, which is the personnel title, is the one I think is wholly transferable, from its experience with DOD, to the Intelligence Community. I can tell you, as a military officer, one of the most powerful sanctions of legislation I've seen in my military career was that one sentence in Goldwater-

Nichols that says, "The promotion rates of officers on the joint staff shall be equal to or greater than the promotion rates of officers on the military headquarter staffs." Took 3 to 5 years, but it made all the difference.

I've thought about this, and what I would advise the Ambassador, if we are confirmed, is to set personnel policies—and not to overreach here. He doesn't have to reach way down into every aspect of how personnel are governed within the Intelligence Community, but to wisely select those factors that he needs to take control of to set the standards for, to develop an ethos of cooperation. To develop within the Intelligence Community an ethos of collaboration. I would strongly urge to Ambassador Negroponte that that's where he set his sights, on those tools, those personnel levers, whatever they might be, but if they configure to an ethos of collaboration, those are the ones he should claim immediately, and set the standard for.

Senator COLLINS. Thank you. Another important authority granted by the new law confers the Director of National Intelligence control over the Intelligence Community's budget for the National Intelligence program. This authority includes determining the intelligence budget up front, presenting the recommendations to the President, executing the intelligence funding as appropriated by Congress, and transferring funds in order to meet emerging threats. The legislation also makes very clear that the DNI, in executing the budget authority, has a direct relationship with intelligence agencies, including the NSA, the NGA, and the NRO, in determining the budget. Some of us have been somewhat concerned by a memo that the Secretary of Defense put out that could be interpreted as requiring the DNI to go through the Under Secretary for Intelligence, rather than having a direct relationship, as the law envisions, with those three agencies. They are housed in the Pentagon, provide important intelligence to our troops, but also are national in their approach and serve all of the Intelligence Community. Would you tell me how you interpret that relationship, and do you believe, as the law intends, that the DNI should have a direct relationship with the heads of those intelligence agencies.

General HAYDEN. Yes, ma'am. I'm familiar with the memo you refer to, and I should point out that almost all the prose in that memo was actually very supportive of the objectives of the legislation and the DNI.

Senator COLLINS. Almost.

General HAYDEN. But the one sentence has drawn a lot of attention.

As Ambassador Negroponte said in his testimony in front of the Intelligence Committee, he cannot conceive of his performing his job without direct communication with those very large agencies that are housed inside the Department of Defense. They comprise about 80 to 85 percent of what I call his "combat power," and the legislation is very clear that his guidance, in terms of fiscal guidance, to those organizations, goes to them directly, and that those agencies' response to that fiscal guidance comes back to him directly, and so I'm convinced that he fully intends to follow that outline as the law lays out.

I should add, too, that you have made the DNI's fiscal authorities more robust than the DCI's were. The DCI used to prepare and present the budget. You put that very powerful verb "determine" in there as well, and you suggest, and I think this is very important, you've given the DNI a lot more authority in the back end of the fiscal process, in terms of the allocation of funds, kind of financial officer sorts of functions.

But even in the previous world when we had a DCI, and his budgetary authorities were limited, that minor communication between the DCI and the agencies was also direct, so, in that sense, you've given the DNI more authority. Your direct communications chain is simply a continuation of the world as we had it when we had a DCI.

Senator COLLINS. Thank you, General, I wish you well in your new position, and thank you, Mr. Chairman.

Chairman WARNER. Thank you, Senator, and also for the work of your committee, together with our distinguished colleague, who shepherded this statute through. Now as you look at this individual, you say to yourself, "Good luck."

Senator COLLINS. You noticed I avoided that phrase, and wished him well, instead.

Chairman WARNER. Thank you very much.

Senator Levin.

Senator LEVIN. Thank you, Mr. Chairman. Let me join you in thanking Senator Collins for the leadership that she and Senator Lieberman so forcefully put forward. This legislation could not have happened without their leadership. I think it's on the right track. It's going to work out well. There are a lot of questions that have to be answered, but I think the spirit of the legislation was right. It was done with great care and detail. So General, I think you're given a mandate here which you can really run with and make significant improvements in the intelligence operations.

One of the issues which has troubled me is the intelligence that was received before Iraq and just how flawed it was. Without rehashing all of that, I guess one of the questions that I would want to ask you actually supplements the question which the chair asked. He asked whether you'd give us your unvarnished, professional opinion on matters. Your answer was 'yes.' It's also important that you give your unvarnished independent, objective analyses to the policymakers, the executive branch. So my question is, are you willing to speak truth to power?

General HAYDEN. Of course, Senator, and in that regard, I've kind of got a two sentence rule book. Number one is, I would obviously always speak the truth, and number two, those people who need to know, will know what my version of the truth is.

Senator LEVIN. Some of the people who need to know the information that you have available to you are in the legislative branch. Frankly, many of us have been frustrated by the lack of responsiveness on the part of parts of the Intelligence Community and other Federal agencies to Congress in the request for documents, and the declassification of documents. The chairman asked you the question whether you would provide documents in a timely manner to Congress. Your answer was that you would do so. All too often in the past, that has not been the case. We've had problems getting

documents on subjects ranging from intelligence assessments on Iraq to detainee abuse. In one instance, the Armed Services Committee waited for more than a year to get questions for the record answered from the former DCI. In other instances, the CIA promised to provide declassified or classified documents, and then failed to do so for a year. This is just totally unacceptable. It's a very frustrating process to extract documents from agencies who are not cooperative. You probably could have guessed that it's the case, but let me assure that it's a very frustrating process. It is time-consuming. It leads to holds on nominations. It leads to embarrassing questions at hearings. It is not healthy. I was pleased to get an answer from the current DCI, Porter Goss, to a letter that I wrote him, and a question that I asked him at a confirmation hearing when he said he would look into these delays. Here's what he wrote to me on April 6, when he was delivering some materials which we had been waiting for, for a long, long time. He said, "There is no excuse for such delays. I have conveyed to my staff that this is not how the Agency will treat requests." So he is making a significant statement when he writes that. I hope you would adopt that philosophy with the folks that you will be supervising—that there are no excuses for delays to requests from Congress. As part of our oversight process, it is essential we receive documents. I would hope you would adopt the same philosophy which was set forth in that letter to me from Porter Goss.

General HAYDEN. I know from time to time there may be limits placed on me as part of the executive branch, but let me assure you, I will do my utmost to cooperate with the committee. I take that obligation seriously, and frankly, Senator, I think my track record at NSA bears me out on that.

Senator LEVIN. Yours was not one of the agencies I was referring to when I made reference to the agencies which have frustrated the legitimate oversight questions from members and from the committee itself. We thank you for that commitment.

One of the documents that we've been waiting for, and this is a document that the Chairman and I have requested of the Department of Defense in this case, is a document that you may be familiar with. There was a memorandum dated March 14, 2003, which was prepared by the Deputy Assistant Attorney General, John Yoo, titled "Military Interrogation of Alien Unlawful Combatants Held Outside of the United States." This is a memo which Admiral Church referred to in his report on interrogation techniques and operations. I'm wondering whether you are familiar with that memo?

General HAYDEN. Senator, as I've discussed informally with your staff, I have no recollection of the document and certainly have not seen them, and frankly, as the Director of NSA, I wouldn't expect to see a document of that type because it dealt with activities that are outside the scope of NSA authority.

Senator LEVIN. I am not surprised by that fact either. We would ask you on your confirmation to take a look at the records of the new agency, and the agencies that they control, see if that document is in the possession of those agencies, and if so, tell us whether you will provide this committee with that document.

General HAYDEN. Yes, sir, Senator, and I know that Ambassador Negroponte has promised to look into this matter as well, if confirmed, and I of course will strongly support him in that effort.

Senator LEVIN. Thank you. The Bolton nomination has raised a question about protecting U.S. identities—these are U.S. people, who are either participants in a conversation, communication, which is intercepted and included in a signal intelligence (SIGINT) product, where the identity of that person is blocked, or sometimes as said, is minimized, and is referred to generally as "A U.S. person." There are also many cases where that person is not a participant in the conversation, but is referred to in a conversation, and the identity of that person is also protected as well.

At the Intelligence Committee hearing with you last week, you said that there's a formal written and documented process for U.S. Government officials to request the identity of a U.S. person referred to in a SIGINT process, is that correct?

General HAYDEN. Yes, sir, that's correct.

Senator LEVIN. Now, I take it there are a large number of requests which come in for the identity of a U.S. person who has been minimized. Can you tell us whether the majority of those requests, indeed the vast majority of those requests, are made in the case where the person identified is not the participant in the conversation, but rather is someone who is referred to in the conversation?

General HAYDEN. Thank you very much for that question, Senator. First of all, to frame the issue for me as Director of NSA, the issue here is the protection of American privacy, and everything then evolves out of that fundamental principle—how do we protect U.S. privacy? In the course of accomplishing our mission, it's almost inevitable that we would learn information about Americans, to or from, in terms of communications. The same rules apply, though, in protecting privacy, whether it's to, from, or about an American. You're correct. In the vast majority of the cases, the information is about an American being referred to in communications between individuals that I think the committee would be most enthusiastic that we were conducting our operations against.

Senator LEVIN. That's a very helpful clarification. My time is up, but can I just end this line of questioning? Thank you, Mr. Chairman, thank you. I think the press has already indicated that there were apparently 10 requests from Mr. Bolton.

General HAYDEN. Yes, sir, I've seen that number.

Senator LEVIN. Do you know whether or not the majority of his requests were for persons referred to in the conversation, or for a participant in the conversation?

General HAYDEN. Yes, sir, I would like to respond to that for the record in a classified way, it's a classified matter.

[The information referred to follows:]

[Deleted.]

Senator LEVIN. That's fine. The other questions that relate, not just to him, but to anybody. The person who makes this written application for the information states specifically what that purpose is that they want that information for, is that correct?

General HAYDEN. Yes, sir, Senator, but in all cases, the purpose comes down to the fundamental principle, I need to know the identity of that individual to understand or appreciate the intelligence value of the report.

Senator LEVIN. Is that printed there as a purpose, or does that have to be filled in by the applicant?

General HAYDEN. Senator, I'm not exactly sure what the form looks like, but I can tell you that's the only criteria on which we would release the U.S. person's information.

Senator LEVIN. All right. But you don't know how that purpose is stated in these thousands of applications.

General HAYDEN. I'd have to check, sir.

Senator LEVIN. Or in Mr. Bolton's applications.

General HAYDEN. Correct, sir.

Senator LEVIN. Okay, and then, once the information is obtained, you do not know the use to which that information is put, I gather, is that correct?

General HAYDEN. No. We would report the information to an authorized consumer in every dimension, in terms of both security clearance and need to know, just like we would report any other information.

Senator LEVIN. But then, you don't know what that person does with that information?

General HAYDEN. No. The presumption, obviously, is that the individual uses that then to appreciate the original report.

Senator LEVIN. Thank you, Mr. Chairman.

Chairman WARNER. Let's sit back and relax for a minute. I want to indulge in something which will give me a lot of personal pleasure.

You majored in History. I majored in Physics and Mathematics, and I came up short on history, so I've tried the balance of my life to study a lot of history. I read, really two categories of books, books on art to relax in the late hours of the night before I try to catch a wink of sleep, and books on history to constantly learn, because I think history is a rear view mirror of life.

So, I'm currently reading a fascinating book by Ford Donovan of the Office of Strategic Services (OSS). I had a very short but, nevertheless, auspicious and privileged tour of service at the end of World War II, in the Navy, and I grew up with that generation. I had the occasion once to meet Donovan, and what an impressive man he was. I got to know David Bruce very well, who was one of his basic partners and lieutenants in this. Anyway, this book details the following of how OSS was set up. I'm going to present this so you can just sit back and listen.

It was Roosevelt; it was his idea to set this up. The appointment of Colonel Donovan, he was just a Colonel then, as Director of the forerunner of the Office of OSS, was formally announced by Executive order on July 11, 1941. His duties were defined in Roosevelt's own words, "To collect and analyze all information and data which may bear upon national security, to collate such information and data and make the same available to the President and to such departments and officials of the government as the President may determine, and to carry out, when requested by the President, such supplementary activities as may facilitate the securing of informa-

tion important for national security, not now available to the government." Not unlike your charge, wouldn't you say?

Now, wait for what happened. The directive was purposely obscure in its wording, and I think those of us who participated, and my dear friend and colleague here, Senator Levin and I worked with our colleagues on the other side, sometimes not all with full harmony. We finally cranked out that statute, but, I repeat, "the directive was purposely obscure in its wording due to the secret and potentially offensive nature of the agency's functions, and the other intelligence organizations, jealous of their prerogatives, took advantage of the vague phraseology to set loose a flock of rumors that Donovan, one, was to be the Heinrich Himmler of an American Gestapo—this is 1941 in this great country of ours—the Goebbels of a controlled press, a super spy over Hoover's G-Men and the Army and Navy, the head of a grand strategy board that would dictate even to the General's staff. The bureaucratic war was on. It was a war all too familiar to Washington, the dog-eat-dog struggle among government departments to preserve their own area of power." I'll autograph it for you.

General HAYDEN. Thank you, Senator, and I thank you for the words of encouragement. [Laughter.]

Chairman WARNER. I hope that you will not encounter the same problems. It really goes on in greater detail, which you wouldn't believe, about what Hoover did to assure that this department would not have any power. It's a fascinating chapter.

You made reference to Goldwater-Nichols, and Senator Levin and I were very privileged in our years here on the committee to work with those two fine gentlemen, and a staff member named Jim Locher. I have a recollection of the phrase that you put in there, and it drew on the vast experience of those two men and their service to the country in uniform. I just hope that in the future when we re-visit, and the Senator and I have thought about it, trying to re-visit Goldwater-Nichols, that we can draw on the same quantum of wisdom, and perhaps yours, to even make that concept, or those concepts, plural, even stronger.

Senator Levin asked some very pointed questions, as he always does, and it prompted my first question. I would have to say, again, from a personal basis, one of the most difficult episodes of the history of this committee in the 27 years we've been here, were the revelations of the Abu Ghraib prison problem, and how that affected the professional military of the United States of America, and most particularly the intelligence sections to which you've dedicated so much of your career.

The statute, I don't think, is specific, but I would presume that the office of the DNI would have some role in establishing a level of parallelism, or checks and balances of the several agencies which have the specific statutory responsibility for interrogating prisoners, and that you would—in a supervisory way—overlook what they're doing. Now, whether they'll all be identical, I'm not about to predict, but I would like the record to reflect that Ambassador Negroponte and yourself will become active in that area, in the hope that we do not see another chapter, ever, in our history as we witnessed in that prison abuse problem.

General HAYDEN. Senator, what I will say now is going to be obviously preliminary, because the Ambassador and I are still getting organized and so on, and obviously, it is prior to confirmation. A thought I've had and informally shared with the Ambassador is, right now as the Director of NSA, I am—in addition to running that Agency—the National SIGINT manager, which doesn't suggest that I control where Rivet Joints or EP–3s are going to fly in the Pacific Command's area of responsibility (AOR) or anything like that, but that I am broadly responsible for the legal or technical realities under which any of those missions are conducted.

It occurs to me that that's a principle that we might be able to transfer to other intelligence disciplines, Human Intelligence (HUMINT) and imagery. In terms of HUMINT, the interrogation of prisoners would then fall under that broad rubric, so I think the Ambassador would certainly understand your concern, and want to work to set the broad standards within which different elements of the community would operate. There's a balance here. I don't think you want him to be working a lever that controls the actions of an E–3 in a combat situation, but he can create the structure within which that E–3 understands the standards to which he will be held. I think that would be a legitimate responsibility of the DNI.

Chairman WARNER. But the interrogation process of prisoners is an essential part of intelligence gathering, and many of us, and many Americans, have learned more about that process than ever before as a consequence of this tragic situation. In order not to ever let that happen again, and I'm not even suggesting that you be the supervisory authority of the incarceration of these individuals down to how they're handled, the techniques to be employed by the several agencies and departments of the government, should have, I think, a review authority. I would hope that your new department would have a certain amount of that review authority. There may be others, the Department of Justice (DOJ), individual cabinet officers, I'm not suggesting you're going to take the whole thing over, but I think the American public would like to know that your new department would have a role in examining the practices to ensure that this type of situation would never happen again.

General HAYDEN. Yes sir, I think the Ambassador is on record as saying that, while, clearly, the broad legal review would come from the DOJ, that it would be his responsibility to ensure that those standards are implemented throughout the community, but that if anyone does cross the line, appropriate action would be taken.

Chairman WARNER. The other tragic chapter that we have had here, and this committee was very much involved, is the intelligence failures associated with the weapons of mass destruction. We are not here today to begin to go back over how that happened, but I am sure that you and Ambassador Negroponte will exercise the supervisory authority that you have to carefully provide that everything possible be done so that will never re-occur.

I have found in my years of experience that the intelligence officers are a very dedicated group of people, whether they're in uniform or civilian. I have a high regard for the Agency. It's not that the Agency is in my State, but I have known, personally, so many individuals who have served in the CIA through the years, their

families, and they take the risks, those civilians, often commensurate with the men and women in uniform.

Consequently, as a career military officer, you clearly understand what is required to achieve the professional skills and leadership competence necessary to accomplish the missions and advance professionally within the respective military services. The Intelligence Reform Act gives the DNI significant authority in the assignment, the transfer, extension, and training of military personnel. How will you ensure the military personnel are managed in such a way that enables them to contribute to the national intelligence effort, and to maintain the ability to advance professionally within their respective services? Now that, in some ways, is parallel to your observation about the language in Goldwater-Nichols.

General HAYDEN. When you look at the broad community, my sense is the area, the field, in which the DNI is going to have to go first, and through major plowing, is with regard to the civilian workforce, because a lot of the things, Senator, that you and I take for granted for our G.I. workforce—that initial training, that professional military education, that leadership training—already happens. That said, there are some things, I think, the DNI needs to focus on for the military workforce. Here's an area of absolutely total coincidence of interest between the DNI and the Under Secretary of Defense for Intelligence, and Secretary Cambone has actually talked about this quite forcefully.

We need to ensure, number one, that that military force is well-trained. I think we do pretty well at that. I'm not as convinced that broad military personnel policies responding to the needs of the Department as a whole pay enough attention to the personnel policies of the intelligence folks within that broad system, specifically, tour lengths. How long do you let a kid work a particular problem in NSA, a particular work station, because only over time do you build up that kind of expertise? There's an area, I think, we might want to work on with the Under Secretary of Defense for Intelligence.

One final issue I would add, and I know Steve is very forceful about this—how do we reward folks? How does the Department of Defense, how does the military structure reward, for example, excellence in language? Secretary Chu is taking that one on now. Secretary Wolfowitz, before he left, signed a directive that I think is quite bold in terms of setting up a structure where language is afforded the kind of respect it should have within the Department, in terms of investment and reward for effort. Those are some areas, I think we could strap on quite quickly.

Chairman WARNER. I listen with great interest with respect to your observations about Secretary Cambone. I have gotten to know him quite well in the context of the working relationships that the two of us have professionally, and I have a high personal regard for him. By coincidence, Senator Levin and I met earlier this morning with Secretary Rumsfeld and Secretary Cambone on matters directly related to some of the functions that you are going to be taking up. Let's just go right to this question—Rumsfeld and Cambone have initiated efforts to improve the intelligence capabilities of the Department of Defense, and, particularly with regard to support for combatant commanders, they're working on a charter

now. Drafts of that charter were provided, and I think there's some staff over here that are beginning to form up for you and Ambassador Negroponte, and I think they have a copy of it. Ambassador Negroponte, when I spoke with him, said he knew that that draft charter was there, but he had not had the opportunity to go over it. Maybe you have or haven't. It's to be done, and I think it's important to the re-modeling of the defense intelligence initiative within the Department of Defense to be worked out in conjunction with yourself and Ambassador Negroponte and such others that may have a voice. I think they've expressed to us a willingness to take into consideration your views, because you've already indicated the Department of Defense is probably the largest user, if you quantify this thing. It is essential that the Department of Defense work in harmony with the DNI. We can't write that into law. We can't go into all those details, and that's why I think there's a certain—I'll use the word in this book—vagueness associated with the statute, and from that has to come the dynamics of the personalities who are directly involved. I happen to have a great deal of respect for Secretary Rumsfeld. We sort of grew up in the same manner in our political systems. When I was Secretary of the Navy, he was in the White House, so that's 30 some-odd years ago. So we've known each other these years, and I detect in him a strong willingness to really try and make this system work. So, I wish him well.

Do you have any concerns that you'd like to share with the committee now, or would you just like to await your further evaluation for that?

General HAYDEN. Well, Senator, I'll share a few thoughts. You mentioned the remodeling of defense intelligence that Secretary Cambone has underway. I just jotted down three or four ideas that came to mind immediately inside that: the intelligence campaign plans that he's commissioned to be written to support our major war plans; the creation of joint operation intelligence centers, which is a recognition that intelligence is an inherently operational function; the move in unified campaign planning to give General Cartwright and U.S. Strategic Command, a quite powerful role when it comes to global intelligence surveillance and reconnaissance. Frankly, Senator, as far as I'm concerned, all of those are pure virtue, and those fit hand-in-glove, I think, with what the legislation intends for the DNI, and with what Ambassador Negroponte intends to do as Director of National Intelligence. I think I can share with you he has confided to me that he intends to build a cooperative relationship with the Secretary.

There is one question that Senator Collins posed earlier with regard to how the DNI communicates with the big agencies that are, and should remain, within the Department of Defense. I think the law does the right thing. It doesn't attempt to write the Magna Carta describing the existential dimensions of this relationship. It enumerates the powers of the DNI. It says the DNI should do this, and they should do this—I think that's quite clear, and I think if we follow that game plan, you should have every expectation that this should work out very well.

Chairman WARNER. Well, those are encouraging observations. I'll yield to you, Senator, and then I might come back for a close-up question.

Senator LEVIN. General, I asked you before about a specific document, and you indicated you weren't familiar with it and that you would see if it's in the possession of any of the agencies that you'll be supervising, or your own agency. We appreciate that.

There's a second memo that is of similar importance that's related to detainee interrogation that has been of great interest to the committee and Congress. One of the ways in which this affects this committee's oversight responsibility is that the techniques that were set forth in this second memo may have been used, probably were used, at Abu Ghraib, which is a facility which the Department of Defense operates. So we don't know if it was Defense Department people or not, but nonetheless, the second memo which I want you look into for us is clearly relevant to our oversight responsibility of defense facilities. This is the memo which was signed by Assistant Attorney General Jay Bybee, at the Office of Legal Counsel, which evaluated the legality of specific interrogation techniques. It was produced around August 2002. I wonder if you would give us the same assurance that you will, if you're not already familiar with that memo, that you would look to see whether or not it is in the possession of the new agency, or the agencies which it supervises, and if so, whether you will either provide that document to this committee, or if not, you would promptly tell us why not.

General HAYDEN. Yes, Senator, I understand, and I am very much aware of the committee's interest. I am not familiar with the document, but I know that Ambassador Negroponte has promised to look into it, and I, again, will aggressively support him in that.

Senator LEVIN. All right, and if it's not going to be provided to this committee, that we be promptly informed of that fact, and why it would not be?

General HAYDEN. Yes, sir.

Senator LEVIN. Thank you.

Chairman WARNER. Thank you very much, Senator Levin.

I think we have fully covered in an exhaustive way the important issues relating to your new functions. The record for this hearing will remain open throughout this week. As such, Senators can provide additional questions for your response. I think we've had an excellent hearing, General, and I wish the best good fortune to you and your family. I don't think the family will see much of you for awhile, but I guess you've been through that before. Thank you very much, sir.

General HAYDEN. Thank you.

Chairman WARNER. The hearing is concluded.

[Whereupon, at 12:25 p.m., the committee adjourned.]

[Prepared questions submitted to Kenneth J. Krieg by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. Almost 20 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and legislation establishing the Under Secretary of Defense for Acquisition.

Do you support full implementation of these defense reforms?

Answer. Yes, the reforms resulting from the implementation of the Goldwater-Nichols Act have become entrenched in our daily business and will continue to be cornerstones. The effectiveness of joint operations has been clearly demonstrated in Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF), and I strongly support continued and increased efforts to improve the jointness of our military forces.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. I believe that the implementation of Goldwater-Nichols (over the past 19 years) has been successful and consistent with congressional intent.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. From an acquisition perspective, the changes resulting from implementation of the Goldwater-Nichols Act in 1986—particularly the placement of the acquisition function under the control of civilian leadership within the military departments—have been important factors in enabling the acquisition community to more efficiently and effectively deliver the capabilities that the joint warfighters need to meet the challenges of the 21st century.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control over the military; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; enhancing the effectiveness of military operations; and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes.

Question. Do you believe that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you think it might be appropriate to address in these proposals?

Answer. It is important to continue to look at how well our current processes and structures meet the demands of our dynamic environment. There are several initiatives and studies addressing these kinds of issues; however the results are not yet final. If confirmed, I look forward to working with the Committee on these issues.

DUTIES

Question. Section 133 of Title 10, United States Code, describes the duties of the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(ATL)).

If you are confirmed, what duties do you expect that Secretary Rumsfeld will prescribe for you?

Answer. If confirmed, as Under Secretary of Defense for Acquisition, Technology, and Logistics, I will perform the statutory functions of establishing policies on all acquisition matters including supervising the military department's acquisition systems and processes. I will serve as the Defense Acquisition Executive with associated responsibilities of supervising the performance of the Department of Defense Acquisition System; serve as the Defense Logistics Executive; serve as the Department of Defense Procurement Executive; serve as the National Armaments Director and Secretary of Defense representative to the semi-annual NATO Five Power conference and Conference of National Armaments Directors; and chair the Nuclear Weapons Council. I will oversee developmental testing and evaluation and the Joint Test and Evaluation Program with the DOT&E, and manage the Foreign Comparative Test Program. I will serve as the Principal Staff Assistant for the Defense Advanced Research Projects Agency, the Defense Contract Management Agency, the Defense Logistics Agency, the Defense Threat Reduction Agency, and the Missile Defense Agency. Additionally, I will develop international memoranda of agreement and memoranda of understanding relating to acquisition matters; and supervise the Defense Science Board.

Question. Do you recommend any changes to the provisions of section 133 of title 10, United States Code, with respect to the duties of the USD(ATL)?

Answer. No.

Question. If confirmed, what duties and responsibilities would you plan to assign to the Deputy Under Secretary of Defense for Acquisition and Technology and the Deputy Under Secretary of Defense for Logistics and Materiel Readiness?

Answer. If confirmed, I would assign the Deputy Under Secretary of Defense for Acquisition and Technology (DUSD(A&T)) as my principal advisor on acquisition and technology matters and as the principal acquisition official within senior management of the DOD. He/she would advise and assist me across the full range of my responsibilities in providing staff advice and assistance to the Secretary and Deputy Secretary of Defense. In this capacity, the DUSD(A&T) would monitor and review the DOD Acquisition System and oversee the development, implementation, and management of the Defense Procurement program.

If confirmed, I would assign the Deputy Under Secretary of Defense for Logistics and Materiel Readiness (DUSD (L&MR)) as my principal advisor on logistics and materiel readiness matters, and as the principal logistics official within the senior management of the DOD. He/she would advise and assist me across the full range of my responsibilities in providing staff advice and assistance to the Secretary and Deputy Secretary of Defense. In this capacity, the DUSD (L&MR) would monitor and review all logistics, maintenance, materiel readiness, strategic mobility, and sustainment support programs.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the USD(ATL)?

Answer. There are many challenges facing the Department that fall under the purview of the USD(AT&L). Perhaps the most important of these is to provide the warfighter the capabilities necessary to achieve victory in the global war on terrorism. Additionally, I consider the following some of the more pressing challenges I would face, if confirmed:

- Ensuring the acquisition process is transparent, objective, timely, and accountable.
- Developing successful, integrated supply chains to meet the warfighters needs.
- Building the strategic human capital of the defense acquisition workforce.
- Setting a vision and supporting program for the research and development priorities to meet the needs of the coming generation.
- Working to establish joint requirements that balance among performance, schedule, and cost.
- Successfully managing the infrastructure transitions of BRAC and Global Basing.
- Working through the industrial base challenges of our day.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. In several of these areas good work is already underway; building on those efforts to ensure successful implementation will be key. The Quadrennial Defense Review report will include recommendations to improve the Department's management, organization, and decisionmaking.

In other areas, if confirmed, I will have to develop a leadership agenda, which will require consultation within the Department, with Congress, and with Industry.

MAJOR WEAPON SYSTEM ACQUISITION

Question. Describe the approach taken by the Department to reducing cycle time for major acquisition programs. Do you believe the Department's approach has been successful?

Answer. DOD has made considerable progress in implementing policy that should reduce cycle time and allow us to field capability rapidly and efficiently. These new policies are streamlined and flexible, and based on an evolutionary or phased acquisition approach. That approach emphasizes maturing technology before committing to major investment decisions, but also allows fielding some capability earlier. As a result, we are able to reduce program technical risk substantially.

Question. What specific steps has the Department of Defense taken to adopt incremental or phased acquisition approaches, such as spiral development?

Answer. In May 2003 Deputy Secretary of Defense Paul Wolfowitz issued new policies that identify evolutionary acquisition as the preferred strategy for satisfying operational needs, and spiral development is the preferred process for executing

such strategies. Their objective is to put capability into the hands of the warfighter as quickly as possible, while pursuing an acquisition strategy that will permit growth in capabilities over time.

Question. How will the requirements process, budget process, and testing regime change to accommodate spiral development?

Answer. The new policies governing the Joint Capabilities Integration and Development System (the JCIDS process, formerly known as the "requirements" process), the Acquisition System, and the Test and Evaluation process were tailored to facilitate evolutionary acquisition.

Question. How should the Department ensure that incremental or phased acquisition programs have appropriate baselines against which to measure performance?

Answer. The policies provide that each program or increment shall have an Acquisition Program Baseline establishing program goals—thresholds and objectives—for the minimum number of cost, schedule, and performance parameters that describe the program over its life cycle.

Question. Over the last several years, the Government Accountability Office (GAO) has prepared a series of reports for this Committee comparing DOD's approach to the acquisition of major systems with the approach taken by best performers in the private sector. GAO's principal conclusion has been that private sector programs are more successful, in large part because they consistently require a high level of maturity for new technologies before such technologies are incorporated into product development programs. The Department has responded to these findings by adopting technological maturity goals in its acquisition policies.

How important is it, in your view, for the Department to mature its technologies with research and development funds before these technologies are incorporated into product development programs?

Answer. The continued advancement of technologies is essential to maintain the operational superiority of our weapon systems. It is very important that the proper match between technology maturity and weapon system requirements exists.

Question. What steps would you take, if confirmed, to ensure that the key components and technologies to be incorporated into major acquisition programs meet the Department's technological maturity goals?

Answer. The framework for accomplishing this is present in the DOD acquisition processes—the challenge lies in the program construct and in the decisionmaking that must occur at critical milestone points. The DOD Science and Technology community develops technology readiness assessments for major programs. The challenge is to ensure that these technology readiness assessments are properly considered and that immature technologies are not pushed forward with major systems. If confirmed, I will work to ensure that these issues are debated and understood.

WEAPONS SYSTEMS AFFORDABILITY

Question. The investment budget for weapon systems has grown substantially over the past few years to approximately $150 billion per year. An increasing share of this investment is being allocated to a few very large systems such as the Joint Strike Fighter, Future Combat Systems, and Missile Defense Agency.

Do you believe that the current investment budget for major systems is affordable given historic cost growth in major systems, costs of current operations, Army modularization, and asset recapitalization?

Answer. Yes, assuming current topline estimates and continuing programmed costs in other areas. The Department has been funding most major investment programs at more realistic estimates than in the past. This is a practice I intend to continue, if confirmed.

Question. If confirmed, how do you plan to address this issue and guard against the potential impact of weapon systems cost growth?

Answer. The Department must ensure that only those technologies and capabilities that are technologically mature are included in new platforms. If confirmed, I also intend to work to ensure that program requirements are well understood at program initiation, and stabilized as much as possible over the long term to guard against "requirement creep."

LEAD SYSTEM INTEGRATOR

Question. On the Future Combat Systems program and several other major defense acquisition programs, the Department has hired a lead system integrator to set requirements, evaluate proposals, and determine which systems will be incorporated into future weapon systems.

What are your views on the lead system integrator approach to managing the acquisition of major weapon systems?

Answer. I do not have a specific view today. If confirmed, I will develop a view on this question. Certainly complex systems are a challenge, but the government must remain responsible for overall performance requirements and oversight of program execution.

Question. What lines do you believe the Department should draw between those acquisition responsibilities that are inherently governmental and those that may be performed by contractors?

Answer. The rules regarding the performance of inherently governmental functions do not vary. The Government retains responsibility for the execution of the program, makes all requirements, budgeting and policy decisions, and does source selections at the prime level.

Question. If confirmed, what steps would you take to ensure that lead system integrators do not misuse their access to sensitive and proprietary information of the Department of Defense and other defense contractors?

Answer. Again, I do not know the details of this question today, but the Department has contract terms, backed up by law and regulation, that govern what a prime contractor can do with information gained in the performance of a contract. Likewise, the subcontract arrangement established between the prime and subcontractor contains provisions that protect the subcontractor's information from misuse. If confirmed, I will develop a view on this question.

Question. If confirmed, what steps would you take to ensure that lead system integrators do not unnecessarily limit competition in a manner that would disadvantage the government or potential competitors in the private sector?

Answer. This is a concern that arises in many programs as the defense industrial base becomes more concentrated. It is not an issue particular to contracts using lead system integrators. The Department is dealing with the issue by expanding the use of authorities, inserting a "Consent to Subcontract" clause, consenting to subcontracts the prime intends to award, and getting significant insight into the subcontractor source selection process.

MULTI-YEAR PROCUREMENTS

Question. Providing a stable funding profile for defense programs is absolutely essential to effective program management and performance, for both DOD and the defense industry. One already-tested means of increasing program funding stability is the use of multi-year contracts.

What are your views on multi-year procurements? Under what circumstances do you believe they should be used?

Answer. In general, I favor multi-year procurements that offer substantial savings through improved economies in production processes, better use of industrial facilities, and a reduction in the administrative burden in the placement and administration of contracts. A key factor in the successful use of multi-year procurements is the intelligent selection of the programs. The following criteria should be used for deciding whether a program should be considered for multi-year application: substantial savings when compared to the annual contracting methods; validity and stability of the mission need; stability of the funding; stability of the configuration; tolerable associated technical risks; degree of confidence in estimates of both contract costs and anticipated savings; and promotion of national security.

Question. Under what circumstances, if any, should DOD break a multi-year procurement contract?

Answer. Given careful screening of programs prior to awarding the multi-year contract, there should be limited circumstances that would result in the breaking (i.e., cancellation) of a multi-year contract. However, changes in the view of the criteria above can happen in a rapidly changing world. Those changes will have to be considered.

Question. How would you treat proposals to renegotiate multi-year procurements?

Answer. If confirmed, I would treat proposals to renegotiate multi-year procurements very cautiously to ensure that the changing circumstances dictate the need for change.

LEASING

Question. Over the last several years, there has been much debate concerning the leasing of capital equipment to be used by the military services. Advocates of leasing capital equipment have argued that leases can enable the Department to obtain new equipment without significant upfront funding. Opponents of such leases have argued that this approach shifts today's budget problems to future generations, limiting the flexibility of future leaders to address emerging national security issues.

What are your views on leasing of capital equipment, and under what circumstances, if any, do you believe such leasing is a viable mechanism for providing capabilities to the Department?

Answer. Leasing of capital equipment could be a potential option when the equipment is truly commercially available outside of DOD and can meet the requirements established by the Office of Management and Budget. If confirmed, I would address any leasing proposals in objective fashion.

Question. What do you believe were the major problems with the tanker lease proposal?

Answer. My views on the tanker lease proposal as Director of PA&E are now a matter of public record. The proposal has been critiqued by a series of independent reviewers—including the Congressional Budget Office, the Congressional Research Service, the National Defense University, the Government Accountability Office, and the Department of Defense Inspector General.

Question. What lessons do you believe the Department of Defense should learn from the failed effort to lease tanker aircraft?

Answer. Perhaps the most compelling lesson learned from the tanker lease process is that the acquisition of major defense systems is the people's process. The undertaking of such a momentous program must be fully transparent and consider the concerns of all the relevant stakeholders. If confirmed, I would continue to work to ensure that the lessons learned are incorporated into the training, education, and business processes of the Department.

SOFTWARE DEVELOPMENT

Question. Problems with computer software have caused significant delays and cost overruns in a number of major defense programs. Section 804 of the National Defense Authorization Act for Fiscal Year 2003 required DOD to establish a program to improve software acquisition processes.

What is the status of DOD's efforts to improve software development in major weapon systems?

Answer. I do not have direct experience in this area. However, I would be pleased to work with Congress on this issue, if confirmed.

Question. What additional steps would you take, if confirmed, to address delays and cost overruns associated with problems in the development of software for major weapon systems?

Answer. I understand the importance and challenge in this area and, if confirmed, would develop a better understanding of the Department's current effort and my own view of appropriate next steps.

ANALYSIS OF ALTERNATIVES

Question. When a required capability is defined, one method to ensure that capability is provided in the most cost-effective manner is through the conduct of an analysis of alternatives. This analysis not only helps to present alternatives, but also assists in the determination of key performance parameters and the threshold and objective values of these parameters.

Under what circumstances, if any, do you believe it is appropriate for the Department to proceed with the acquisition of a major system without first conducting an analysis of alternatives?

Answer. The Department's Acquisition Policy requires the completion of an analysis of alternatives prior to the initiation of any major system acquisition. This is a sound business practice.

Question. If confirmed, what would be your position on conducting analyses of alternatives for the programs for which you would be the Milestone Decision Authority?

Answer. If confirmed, my duties as Under Secretary for Acquisition, Technology and Logistics and the Defense Acquisition Executive would include management of the Department's formal acquisition process. The analysis of alternatives is a requirement under that process, and I would support it.

RAPID ACQUISITION

Question. Section 811 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 gave the Secretary of Defense new authority to waive certain statutes and regulations where necessary to acquire equipment that is urgently needed to avoid combat fatalities.

What plans do you have, if confirmed, to use the rapid acquisition authority provided by section 811?

Answer. If confirmed, I would use the authority only if and when it becomes necessary to acquire equipment that is urgently needed to avoid combat fatalities.

Question. Do you believe that the Department has the authority and flexibility it needs to rapidly acquire products needed to avoid combat fatalities? If not, what additional authority or flexibility do you believe is needed?

Answer. I do not have direct experience in this area. However, I would be pleased to work with Congress on this issue, if confirmed.

Question. When the Department acquires equipment under section 811 or other authority without first undertaking full operational testing and evaluation, what steps do you believe the Department should take to ensure the long-term effectiveness and sustainability of the equipment?

Answer. The QDR business practices team will look to determine how to ensure that the sound aspects of the current acquisition approach—operational testing, ensuring the long-term effectiveness and sustainability of the equipment, etc.—are incorporated into follow-on efforts to better ensure that equipment obtained under the provision of rapid acquisition works and is supported.

SERVICES CONTRACTING

Question. Over the past decade, there has been a dramatic increase in the volume of services purchased by the Department of Defense. At the request of the committee, the GAO has compared DOD's practices for the management of services contracts to the practices of best performers in the private sector. GAO concluded that leading companies have achieved significant savings by insisting upon greater visibility and management over their services contracts and by conducting so-called "spend" analyses to find more efficient ways to manage their services contractors. Section 801 of the National Defense Authorization Act for Fiscal Year 2002 required DOD to move in this direction. While DOD has initiated efforts to establish a management structure and leverage its purchasing power, such efforts remain in various stages of implementation.

What is the status of these efforts and do you believe the Department is providing appropriate stewardship over services contracts?

Answer. As Director of PA&E, I have not been involved in these efforts. I understand that a number of efforts are underway, but have not reviewed them personally. If confirmed, I look forward to working on this area.

Question. Do you believe that the Department should conduct a comprehensive analysis of its spending on contract services, as recommended by GAO?

Answer. As Director of PA&E, I have not been involved in these efforts. I understand that a number of efforts are underway, but have not reviewed them personally. If confirmed, I look forward to working on this area.

Question. What steps would you take, if confirmed, to improve the Department's management of its contracts for services?

Answer. If confirmed, I would develop an approach to managing this set of issues.

Question. The Office of Federal Procurement Policy and the Department of Defense have long agreed that Federal agencies could achieve significant savings and improved performance by moving to "performance-based services contracting" or "PBSC". Most recently, the Army Environmental Program informed the committee that it has achieved average savings of 27 percent over a period of several years as a result of moving to fixed-price, performance-based contracts for environmental remediation. Section 802 of the National Defense Authorization Act for Fiscal Year 2002, as amended, establishes performance goals for increasing the use of PBSC in DOD service contracts.

What is the status of the Department's efforts to increase the use of PBSC in its services contracts?

Answer. I do not have direct experience in this area. However, I would be pleased to work with Congress on this issue, if confirmed.

Question. What additional steps do you believe the Department needs to take to increase the use of PBSC and meet the goals established in section 802?

Answer. As Director of PA&E, I have not been involved in these efforts. I understand that a number of efforts are underway, but have not reviewed them personally. If confirmed, I look forward to working on this area.

INTERAGENCY CONTRACTING

Question. GAO recently placed interagency contracting—the use by one agency of contracts awarded by other agencies—on its list of high-risk programs and operations. While interagency contracts provide a much-needed, simplified method for procuring commonly used goods and services, GAO has found that the dramatic growth of interagency contracts, the failure to clearly allocate responsibility between

agencies, and the incentives created by fee-for-services arrangements, have combined to expose the Department of Defense and other Federal agencies to the risk of significant abuse and mismanagement. The DOD Inspector General and the GSA Inspector General have identified a long series of problems with interagency contracts, including lack of acquisition planning, inadequate competition, excessive use of time and materials contracts, improper use of expired funds, inappropriate expenditures, and failure to monitor contractor performance. We understand that DOD, in conjunction with the General Services Administration and the Office of Management and Budget, is taking a number of actions to improve training and guidance on the use of this contract approach.

If confirmed, what steps would you take to monitor and evaluate the effectiveness of the actions currently underway or planned regarding DOD's use of other agencies' contracts?

Answer. If confirmed, I would continue the efforts underway, such as the January 1, 2005 policy on the "Proper Use of Non-DOD Contracts." Adequate data must be obtained so that DOD and the assisting agencies know which DOD activities are utilizing non-DOD contracts to meet their needs and to specifically identify what the assisting agencies are acquiring on our behalf. I would also continue the coordination between OSD and the assisting agencies (i.e., GSA, Interior, Treasury, and NASA) to ensure that: (1) acquisitions are compliant with all procurement regulations; (2) assisting agencies are properly motivated to provide support to DOD; (3) training is available to all members of the acquisition workforce (DOD and Assisting Agencies); and (4) accurate acquisition data is captured for future analysis.

Question. Do you believe additional authority or measures are needed to hold DOD or other agency personnel accountable for their use of interagency contracts?

Answer. Given what I know today, I believe the authority and regulations are sufficient in terms of accountability.

Question. Do you believe contractors have any responsibility for assuring that the work requested by personnel is within the scope of their contract?

Answer. The primary responsibility for ensuring work is within the scope of a contract rests with the contracting officer, but contractors have some responsibility in the process. If a contractor receives an order but has concerns about whether the service or item of supply ordered is within scope of the contract, the contractor should bring its concerns to the contracting officer. This should prompt the contracting officer to confirm the validity of the order.

Question. Do you believe that DOD's continued heavy reliance on outside agencies to do award and manage contracts on its behalf is a sign that the Department has failed to adequately staff its own acquisition system?

Answer. I do not have direct experience in this area. However, I would be pleased to work with Congress on this issue, if confirmed.

"BUY AMERICA"

Question. "Buy America" issues have been the source of considerable controversy in recent years. As a result, there have been a number of legislative efforts to place restrictions on the purchase of defense products from foreign sources.

What benefits do you believe the Department obtains from international participation in the defense industrial base?

Answer. International sales, purchases, and licensed production promote international defense cooperation and contribute to operational interoperability and promote cost savings. These arrangements rationalize the defense equipment supplier base to achieve the greatest efficiency in equipping our collective forces.

Question. Under what conditions, if any, would you support the imposition of domestic source restrictions for a particular product?

Answer. In certain instances involving national security and the preservation of a key defense technology or production capability, domestic source restrictions may be necessary.

THE DEFENSE INDUSTRIAL BASE

Question. What is your view of the current state of the U.S. defense industrial base?

Answer. Overall, U.S. defense systems lead the world, and the U.S. industry that develops and builds them continues to be the most technologically innovative, capable, and responsive in the world. Nevertheless, there are and will always be challenges the Department must address. If confirmed, I would work within the Department and with Congress to address them.

Question. Do you support further consolidation of the U.S. defense industry?

Answer. There should be no blanket policy of encouraging or discouraging further consolidation or divestiture. Each proposed transaction must be evaluated on a case-by-case basis in the context of the individual market, the changing dynamics of that market, and the need to preserve competition.

Question. What is your position on foreign investment in the U.S. defense sector?

Answer. In general, I favor foreign investment in the United States, whether for defense industries or non-defense industries, so long as the investment does not pose a threat to national security.

Question. What steps, if any, do you believe the Department of Defense should take to ensure the continued health of the U.S. defense industrial base?

Answer. The Department should continue to take actions and make decisions that strengthen that portion of the industrial base that supports defense. The Department also should continue to focus its acquisition strategies, both for development and production, in a manner that encourages true competition that drives innovation, specifically drawing non-traditional suppliers into the defense enterprise.

ROLE OF THE UNDER SECRETARY OF DEFENSE (AT&L)

Question. Concerns have been expressed that over time the purview of the office of the Under Secretary of Defense for AT&L has been diminished. The Department has established a separate set of regulations for the acquisition of space systems. The Missile Defense Agency has the primary role for missile defense systems and has established its own acquisition approach for these systems. Air Force acquisition scandals and the use of Other Transaction Authority on the Future Combat Systems program have raised questions as to the effectiveness of oversight provided by the USD(AT&L).

Do you believe that the USD(AT&L) has the authority necessary to provide effective oversight over major acquisition programs of the military departments and defense agencies?

Answer. At this point, I believe USD(AT&L) has the necessary authority for oversight of major defense acquisition programs.

Question. Do you believe that the USD(AT&L) should have additional authority to reverse acquisition decisions of the military departments, where the USD(AT&L) believes it is necessary to do so in the public interest?

Answer. At this point, I believe USD(AT&L) has sufficient authority.

Question. In your view, should the Service Acquisition Executives report directly to the USD(AT&L)?

Answer. The current arrangement facilitates a strong tie between the SAEs and their other Service leadership, including those developing-capability needs. However, if confirmed, I would review this issue as well as the reporting authorities for the technology developers and the logistics and sustainment communities.

Question. What role, if any, should the USD(AT&L) perform in the oversight and acquisition of joint programs, the acquisition of space systems, and missile defense systems?

Answer. I am aware of the current arrangement for space systems and for missile defense systems. If confirmed, I would review these relationships.

OTHER TRANSACTIONS AND COMMERCIAL ITEM PROCUREMENT STRATEGY

Question. In recent years, the military departments have attempted to acquire several major defense systems—such as the Air Force KC–767 tankers, the C–130J aircraft, and the Future Combat System—through novel techniques and approaches such as Other Transaction Agreements (OTAs) and commercial item designations. OTAs and commercial item contracts exclude a number of statutory requirements—such as the Truth in Negotiations Act and the Cost Accounting Standards—that were intended for the protection of the taxpayer in the acquisition of major weapon systems.

What is your view on the use OTAs or commercial item contracts to acquire major weapon systems? Under what circumstances, if any, do you believe that such acquisitions would be appropriate?

Answer. Section 845 Prototype OTAs provide a valuable acquisition tool under very limited circumstances. It is important to limit use of the OTA authority to remain within the parameters of the original intent.

Question. If you believe that it may be appropriate to use OTAs or commercial item contracts to acquire major weapon systems, what steps should be taken to protect the public interest when using these techniques?

Answer. This is an area I would need to examine in more detail if confirmed.

PROCUREMENT FRAUD, INTEGRITY, AND CONTRACTOR RESPONSIBILITY ISSUES

Question. The recent Air Force acquisition scandal has raised concerns about the adequacy of mechanisms to uphold procurement integrity and prevent contract fraud.

What is your view of the adequacy of the tools and authorities available to DOD to ensure that its contractors are responsible and have a satisfactory record of integrity and business ethics?

Answer. I believe we have adequate tools and authorities to ensure the responsibility and ethical behavior of DOD contractors. We must constantly reinforce the conviction that such behavior is critically important and must be led from the top.

Question. Are current "revolving door" statutes effective?

Answer. I believe the revolving door statutes are sufficient.

Question. What tools, other than law enforcement measures, could be used to help prevent procurement fraud and ethical misconduct?

Answer. Some of the tools available include ensuring that decisions are made at lower, more appropriate levels; no employee remains without supervision for extended periods of time; no employee makes a large proportion of source selection and other decisions; and employees, especially senior ones, are evaluated on the ethics they display in their dealings with industry, within the Department, and with their subordinates.

Question. Are there sufficient enforcement mechanisms in place to ensure compliance with laws and regulations?

Answer. Mechanisms exist, but culture must also be changed. Training, emphasizing ethics in all our dealings and empowering employees to speak out in the face of apparent unethical behavior are key steps to ensure compliance with laws and regulations.

ACQUISITION WORKFORCE

Question. Over the last decade, DOD has reduced the size of its acquisition workforce by almost half, without undertaking any systematic planning or analysis to ensure that it would have the specific skills and competencies needed to meet DOD's current and future needs. Additionally, more than half of DOD's current workforce will be eligible for early or regular retirement in the next 5 years. While DOD has started the process of planning its long-term workforce needs, GAO reports that the Department does not yet have a comprehensive strategic workforce plan needed to guide its efforts.

What are the critical skills, capabilities, and tools that you believe DOD's workforce needs for the future? If confirmed, what steps would you take to ensure that the workforce would, in fact, possess them?

Answer. The Department must aggressively plan for a motivated and agile acquisition workforce whose capability is built on the foundations of integrity, effective policy execution, mission focus, and business excellence. If confirmed, I would aggressively lead and promote department-wide strategies and programs to ensure that we have the right acquisition, technology, and logistics workforce skills, capabilities and tools to support statutory, policy and warfighter requirements.

Question. Do you agree that the Department needs a comprehensive human capital plan, including a gap analysis and specific recruiting, retention and training goals, to guide the development of its acquisition workforce?

Answer. The Under Secretary of Defense for Personnel and Readiness is leading department-wide efforts to ensure comprehensive human capital planning and programs are in place at the department and component level. If confirmed as the Under Secretary of Defense, Acquisition, Technology, and Logistics, I would support those efforts, and in particular, ensure that targeted human capital planning and programs for the AT&L workforce across the components are effective and aligned with AT&L strategy and guidance.

Question. Do you believe that DOD's workforce is large enough to perform the tasks assigned to it? Do you support congressionally-mandated cuts to the acquisition workforce, and do you think further cuts are necessary?

Answer. This issue deserves further examination. If confirmed, I look forward to working with the committee to understand the demand for acquisition personnel and to appropriately size the workforce.

Question. Has the Department had difficulty in attracting and retaining new staff to come into the acquisition workforce? If so, what steps do you think are necessary to attract talented new hires?

Answer. The Department has succeeded in attracting and retaining new acquisition workforce staff within the current economic environment and hiring constraints. However, there is a continued need for improved flexibilities and improved

targeting of certain areas (e.g., engineering) to meet acquisition workforce recruiting and retention needs. The Department's ability to attract and retain staff with the right skill sets will be newly tested with the eventual onset of the retirement of a significant percentage of the workforce.

Question. What are your views regarding assertions that the acquisition workforce is losing its technical and management expertise and is beginning to rely too much on support contractors, FFRDCs, and, in some cases, prime contractors for this expertise?

Answer. The general degradation of technical expertise is not limited to the government's workforce. We are seeing problems, especially in systems engineering, across the board in government, industry, and in the number of students in systems engineering curricula. If confirmed, I would work on a range of issues to attract, develop, and retain technical expertise in this field.

Question. What is the appropriate tenure for program managers and program executive officers to ensure continuity in major programs?

Answer. The assignment period for program managers and program executive officers must facilitate both continuity and individual accountability. Assignments must be of such duration as to allow the individual insight into and experience with the program in order to make long range decisions that ensure success. If confirmed, I would monitor implementation of these tenure requirements to ensure continuity in major acquisition programs.

LOGISTICS AND SUPPORT

Question. The Department is increasingly relying on civilian contractors in combat areas for maintenance and support functions.

How do you view this trend? Do you believe that the Department has drawn a clear and appropriate line between functions that should be performed by DOD personnel and functions that may be performed by contractors in a combat area?

Answer. The Department is committed to providing the best possible support for our warfighters, and industry continues to provide exceptional performance-based support to our weapon systems. However, the Department must maintain a clear and appropriate line between functions that should be performed by DOD personnel and functions that may be performed by contractors in a combat area.

Question. What is the status of DOD's effort to develop new guidance for contractors on the battlefield? Do you believe that this guidance, when published, will adequately address the issues raised in sections 1205 and 1206 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005?

Answer. The Department is in the final stages of developing this guidance. If confirmed, I would monitor its implementation to ensure it adequately addresses the issues raised by Congress.

Question. Transforming supply chain management will require not only process improvements but major investments in technology and equipment, ranging from the use of passive Radio Frequency Identification (RFID) tags, to improved asset visibility, to procuring more trucks, to improve theater distribution.

What steps do you believe are necessary to improve the management of DOD's supply chain?

Answer. A great deal of good work is underway in this area. Effective supply chains begin with a collective understanding of the customer—the warfighter, in this case.

Several steps are necessary for success to continue to improve the management of the DOD supply chain such as asset identification and tracking, use of RFID technology, condition-based maintenance, performance based support from our industry providers, lean maintenance in all of the Depots, and integrating the Supply and Distribution folks to focus fully on factory-to-fighter.

ROLE IN THE BASE REALIGNMENT AND CLOSURE (BRAC) PROCESS

Question. If confirmed, you would play a role in the Department's preparation of the Secretary's recommended list of base realignments and closures, as chairman of the Infrastructure Steering Group to which the Joint Cross Service Groups Report, and as a member of the Infrastructure Executive Council that also reviews the proposals from the military departments.

If confirmed, what steps would you take to prepare yourself for these responsibilities?

Answer. If confirmed, I would review the deliberative record and discuss these actions in great detail with their proponents and with the deliberative bodies that reviewed them. As the statutory deadline for submission of the Secretary's recommendations is less than 30 days away, I expect that my efforts will focus on en-

suring the Commission has the information it needs to fulfill the responsibilities assigned to it by Congress. I would also prepare for the implementation of the Commission's recommendations.

Question. What is your current involvement, if any, in the Department's BRAC process?

Answer. I have not been involved in any part of the development, analysis, or approval of recommendations the Secretary may provide to the Commission and Congress by the statutory deadline of May 16, 2005.

SCIENCE AND TECHNOLOGY

Question. What, in your view, is the role and value of science and technology (S&T) programs in meeting the Department's transformation goals and in confronting asymmetric threats?

Answer. S&T is a cornerstone to both the Department's transformation goals and in countering asymmetric threats. The past investment of the DOD in science and technology provided the dominant capabilities of our conventional forces. Stealth, precision-guided munitions, night vision devices, and the global positioning system all emerged from DOD laboratories and the S&T program. It is critical to continue to develop new capabilities that will enable continued dominance of our forces. If confirmed, I believe one of my key challenges will be to set a vision and support a program for the research and development priorities of the coming generation.

Question. If confirmed, what direction would you provide regarding funding targets and priorities for the Department's long term research efforts?

Answer. A strong S&T program remains central to maintaining our dominant operational capability status. Determining the level of investment is not a precise science, but a strategic corporate decision. I think it is critical to state the level of S&T investment needs to be sufficient to allow the Department to continue to develop, mature, and affordably field new dominant operational capabilities for US and allied forces while maintaining program stability. If confirmed, I would place a high priority on achieving adequate funding levels aimed at the right priorities.

Question. The Director of Defense Research and Engineering has been designated as the Chief Technology Officer (CTO) of the Department of Defense.

In your view, what is the appropriate role of the CTO of the Department of Defense?

Answer. The Department views the roles of CTO and DDR&E as synonymous. The DDR&E is the principal staff advisor to the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Secretary and Deputy Secretary of Defense on research and engineering matters.

TECHNOLOGY TRANSITION

Question. The Department's efforts to quickly transition technologies to the warfighter have yielded important results in the last few years. Challenges remain to institutionalizing the transition of new technologies into existing programs of record and major weapons systems and platforms. The Department's fiscal year 2006 budget request proposes increases across a spectrum of technology transition programs.

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

Answer. The Department will need to make wise decisions on research and development to ensure we maintain technology superiority over potential adversaries. Our acquisition processes must be flexible to respond to evolving warfighting requirements and joint solutions that do not align easily with Service needs.

Question. If confirmed, what steps would you take to enhance the effectiveness of technology transition efforts?

Answer. Rapid transition of technology from development to acquisition does not happen without deliberate effort and adequate funding. The research and development process must provide incentives to reward rapid delivery of tangible products to the acquisition process. If confirmed, I would work to ensure our processes have the proper incentives to speed technology transition.

TEST AND EVALUATION

Question. What are your views about the degree of independence needed by the Director of Operational Test and Evaluation in ensuring the success of the Department's acquisition programs?

Answer. A strong, independent Director of Operational Test and Evaluation is critical to ensuring the Department's acquisition programs are realistically and adequately tested in their intended operational environment. If confirmed, I expect to seek the advice of the DOT&E on testing and evaluation issues.

Question. Are you concerned with the level of test and evaluation conducted by the contractors who are developing the systems to be tested?

Answer. I do not have direct experience in this area. However, I would be pleased to work with Congress on this issue, if confirmed.

Question. What is the impact of rapid fielding requirements on the standard testing process?

Answer. I do not have direct experience in this area. However, I would be pleased to work with Congress on this issue, if confirmed.

Question. The National Defense Authorization Act for Fiscal Year 2003 included several provisions to improve the management of DOD test and evaluation facilities.

What has been done to implement these provisions?

Answer. This is not an area in which I have had much personal involvement. If confirmed, I expect to be actively engaged in the strategic management of the Department's test and evaluation facilities.

Question. Do you believe that the Department should take any additional steps to improve the management of its test and evaluation facilities?

Answer. I do not have direct experience in this area. However, I would be pleased to work with Congress on this issue, if confirmed.

Question. As systems grow more sophisticated, networked, and software-intensive, DOD's ability to test and evaluate these systems becomes more difficult. Some systems-of-systems cannot be tested as a whole until they are already bought and fielded.

Are you concerned with DOD's ability to test such new weapons?

Answer. The Department's "Testing in a Joint Environment Roadmap" defines the changes that will position T&E capabilities to fully support adequate T&E of new warfighting capabilities. If confirmed, I would oversee implementation of this Roadmap, which outlines an approach to link geographically distributed test facilities, laboratories, and ranges to create more realistic test environments.

BALLISTIC MISSILE DEFENSE

Question. The fielding of initial elements of the Ground-Based Midcourse Defense system has begun as part of the ballistic missile defense test bed and for use in an emergency. In accordance with section 234 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, the system has not yet been subject to the operational test and evaluation process applicable to other major weapon systems.

What role do you believe independent operational test and evaluation should play in ensuring that the Ground-Based Midcourse Defense system will work in an operationally effective manner?

Answer. DOD is committed to conducting operationally realistic testing of our missile defense program. Our test program has become more robust and realistic over time. I expect that this trend will continue. I also understand that in November 2004 the Director of OT&E (DOT&E) approved the Missile Defense Agency's (MDA) Integrated Master Test Program and that he will continue to work closely with MDA to ensure an increasingly operationally realistic test program.

Question. What steps do you believe should be taken to ensure that ground-based interceptors will work in an operationally effective manner?

Answer. The ground-based interceptors are designed to be operationally effective and the testing to date has demonstrated the basic hit to kill functionality. The recent test failures indicated a need for more component qualification testing and a more robust approach to quality control. Steps have been taken by the Director of the Missile Defense Agency to address these shortfalls. DOD expects a return to a robust flight program will occur this year to demonstrate the interceptor's effectiveness with operationally realistic tests agreed upon by the DOT&E.

Question. The Ballistic Missile Defense System is being developed and fielded by the Missile Defense Agency using Research, Development, Test, and Engineering funds.

Question. At what point do you believe that elements of the system should transition to the military departments and procurement funds?

Answer. I have not addressed this issue specifically in my current positions. However, in general, my sense is that systems should transition to the military departments and utilize procurement funds when the design is stable, tested and ready for production. Until that time, systems should remain in RDT&E where greater flexibility is available to make necessary and appropriate changes to the design. If confirmed, I would address these issues over time.

Question. Do you believe that the Department should be developing specific plans for this transition now?

Answer. Each of the individual missile defense program elements is in a different stage of its development; consequently, some are much more mature than others. I support close collaboration between the Missile Defense Agency and the military departments so the Department can understand the costs, logistics, and other implications of transitioning missile defense capabilities to better prepare for transition.

NUCLEAR WEAPONS COUNCIL

Question. If confirmed as Under Secretary of Defense for Acquisition, Technology and Logistics, you will chair the Nuclear Weapons Council (NWC).

In your view, what are or should be the highest priorities of the NWC?

Answer. The NWC should help develop capabilities appropriate for 21st century threats; support a range of activities such as studies on potential weapon concepts; and revitalize the nuclear weapon R&D and production infrastructure.

Question. What improvements, if any, do you believe should be made to the operations of the NWC?

Answer. I would not suggest any immediate changes to the operations of the NWC. If confirmed, I look forward to working with the members of the council to identify improvements, if any.

CHEMICAL WEAPONS CONVENTION

Question. There are significant problems with the management and implementation of the DOD chemical weapons demilitarization program. Congress has become increasingly concerned that the Department does not appear to be on track to eliminate its chemical weapons in accordance with the Chemical Weapons Convention timelines.

What steps is the Department taking to ensure that the U.S. remains in compliance with its treaty obligations for chemical weapons destruction?

Answer. My understanding is that if the Chemical Demilitarization Program continues on its current path, the United States will not meet the Convention's extended 100 percent destruction deadline of April 29, 2012. Accordingly, the Department has requested that alternative approaches be developed to evaluate whether the deadline can be met using a different approach.

Question. Do you agree that the United States should make every effort to meet its treaty commitments, including its obligations under the Chemical Weapons Convention?

Answer. Yes.

Question. Can you assure the committee that you will focus your personal attention on this matter?

Answer. Yes. If confirmed, I would ensure appropriate efforts are applied to comply with our international treaty obligations in a safe, secure, timely, and cost effective manner.

SMALL BUSINESS ISSUES

Question. For the last two decades, the Department of Defense has been subject to statutory goals for contracting with small businesses and minority small businesses.

Do you believe that these goals serve a valid and useful purpose in the Department of Defense contracting system?

Answer. Yes, the overall small business goals serve a worthwhile purpose by focusing top DOD leadership attention on small business matters and serving as a stimulus for continuous improvement to the DOD Small Business Program.

Question. DOD has a number of programs to improve small business participation in defense contracts. These include, among others, the so-called "rule of two" which provides that if two or more small businesses are capable of performing a contract, competition will be limited to small business, the Section 8(a) program, and the DOD mentor-protege program.

In your judgment, how could the overall DOD small business program be improved to ensure that it is providing the right results for the Department in meeting its acquisition needs?

Answer. I do not have a preconceived view. If confirmed, I would work to understand would steps should be taken.

Question. Over the last several years, representatives of the small business community have been increasingly critical of the Department of Defense for "bundling" contracts together into larger contracts, which, in their view, tend to preclude small businesses from competing.

What is your view of contract "bundling"?

Answer. I do not have direct experience in this area. However, I would be pleased to work with Congress on this issue, if confirmed.

Question. Do you believe that there is a value to having small businesses contract directly with the Federal Government, rather than being relegated to the role of subcontractors?

Answer. I believe there is great value in small businesses providing the opportunity to contract directly with the Federal Government.

Question. The Small Business Innovative Research (SBIR) program accounts for approximately $1 billion in defense research grants annually.

In your view, are modifications needed to the Department's SBIR program to ensure that the program is meeting Department of Defense research goals?

Answer. I do not have direct experience in this area. However, I would be pleased to work with Congress on this issue, if confirmed.

Question. If confirmed, what emphasis would you place on participation by the acquisition community in setting research priorities for SBIR?

Answer. I do not have a preconceived vision and, if confirmed, would look into this issue.

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, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. I will always be prepared to offer my best professional judgment.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Under Secretary of Defense for Acquisition, Technology, and Logistics?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN WARNER

JOINT ACQUISITION PROGRAMS

1. Senator WARNER. Mr. Krieg, many of the Department's future requirements will require solutions that involve the participation by more than one Service. How can so-called "joint" programs be better managed?

Mr. KRIEG. I do not have a detailed action agenda for this critical question today, but, if confirmed, look forward to working with Congress and, in particular, this committee on this important subject. I would observe, however, that there has been a shift in the understanding of "demand and supply" in the years since Goldwater-Nichols as the Department has more fully appreciated the importance and implications of joint warfighting. A critical aspect of managing joint programs will be to better define "joint demand" upfront. Understanding and planning for joint warfighting requirements at the start of the acquisition process will prove less costly than trying to retrofit "jointness" into weapons systems that are close to fielding. I also believe the Department should evaluate existing and new processes for better managing efforts at the seams or traditional Service roles, an examination that is under way in the business practices section of the Quadrennial Defense Review.

2. Senator WARNER. Mr. Krieg, should the Services conduct more joint development, for example, in the area of helicopters and unmanned systems?

Mr. KRIEG. The Department already is considering joint efforts in these two areas, and I believe the opportunity to increase focused joint development exists. The challenge will be to define the joint requirements clearly and comprehensively at program inception and to manage the development phase of joint programs to ensure that an appropriate balance of performance, schedule, and cost is achieved.

FUNDING AND REQUIREMENTS INSTABILITY IN MAJOR WEAPON SYSTEMS ACQUISITION

3. Senator WARNER. Mr. Krieg, the Packard Commission found that "weapon systems take too long and cost too much to produce" and blamed "chronic instability" in funding and overstated requirements. Twenty years later, major weapon systems programs are still plagued by funding and requirements instability which drives up the costs and delays the eventual fielding of new systems. How should the Department of Defense (DOD) maintain funding and requirements stability in its weapon systems programs?

Mr. KRIEG. Many of the Packard Commission's insights are relevant today. I believe that maintaining funding and requirements stability in weapon systems programs requires discipline on numerous fronts—in the requirements process, in trade-offs between cost and performance, in unambiguous lines of authority, in firm internal agreements on baselines, etc. Exercising this discipline requires commitment across the Federal Government over time. If confirmed, I look forward to working with this committee to develop the discipline and processes that will help keep the programs on track.

ETHICS AND ACCOUNTABILITY IN THE ACQUISITION SYSTEM

4. Senator WARNER. Mr. Krieg, the recent Air Force acquisition scandal has raised concerns about the adequacy of safeguards to ensure the integrity of the procurement system. There are those who suggest that Congress should strengthen "revolving door" and ethics statutes. What do you think is needed to restore credibility and trust in the acquisition system that has been lost from this scandal?

Mr. KRIEG. As a guiding principle, I believe we owe the taxpayers who fund the Department, and the warfighters who rely on our efforts, the commitment to and continual reinforcement of the highest ethical standards. Ultimately, only leadership and accountability will restore and sustain credibility and trust. If confirmed, this will be one of my highest priorities.

FORCE PROTECTION PROGRAMS

5. Senator WARNER. Mr. Krieg, over the past several years, the Department, with the assistance of Congress, has spent billions of dollars on force protection programs such as Interceptor Body Armor, up-armored high mobility multipurpose vehicles and counter-improvised explosive device measures. If confirmed, how do you intend to ensure that our armed services continue to receive effective force protection equipment in a more timely manner?

Mr. KRIEG. Procuring equipment to meet emerging warfighting requirements is challenging on four fronts. First, prompt response to emerging threats requires the defense community to anticipate future needs and have options in development. Second, the Department must shorten the identification cycle: needs (demand) must be translated into programs as rapidly as possible. Third, the supply system must be agile enough to respond to new demands on short notice. Fourth, effective feedback mechanisms are needed to evaluate the usefulness of these items when they reach the field and measure whether they are meeting the threat as designed. As part of the Quadrennial Defense Review, the Department is studying how to enable the acquisition system to respond quickly to emerging warfighting requirements. If confirmed, I intend to work with the committee to ensure the warfighter will receive effective force protection equipment in a timely manner.

JOINT IMPROVISED EXPLOSIVE DEVICES TASK FORCE

6. Senator WARNER. Mr. Krieg, the Department established a Joint Improvised Explosive Devices (IED) Task Force as a means to quickly develop tactics, techniques, and procedures and to field IED-countermeasures quickly to provide force protection to our soldiers and marines. If confirmed, what recommendations will you make to improve the functioning of the Joint IED Task Force to make it responsive to the warfighters?

Mr. KRIEG. As Director of Program Analysis and Evaluation, I have followed only broadly the work of the IED Task Force and provided staff support to the effort. I believe this Task Force is an effective forum for bringing emerging warfighting requirements to the attention of senior leaders, but success in this endeavor is also dependent on the Department's ability to better anticipate future threats, identify programs to meet them, and manage supplier relationships to ensure items can be quickly produced and delivered. If confirmed, I look forward to the challenges of

making the Department's business processes work more effectively to ensure they are responsive to emerging warfighting requirements.

QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

ACQUISITION TIMELINE

7. Senator INHOFE. Mr. Krieg, I am very concerned about the length of time it takes our country to deploy a new weapon system. Too often it takes so long for a new system to go from the cradle to the operational field that the world will have changed so dramatically and the challenge for which it was designed is no longer the threat that it was originally. Or the enemy's application of current technology makes the system less lethal than it would have been had the system rolled off the line sooner. We have seen one or both of these instances in systems such as the Comanche, Crusader, and Wolverine programs, and these are just some examples from the Army. I know that DOD recognizes this problem as well and the Pentagon has identified processes to streamline acquisitions. To improve the process, Congress has authorized such programs as Fast Track, Spiral Development, and special dispensation for the purchase of products with commercial applications. How do we get fully operational weapons systems into the hands of the warfighter in a quicker and still cost effective manner? What do we need to do to make this happen?

Mr. KRIEG. With the support of Congress, the Department has initiated a number of programs to speed the identification and delivery of material to the warfighter. The following existing initiatives are reducing acquisition cycle time:

- The Joint Staff expedites the processes by which Urgent Operational Needs are identified and transitioned into a materiel or logistics solution.
- The Army's Rapid Equipping Force (REF) provides much needed force protection equipment to personnel serving in Iraq and Afghanistan.
- The Army's Rapid Fielding Initiative (RFI) equips soldiers in CONUS with all the necessary items they will need in the Area of Operations. These items are continually updated as the needs change.
- The Joint Rapid Acquisition Cell (JRAC) addresses the bureaucratic impediments that slow the Department's ability to meet urgent materiel and logistics solutions for the combatant commanders.
- The Department is accelerating fielding S&T developments to the warfighter via the Combating Terrorism Technology Task Force (CTTTF) process that quickly identifies emerging technologies in response to operator needs and provides funding for rapid prototyping, testing, and evaluation.
- The Advanced Concept Technology Demonstrations (ACTD) program rapidly develops, demonstrates, and fields new technological capabilities and complementary concept of operations to the warfighter in response to Joint Requirements Oversight Council (JROC) validated joint requirements.

In the Quadrennial Defense Review (QDR), the Department is reviewing acquisition procedures to develop an integrated process with reduced cycle time. If any additional statutory changes prove necessary the Department will request those changes in its QDR report to Congress. If confirmed, I look forward to working with Congress on this important issue.

ACQUISITION WORKFORCE SIZING

8. Senator INHOFE. Mr. Krieg, Michael Wynne, the acting Under Secretary of Defense for Acquisition, Technology, and Logistics (AT&L), said last week in his prepared statement, "I believe we are at the point where any further reductions beyond the levels of this workforce, consistent with the President's 2006 budget request, will adversely impact our ability to successfully execute a growing workload." I agree with Mr. Wynne in that we do have quite a workload ahead for our acquisitions workforce. With the upcoming weapons systems needed to upgrade the capability of an aging and sometimes technologically dated air and naval force, especially, there is a lot needed to give our young men and women the best tools to protect America's freedom. During the Clinton administration, we reduced the size of our acquisitions work force. Here we are today bundling program purchases, often because we don't have the manpower capability to manage and oversee the management of individual purchases, when that would be in our best interest. We now have Lead Systems Integrators with contractors being hired to manage other contracts, like we have with Boeing overseeing the contract for the Army's Future Combat System. Our military, itself, cannot even determine if it is getting what it needs

when it's scheduled, according to contract. We have a contractor do this for our military. In light of this, is our acquisitions workforce already adversely impacted and preventing us from being successful with a growing workload? Has the pendulum already swung too far? What is your personal professional opinion?

Mr. KRIEG. I have not worked on this set of issues in my current capacity. In general, I am concerned with the eventual generational transition that will take place in the Defense workforce and believe that the National Security Personnel System offers an opportunity to create the right framework for attracting, developing and retaining the kind of work force the Department will need. More specifically I believe the Department must not only be mindful of the required skills and competencies of the workforce, but also ensure the right business practices are in place to enable the DOD workforce to perform effectively. If confirmed, sizing and managing the acquisition workforce would be of my high priorities and I look forward to working with this committee to ensure the Department has the right workforce to perform its acquisition mission.

PRIVATIZATION OF DEPOT FACILITIES

9. Senator INHOFE. Mr. Krieg, I met recently with Major General Terry Gabreski who is the commander of the Tinker Air Logistics Center. We discussed a previous visit of mine to the Center, where I saw an exceptional partnership between the private and public sector. A contractor, Pratt and Whitney, has built a technology center and supplies technical expertise, while the military member and Federal worker carry out the engine repairs and rebuild. We spoke with the contractor, the military, and the union member and all agreed the partnership worked out exceptionally well with increased performance metrics to show the results. There has been some discussion about privatization of depot facilities. This would put the resources to repair and overhaul our military equipment, as well as manage our spare parts, in the hands of a contractor. Contracting does have a purpose, in those areas that are not a part of the military's core competency. Repair of our assets and management of our spare parts are clearly within the military's core competency. What are your thoughts about privatization of depot facilities?

Mr. KRIEG. I do not have a preconceived view on privatization of depot facilities, but I agree that the Department must define and understand its current and future core competencies. From this baseline, the Department should then fund partners who complement and supplement its core competencies to ensure success. I am aware that there has been some very good progress in developing depot partnerships and look forward to learning more about them, if confirmed.

SMALL BUSINESSES IN THE ACQUISITION PROCESS

10. Senator INHOFE. Mr. Krieg, small businesses are complaining that they are being cut out of contracts because of bundling of contracts to larger vendors, etc. DOD complains the cuts in acquisition people are forcing these measures. Because there is a concern about small businesses being able to participate in the acquisition process, depots have small business offices in an effort to help shepherd small business through the process. Yet, there doesn't seem to be much improvement in this arena. Do you see this is a concern and what can we do to enable small business to participate more fully, while still getting the newest equipment into the hands of the warfighter in an timely manner and safeguarding the American taxpayer?

Mr. KRIEG. I believe that small businesses can be an engine for innovation and that the Department should draw on the best that the private sector has to offer. In my current capacity, I have not worked small business concerns in detail, but, if confirmed, I look forward to working with this committee to figure out the best role that small businesses can play in meeting the Department's mission.

QUESTIONS SUBMITTED BY SENATOR JEFF SESSIONS

UNMANNED AERIAL VEHICLES ROADMAP AND EXECUTIVE AGENCY

11. Senator SESSIONS. Mr. Krieg, there has been a great deal of interest regarding the capabilities and future development of all the unmanned aerial vehicles (UAV) being used or under development by DOD. These platforms are saving lives in Iraq and the Services have been working hard to get as many UAVs with as much capability to the warfighter as soon as possible. While this fact is to be commended, I am deeply concerned about the long-term direction of UAV development and acquisition. There have been discussions within DOD about the need for an Executive

Agent (EA) for UAVs. While the Air Force has seized onto this opportunity, recent cost overruns related to Global Hawk and other well-publicized acquisition troubles deeply concern me and give me reason to pause and question how this process might unfold. I was recently briefed on the UAV Roadmap by Ms. Diane Wright and Mr. Dyke Weatherington. We had an excellent discussion on how DOD is attempting to reign in development of multiple service UAV systems that duplicate effort, lead to increased costs and the development of numerous UAVs which are not compatible with one another. As the head of the DOD UAV Planning Task Force, I am interested in how DOD and the Task Force will get control of UAV development and procurement now and in the years to come?

Mr. KRIEG. As Director of PA&E, I have not worked on this set of issues but look forward to working with the committee, if confirmed. It is my understanding that there has been no decision on an Executive Agent (EA) within the Department of Defense (DOD) for UAVs. Given the wide use of UAVs, multiple Service interests in them, and lessons learned from current use, it is prudent to consider carefully the need and scope of a UAV "EA" or "EA-like" leadership. The Joint Staff has already started to review this. For UAV development and procurement, the DOD UAV Planning Task Force will continue to work with the Services and Joint Staff, through the Joint Capabilities Integration and Development System process, to field suitable, effective, and affordable UAV systems and to integrate them into the force. The Department will promote commonality and interoperability between its UAV systems and is working toward achieving these goals.

12. Senator SESSIONS. Mr. Krieg, I would welcome the opportunity to speak to you about this important issue and perhaps we can brainstorm how the EA concept might work. Perhaps as Ms. Wright suggested there might be two EAs: one for strategic and one for tactical and operational. What are your thoughts on the creation of two EAs? Regardless, I think we have some work to do to assist the Department as we have no resources to waste.

Mr. KRIEG. If confirmed, I look forward to a discussion with you on this important topic. In the business practices section of the Quadrennial Defense Review, the Department will be looking at the concept of executive agency for managing efforts at the seams of traditional Service roles. Several variations on the concept of executive agency are already at work inside the Department. The QDR analysis will also examine these various models to recommend best practices given the variety of tasks executive agents are assigned to accomplish.

JOINT COMMON MISSILE

13. Senator SESSIONS. Mr. Krieg, I am very concerned about the decision to cancel the Joint Common Missile (JCM) program that was contained in PBD–753. The JCM is a next generation weapon system being developed for our advanced aircraft (F/A–22, Joint Strike Fighter, and Joint Unmanned Combat Air Systems (J–UCAS)) coming on line in the next few years. The Services and the DOD have spoken consistently since the global war on terror started about how important joint operations are and how all new systems must be joint from their inception. The JCM meets this requirement! Unfortunately, the rhetoric of the Department in regards to being committed to joint weapon systems, like the JCM, does not match the decision to cancel the program. Please explain to me why this missile was cut in the PBD and why it should not be restored in the budget?

Mr. KRIEG. The Department cancelled JCM after a review by members of the Senior Level Review Group (Deputy Secretary, Chairman, Vice Chairman, Secretary and Chief of Staff of the Air Force, Secretary and Chief of Staff of the Army, Secretary of the Navy, Chief of Naval Operations, Commandant of the Marine Corps, and Under Secretaries of Defense) of strategic priorities, technical risks, and affordability. As demonstrated in OIF and OEF, current joint capabilities against vehicles and fixed targets are very good, and several new precision munitions to attack moving and fixed ground targets are in development. The Hellfire II—a joint Army, Navy, and Marine Corps program—worked well in OIF and is still in production. The Air Force is refurbishing Mavericks (a joint program) and developing the Small Diameter Bomb (SDB) increment II to field the same capabilities as JCM for fixed-wing aircraft. Further, the JCM faced technical risks because of the difficulty in combining three sensors into a single device, and financial risks as its independent estimates of procurement and RDT&E costs were higher than the Services' estimates.

QUESTIONS SUBMITTED BY SENATOR SAXBY CHAMBLISS

DEPOTS AND CORE CAPABILITIES

14. Senator CHAMBLISS. Mr. Krieg, one of my concerns since I've been in Congress has been how DOD defines "core" relative to the type of and amount of work we need to ensure remains in our DOD depots and logistics facilities. I've also been extremely concerned as I've seen DOD recommend and approve total system support contracts and contractor provided logistics operations for entire weapon systems. This was initially the way we went with the C–17 program, and part of DOD's now defunct tanker lease proposal was to give Boeing a non-competed, totally commercial, $5 billion maintenance contract for those airplanes. What is your view on DOD's role in maintaining a robust, up-to-date, maintenance and logistics function within the Department of Defense?

Mr. KRIEG. At this time I do not have a detailed answer to your question. If confirmed, I will look into this issue in greater detail and be ready to discuss it further. I do offer a couple of ingoing principles that may shape my views.

I believe that DOD needs to be precise in what it identifies as core competency. DOD must certainly be great at managing its capital asset maintenance and logistics supply chain. I have no ingoing reason to question the DOD policy that it will maintain depot maintenance core capabilities in Government owned and operated facilities. These capabilities provide effective and timely response to surge demands and sustain institutional expertise.

My understanding is that the Department has also built some successful public-private partnership models and I look forward, if confirmed, to understanding how to achieve the best overall balance of support to ensure that we provide our warfighters with the best supporting infrastructure that we can.

15. Senator CHAMBLISS. Mr. Krieg, if confirmed in your new position, how will you ensure that DOD does not turn over these functions to contractors and allow them to maintain the primary expertise or decisionmaking authority regarding how and when our airplanes and military hardware are maintained?

Mr. KRIEG. It is important that DOD be great at managing its capital asset maintenance and logistics supply chain. If confirmed, I will work with the Services to ensure that DOD can provide our warfighters with the best supporting infrastructure that we can.

QUESTIONS SUBMITTED BY SENATOR JOSEPH I. LIEBERMAN

DARPA

16. Senator LIEBERMAN. Mr. Krieg, a recent New York Times article quotes a spokeswoman from Defense Advanced Research Projects Agency (DARPA) as stating that "DARPA is rightly devoting more attention to 'quick reaction' projects that draw on the fruits of earlier science and technology to produce useful prototypes as soon as possible." Although the need to address immediate issues may exist, this cannot replace the basic research efforts that support the future military technological advancement. Some of America's leading scientists and technology companies' CEOs are expressing deep concern that DARPA has abandoned its historic mission to ensure that the U.S. will never be taken by technology surprise by focusing on incremental and not breakthrough research. What steps are you taking to reverse the short-term focus that DARPA by numerous accounts is now embarked on?

Mr. KRIEG. The scope of my current responsibility as Director, PA&E does not include this area. I have not formed an opinion at this time but look forward to working with the Committee, if confirmed. However, it is my understanding that DARPA's spokeswoman was not quoted accurately in the New York Times article. The statement she gave to the reporter on that point reads:

> During periods of active conflict, DARPA adds an additional type of activity—quick reaction projects that take the fruits of previous science and technology investment and very quickly move the technology into a prototype, fieldable system and into the hands of deployed forces. There have been many published articles on some of these technologies. Quick reaction projects are done in addition to DARPA's usual activities, not instead of.

A review of DARPA's strategic plan and the individual programs and projects that DARPA has underway, reveals how ambitious their programs are and how revolutionary the results of these programs will be if successful.

BASIC RESEARCH

17. Senator LIEBERMAN. Mr. Krieg, at a time when military excellence is essential, the Department of Defense's S&T funding is down 15.9 percent from last year's appropriated amount. Additionally, in recent reports, both the Defense Science Board and the President's IT advisory committee commented on DARPA's reduction of support for university research. What efforts are you taking to restore this funding and specifically to address the cuts in the long-term university-based research in the physical sciences?

Mr. KRIEG. On the broader question, the Department has increased its requests for Science and Technology investment by roughly 33 percent over the past 4 years. The fiscal year 2006 budget request is the same level requested in fiscal year 2005. Given the competing demands, the requested amount is what the Department needs to achieve a balanced investment overall. In my current role, I have not reviewed DARPA's funding, but, if confirmed, I plan to look into this important matter.

SEMICONDUCTOR INDUSTRY

18. Senator LIEBERMAN. Mr. Krieg, as you are aware, East Asian countries are leveraging market forces through their national trade and industrial policies to drive the migration of semiconductor manufacturing to that region. If this accelerating shift in this manufacturing sector overseas continues, the U.S. potentially could lose the ability to reliably obtain high-end semiconductor integrated circuits. Semiconductors impact every aspect of a warfighter's mission including secure communications, smart weapons and precision targeting, and navigation and guidance. Specifically, the photomask industry is of particular concern especially given that this is the only area in the fabrication process where raw data is handled for laying down a complex pattern for circuitry. This offshore shift in semiconductor manufacturing is occurring at a time when these components are becoming an even more crucial defense technology advantage to the United States. For example, network centric capability demands ever faster real time processing for defense purposes and also because of the increasing need for such high-end components in the intelligence communities. Why has the research in this area been cut back?

Mr. KRIEG. The scope of my current responsibilities as Director, PA&E does not include this area. I have not formed an opinion at this time but look forward to working with the committee, if confirmed. However, I am told that the Department has partnered with the semiconductor industry to support a broad agenda of academic research at U.S. universities aimed at sustaining the domestic industry's world leadership. The goal is to attract U.S. citizens back into science and engineering careers to provide the future workforce for both the military and commercial semiconductor needs.

19. Senator LIEBERMAN. Mr. Krieg, without ongoing research in place, how do you plan to mitigate this national security risk and are these efforts adequate to fully abate this serious issue?

Mr. KRIEG. I have not reviewed this issue in my current position. If confirmed, I will look into the question and develop my view on what ought to be the Department's approach.

DEFENSE SCIENCE BOARD REPORT ON SEMICONDUCTORS

20. Senator LIEBERMAN. Mr. Krieg, the Defense Science Board released a report titled 'High Performance Microchip Supply' in February 2005 listing its recommendations to maintain U.S. semiconductor capabilities for national security needs. Specifically, the report calls for an overall long-term vision for the future of the chip industry; the current foundry agreements only address the short-term needs, not the structural issue of funding research that will sustain our information superiority. When will you deliver a plan to implement the recommendations listed in this report?

Mr. KRIEG. The scope of my current responsibilities as Director, PA&E does not include this area, and I do not have a preconceived plan to implement. If confirmed, I will look into the recommendations of the report and develop my view.

MANUFACTURING TECHNOLOGY

21. Senator LIEBERMAN. Mr. Krieg, the U.S. trade deficit in manufactured goods increased $94.5 billion in 2004 from $536 billion reported in 2003. Our largest goods

deficit is now with China, $162 billion, an increase of $37.9 billion from 2003. We are running major deficits with China in defense critical manufacturing areas, such as computer hardware ($25 billion) and electronics machinery and parts ($23 billion) as U.S. production drifts offshore. We are transferring major portions of our circuit board, semiconductor, machine tool, and weapon system metal casting manufacturing to China because of low wage and production costs. Without productivity breakthroughs, the U.S. defense manufacturing base particularly, 2nd and 3rd tier small manufacturers will continue to erode. What research efforts are in place to address the needed innovation in manufacturing and are these efforts adequate to fully abate this serious issue? Specifically, do you have a plan to focus DARPA on process innovation?

Mr. KRIEG. At this time I do not have direct experience in this area to have a preconceived plan. If confirmed, I will look into the question and develop my view on what ought to be the Department's approach.

In the broad sense, the Department of Defense is a relatively small player in the overall U.S. economy (about 3.75 percent of the gross domestic product), and DOD's leverage within the overall U.S. manufacturing sector is limited. Many U.S. industries once dominated by DOD demand now are focused on, and dependent on, commercial markets. Nevertheless, it is desirable—and absolutely necessary—that the Department take the steps necessary to ensure the industrial base on which it depends remains sufficiently reliable, innovative, and cost-effective to meet the Nation's national defense requirements.

22. Senator LIEBERMAN. Mr. Krieg, additionally, ManTech currently is funded at $237 million for fiscal year 2005, all of which is directly tied to the near term needs of the Services. The Joint Defense Manufacturing Technology Panel (JDMTP) does not have funding independent of the Services to initiate new efforts focusing on longer-term, higher-risk, higher-payoff technologies and processes. ManTech needs to balance the current shorter-term portfolio by refocusing on longer-term, higher risk manufacturing processes and technology development that are industry game-changers and yield big efficiencies and cost-savings to DOD. When will you provide funding to JDMTP to initiate the needed manufacturing programs?

Mr. KRIEG. It is my understanding that a Defense Science Board study is currently underway to review the issue of ManTech strategies and priorities including the need for cross-cutting programs. This report is planned for completion in the fall of 2005. It would be premature to make a decision without first reviewing the study.

23. Senator LIEBERMAN. Mr. Krieg, are the efforts in your area coordinated with the Defense Industrial Base Capability Studies (DIBCS) that are currently underway in the DOD Office of Industrial Policy? Is there more coordination needed and if so, what are your plans to achieve this?

Mr. KRIEG. The Deputy Under Secretary of Defense for Industrial Policy prepared the Defense Industrial Base Capability Studies. I have been briefed on the methodology, conclusions and recommendations of several of the studies.

QUESTIONS SUBMITTED BY SENATOR DANIEL K. AKAKA

ACQUISITION WORKFORCE AND HUMAN CAPITAL

24. Senator AKAKA. Mr. Krieg, at your confirmation hearing you answered several questions regarding the Department of Defense acquisition workforce and the impact that the downsizing of this workforce has had on major program acquisition. Additionally, recent guidance was issued by the OMB on acquisition policy which emphasized employee training, certification, and the role of chief acquisition officers. What do you see as the most critical factors in improving the strength of the acquisition workforce within the Department?

Mr. KRIEG. At this time I do not have a specific agenda of action on acquisition workforce issues. The issue of how to better structure acquisition functions of the DOD is under review as part of the Quadrennial Defense Review and this should include the acquisition workforce capability to meet future needs. Several key themes seem important as we begin this work.

First, the Department must keep acquisition workforce capabilities aligned with the emerging future needs of the DOD. Second, the Department must have effective implementation of the National Security Personnel System (NSPS). The NSPS provides new mechanisms to hire, assign, and reassign employees and to set pay. It enables DOD managers to acquire, advance, and shape their workforce in response to changing mission needs and to compete for the best talent. Third, the Depart-

ment must use the flexibilities provided by several useful changes that Congress made to the Defense Acquisition Workforce Improvement Act in fiscal years 2004 and 2005. These changes enable the DOD to have a single acquisition corps and to streamline management of the acquisition workforce. Finally, the Department must integrate workforce programs and human capital strategic planning efforts regarding the acquisition workforce so that DOD can achieve the outcomes needed component and department-wide.

25. Senator AKAKA. Mr. Krieg, what is being done to ensure that strategic management of human capital is focusing on not just hiring people but hiring the right people with the acquisition skills necessary to reverse the trend where lost corporate knowledge is limiting the Department's ability to perform acquisition management effectively?

Mr. KRIEG. The Department is emphasizing the need to strategically analyze and plan workforce capability through assessing the skills of the current workforce, projecting workforce capability needs into the future, identifying gaps, and ensuring the filling of those gaps. The effective implementation of the National Security Personnel System (NSPS) and the outcomes of the next Quadrennial Defense Review (QDR) will add to DOD's ability to improve and ensure the right workforce capability. Meanwhile, the Department is strengthening its approach toward systems engineering by issuing new policy, revamping education and training programs and bolstering the learning and performance support environment.

PLACEMENT OF RESOURCES

26. Senator AKAKA. Mr. Krieg, as Director of Program Analysis and Evaluation (PA&E), you have been deeply involved in implementing the Department of Defense's Balanced Score Card in support of the President's Management Agenda. Through this approach you have used four risk areas to ensure that the Department's performance goals cover the initiatives of the President's Management Agenda. As you are moving from your position of Director of PA&E to Under Secretary of Defense for AT&L, do you feel that you are using the proper risk factors in determining the placement of resources?

Mr. KRIEG. The approach to managing risk, first outlined in the 2001 Quadrennial Defense Review, gave the Department an organized construct for considering the implications—now and in the future—of efforts with respect to operations, managing forces and managing the institution. The balanced scorecard approach, used widely in the private sector, helps managers think about their initiatives across the full range of their enterprise. We have had some substantial success at getting management to consider the balance among risks as they consider resourcing.

Fully employed, the approach helps them align activity across the enterprise behind key metrics of outcomes that are linked to the strategy of the organization. In an enterprise as complex as the Department of Defense, the full implementation of the balanced scorecard is a challenge as precise metrics relevant from the top to the bottom of the organization are difficult to define.

27. Senator AKAKA. Mr. Krieg, how do you best assess the results of these resourcing choices?

Mr. KRIEG. Ideally, we would measure all of our results in terms of real outcomes. In many cases, we can. However, the outcomes of some of our investments are harder to assess in a classic performance management sense; the longstanding defense analysis question of "How much is enough?" is still a challenge. In those cases, we attempt to look at a balance between the costs and the benefits of options—both in the near and far term.

ACCOUNTABILITY MEASURES

28. Senator AKAKA. Mr. Krieg, at your confirmation hearing you were asked several questions about the current acquisition process, with specific references to contracts such as the Army's Future Combat System and the Navy's DD(X). In addition, the Defense Acquisition Board recently approved funding for the Global Hawk unmanned spy plane program, and some in Congress would like to see the C130J cargo plan program go forward. You stated at your confirmation hearing that the Department must press for acquisition accountability but all of these programs have been the subject of much debate both within Congress and within the Department. If confirmed as Under Secretary of Defense for AT&L, what accountability measures

would you put in place to change the current acquisition process for major programs to "contain costs and keep programs from ballooning and becoming unworkable?"

Mr. KRIEG. At this time I do not have a specific plan of action on containing costs. If confirmed, I look forward to working with Congress on this issue. I do offer two preliminary views, however. The Department must carefully construct its statement of requirements, balancing among performance, cost, and schedule. Achieving an integrated strategic priority across all three of our major defense decision processes—requirements generation, acquisition management, and the Defense Planning, Programming, Budgeting and Execution process—is also important.

CORROSION CONTROL AND PREVENTION

29. Senator AKAKA. Mr. Krieg, the impact of corrosion on systems, equipment, and infrastructure costs the Department of Defense billions of dollars each year. In late 2003, the Office of Corrosion Policy and Oversight was created for the Department of Defense within AT&L with a Corrosion Executive leading the initiative. Currently this Corrosion Executive is several layers down from the Under Secretary in the AT&L organization, which limits his effectiveness, in my opinion. I am concerned that the way the DOD has set up this office does not comply with the spirit and intent of the legislation that Congress enacted regarding corrosion control. I believe the office should report directly to the Under Secretary of Defense for AT&L and not be buried in the bureaucracy. In October 2004, the Defense Science Board (DSB) issued its report on Corrosion Control which assessed ongoing corrosion control efforts across the Department of Defense. This report made five explicit recommendations and specific actions to implement those recommendations. The DSB estimated that 30 percent of the billions wasted annually could be avoided through proper investment in prevention and mitigation of corrosion during sustainment, design, and manufacture. One of the recommendations of the DSB review included each Service provide $10 million per year beginning in fiscal year 2006 in addition to the funds required by the Office of Corrosion Policy and Oversight. But PBD753 recommends reducing funds for corrosion prevention by $10 million every year over the Future Years Defense Plan. What would be your first priority in the office of Under Secretary of Defense for AT&L to ensure that the corrosion control and prevention initiative be brought back in line with the original intent of Congress in order to save the billions of dollars currently spent on corrosion each year?

Mr. KRIEG. As Director of Program Analysis and Evaluation, I have only a broad understanding of the issue. I would not bring any preconceived plan to the position but would look forward to working with the committee on this issue, if confirmed.

It is my understanding that the Department has embarked on a long-term study, initiated this year, to provide a justifiable and defendable basis for: (a) structuring and prioritizing the Department's efforts as they relate to balancing investments in corrosion control and in corrosion prevention and (b) attendant funding levels. The OSD corrosion program is currently budgeted at $15 million per year across the Future Year Defense Plan (FYDP). The Department established Program Element (PE) 0604016D8Z for RDT&E ($5 million) and manages the corrosion O&M ($10 million) funds in a DOD-wide account.

From an organizational perspective, the Deputy Secretary appointed the Principal Deputy Under Secretary of Defense for Acquisition, Technology and Logistics (PDUSD(AT&L)) as the DOD Corrosion Executive, who reports directly to the Under Secretary (AT&L). This ensures that corrosion prevention and mitigation receives appropriate executive-level attention. The Office of the Special Assistant for Corrosion Policy and Oversight reports directly to the DOD Corrosion Executive on policies, issues, and actions directly associated with the corrosion prevention and mitigation initiative. The office is aligned as a component of the Directorate of Systems Engineering within OUSD (AT&L). This alignment allows the Department to ensure corrosion prevention and mitigation receive appropriate attention during design trades as part of the baseline systems engineering effort for equipment and infrastructure design and development.

[The nomination reference of Kenneth J. Krieg follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 4, 2005.

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

Kenneth J. Krieg, of Virginia, to be Under Secretary of Defense for Acquisition, Technology, and Logistics, vice Edward C. Aldridge, resigned.

[The biographical sketch of Kenneth J. Krieg, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF KENNETH J. KRIEG

Ken Krieg currently serves at the Department of Defense as Special Assistant to the Secretary and Director for Program Analysis and Evaluation. In this capacity, he leads an organization that provides independent advice to the Secretary of Defense in a range of areas including defense systems, programs and investment alternatives as well as providing analytic support to planning and resource allocation.

He joined the Department of Defense in July 2001 to serve and continues as the Executive Secretary of the Senior Executive Council (SEC). The SEC, comprised of the Secretary, Deputy Secretary, Service Secretaries and Under Secretary of Defense for Acquisition, Technology and Logistics, is responsible for leading initiatives to improve the management and organization of the Department of Defense. Among other areas, the SEC is working on strategy-based measurement approaches, transformation strategies for the business infrastructure and organizational approach and design. The SEC also serves as a senior decisionmaking and advisory body on a broad set of issues, including resource allocation.

Prior to joining the Department of Defense, Ken was the Vice President and General Manager of the Office and Consumer Papers Division. He had responsibility for International Paper's $1.4 billion retail, commercial office, and consumer papers businesses. Prior to this position, Ken was the business manager for the office and consumer paper business.

Ken was with International Paper for 11 years and held marketing and sales positions in the office papers and bleached board businesses. He was actively involved in integrating the Federal Paper Board, Union Camp and Champion companies into International Paper. He began his service with International Paper as executive assistant to the Chairman and Chief Executive Officer.

Before joining International Paper, Ken worked in a number of defense and foreign policy assignments in Washington, DC, including positions at the White House, on the National Security Council Staff and in Office of the Secretary of Defense.

Ken received his BA degree in history from Davidson College and his Masters in Public Policy from the Kennedy School of Government at Harvard University. He and his wife, Anne, have two children (Allen and Meredith).

[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 Kenneth J. Krieg in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Kenneth Joseph Krieg, also Kenneth J. Krieg, Ken Krieg.

2. **Position to which nominated:**
Under Secretary of Defense (Acquisition, Technology, and Logistics).

3. **Date of nomination:**
April 4, 2005.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
January 29, 1961; Nelsonville, OH.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Anne Hurt Krieg.

7. **Names and ages of children:**
Allen Joseph Krieg, 12; Meredith Aileen Krieg, 10.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
John F. Kennedy School, Harvard, 9/1983–6/1985, M.P.P., 6/1985.
Davidson College, 9/1979–6/1983, B.A., 6/1983.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Director, Program Analysis & Evaluation, Office of the Secretary of Defense, Supervisor: Secretary Donald Rumsfeld, Pentagon, 4/2003 to present.
Executive Secretary, Senior Executive Council, OSD, Supervisor: Secretary Donald Rumsfeld, Pentagon, 7/2001 to present.
Vice President and General Manager Office and Consumer Papers, International Paper, Supervisor: Charlie Greiner, 6400 Poplar Avenue,Memphis, TN, 7/2000–7/2001.
Business Manager, Office Papers, International Paper, Supervisor: L.H. Puckett and Rick Smith, 5/1997–7/2000.
Sales & Marketing Manager, Bleached Board Division, International Paper, Supervisor: Tom Gestrich, 6/1995–5/1997.
National Sales Manager and Marketing Manager, Bleached Board Division, International Paper, Supervisor: Scott Murchison, 5/1993–6/1995.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
I supported Chairman and CEO of International Paper, John Georges when he was a member of President George Bush's Commission on Environmental Quality

1991–1992. I was employed by International Paper, but worked on Commission business on his behalf.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Member of Lewinsville Presbyterian Church, McLean, VA (2002–present); Stewardship committee member.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

Bush-Cheney 2000 $1,000.

Bush-Cheney 2004 $2,000.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Air Force Decoration for Exceptional Civilian Service—January 2005.

Army Decoration for Distinguished Civilian Service—May 2003.

Navy Distinguished Public Service Award—January 2003.

Davidson College Alumni Service Award—2002.

DOD Medal for Distinguished Public Service—October 1990.

Phi Beta Kappa.

Omicron Delta Kappa.

Agnes Sentelle Brown Award; Davidson College.

Richardson Scholar; Davidson College.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Introduced a section of a book, "The All-Volunteer Force-Thirty Years of Service," which captured the proceedings of a DOD conference on the topic in September 2003. Contributed to one article in The Washington Quarterly in 1988 with Rhett Dawson and Paul Stevens titled Defense Efficiency in the 1990s.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

I have delivered numerous talks on defense resources and management, as well as defense transformation since returning to government. Most of the talks have been to internal audiences, conferences or schools. Only two have been from partially prepared text; most are delivered off handwritten notes. I have included those two.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

KENNETH J. KRIEG.

This 13th day of April 2005.

[The nomination of Kenneth J. Krieg was reported to the Senate by Chairman Warner on May 25, 2005, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on May 26, 2005.]

[Prepared questions submitted to Lt. Gen. Michael V. Hayden, USAF, by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than 15 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes. I support these reforms. I have been personally working to implement these reforms in every position I have held since they were passed in 1986 because of the efficiency and effectiveness they engender.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. My experience has been that defense reforms under Goldwater-Nichols have been broadly accepted and institutionalized. They have been the underpinning of much of our success in joint war fighting over the past decade.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. The provisions of Goldwater-Nichols have contributed to the success of our armed forces in many areas. My personal view, however, is that the personnel provisions of Title IV have done more than any other aspects of the law to create a true culture of jointness.

Moreover, as I said in my testimony to the House Intelligence Committee last August, I think that the personnel provisions of the act are more transferable to the Intelligence Community (IC) than any other aspects of the law.

The essence of jointness is to consider the whole over the parts and to dampen demands for individual control in favor of collaboration and cooperation. The underlying principle of Goldwater-Nichols holds true for the IC: the rejection of the idea that "If I don't own it or control it, I can't count on it."

Question. The goals of Congress in enacting these defense reforms, as reflected in Section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control over the military; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; enhancing the effectiveness of military operations; and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes.

Question. In your view, are the goals of the Intelligence Reform and Terrorism Prevention Act of 2004 fully consistent with the goals of the Goldwater-Nichols Department of Defense Reorganization Act? Please explain.

Answer. The goals of the Intelligence Reform and Terrorism Prevention Act of 2004 are consistent with the goals of the Goldwater-Nichols Act that reorganized the Department of Defense to increase cooperation and jointness among the services.

The authorities given to the Director of National Intelligence will allow the DNI to manage the IC in ways that will increase interoperability among the elements of the Intelligence Community. A more effective Intelligence Community cannot help but better support the combined operations of the American armed forces.

For example, the DNI is to prescribe, in consultation with the heads of other agencies or elements of the Intelligence Community, and the heads of their respective departments, personnel policies and programs applicable to the IC including standards for education, training, recruitment, and retention. At the heart of this is building a community ethos of cooperation and collaboration—the IC equivalent of jointness.

The Act also directs the DNI to prescribe mechanisms to facilitate the rotation of IC personnel through various IC elements during the course of their careers to facilitate the widest possible understanding of intelligence requirements, methods, users, and capabilities.

The law authorizes the DNI to give special incentives for personnel to get IC-wide perspectives by working in the Office of the DNI or in other positions in support of the DNI's IC management functions; I strongly support these initiatives.

DUTIES

Question. What is your understanding of the duties and functions of the Principal Deputy Director of National Intelligence (PDDNI)?

Answer. The formal answer is that the Intelligence Reform and Terrorism Prevention Act (IR&TPA) of 2004 specifies certain duties and functions of the Principal Deputy Director of National Intelligence. These include assisting the Director of National Intelligence in carrying out the duties and responsibilities of the Director. Further, the law specifies that the PDDNI is to act for, and exercise the powers of, the DNI during the absence or disability of the DNI or during a vacancy in the position of the DNI.

If confirmed, the DNI and I would work out the details of my job description within the formal framework. No decisions have yet been made, but it would be reasonable to assume that the DNI would want me to help him ensure that the Intelligence Community runs as smoothly as possible.

I should also point out that the IR&TPA notes the sense of Congress that either the DNI or his principal deputy should be a serving military officer or someone with an appreciation of military intelligence activities and requirements. If confirmed, one of my key responsibilities will be to provide the DNI with insight into the needs of America's combat forces.

I also expect that my experience in the production of intelligence and my knowledge of intelligence sources, tasking, analysis and distribution as well as of budgetary issues, laws and military organizations should complement the DNI's experience as an intelligence consumer.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. Over the course of my career, I have had extensive experience in managing and leading the military personnel that have been under my command. As the Director of the National Security Agency (DIRNSA), I have also had a large number of civilian employees under my direction.

In my current position as DIRNSA, we transformed NSA into a modern agency that operates effectively and efficiently in the digital age. I am especially proud that we have improved many aspects of NSA's mission including transforming the SIGINT process to get pertinent SIGINT information out to warfighters and to NSA's other customers in a timely fashion.

With regard to my responsibility to provide the DNI with insight into the intelligence needs of DOD, I believe my experience in leading the National Security Agency through the campaigns in Afghanistan, Iraq, and the war on terrorism has given me a robust appreciation of DOD requirements in wartime.

In my position as DIRNSA I have also had extensive experience contending with the IC's dispersion of authority. While responsible for the Nation's entire cryptologic architecture, I directly controlled just over a third of the Nation's cryptologic spending and was obliged to influence the remainder through an often cumbersome system of staff coordination. The current legislation takes significant steps in better aligning responsibility with authority.

My experience also includes dealing with issues of some political sensitivity. For example, while Deputy Chief of Staff, United Nations Command and U.S. Forces Korea, I routinely led the military delegation charged with negotiating with North Korean generals.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Principal Deputy Director of National Intelligence?

Answer. If confirmed, there are a variety of actions I would need to take to enhance my ability to perform as PDDNI. I would need to listen to the advice and

counsel of individuals with unique experiences to share. I have already made a concerted effort to reach out to such people, both inside and outside of government. For example, I have listened to insightful advice from the SECDEF, the Under Secretary of Defense for Intelligence, other DOD officials, former DCIs, Attorneys General, members of the National Security Council, other White House officials, leaders of industry, prominent academics, and friends whose advice I value. All have been highly supportive.

I particularly would need to familiarize myself with aspects of the IC beyond the immediate confines of DOD and NSA—issues like the linkages between law enforcement and intelligence or between foreign and domestic intelligence.

Question. Assuming you are confirmed, what duties and functions do you expect that the Director of National Intelligence will prescribe for you?

Answer. In the months ahead we have to set up an office, build an organization, hire the right kind of people from inside and outside the government, and establish new ways of doing business for the Intelligence Community. As with all Deputies, however, I would assume much of my time would be taken up with "other duties as assigned." That is right and proper and I will use my best efforts to complete whatever tasks the DNI assigns me.

RELATIONSHIPS

Question. In carrying out your duties, how will you work with the following:

The Secretary of Defense.
The Chairman of the Joint Chiefs of Staff.
The Under Secretary of Defense for Intelligence.
The Assistant Secretary of Defense for Networks and Information Integration.
The Director of the Central Intelligence Agency.
The Director for Intelligence, J–2, the Joint Staff.
The Service Secretaries and the Service Intelligence Directors.
The Directors of the Defense intelligence agencies.

Answer. In the broadest possible terms, I will seek if confirmed to work with each individual listed in a cooperative spirit for the good of the Nation. Much has been written about potential bureaucratic roadblocks to effective cooperation. We have all heard the warnings, particularly from the WMD Commission, about how bureaucracies are loathe to change and how organizations may want to keep a death grip on what they perceive as "their turf."

That said, I personally know the individuals listed and know that each has the best interests of the country at heart. I look forward to working with each of them in my new capacity, if confirmed, because I believe they understand that a successful DNI means a successful IC, which means a safer Nation. The Intelligence Reform and Terrorism Prevention Act of 2004 gives us an opportunity to improve the overall performance of U.S. intelligence for all consumers.

Many of the Defense officials noted above will be, as they have been in the past, at a key intersection of American national security policy and combat operations. They support both the Department of Defense and national needs. Some of the discussion and press commentary over this past year seems to suggest that this is somehow a new or troublesome development. This is not new and has not been new since 1952 when President Truman established NSA as the first "national" intelligence component housed within DOD. The "difficulties" associated with this arrangement are not so much circumstances to be solved as conditions to be managed in the national interest. At their best, agencies such as NSA are at the cornerstone of a "culture of collaboration" since their placement makes collaboration essential to their success.

More specifically, as the role of the DNI is established and DOD continues to develop the role of the USD(I), it is important that we explore ways in which the latter can play an important role in helping both the Secretary of Defense and the DNI to develop greater integration within those IC elements located within DOD.

In that light, I would like to echo remarks Ambassador Negroponte made in his confirmation hearing. He noted that the act gives him the authority to deal directly with heads of IC entities in certain areas and that he intended to exercise this authority. I share Ambassador Negroponte's views because, as I told the Senate Intelligence Committee, I believe it is critically important to the success of the DNI that he have robust authority over the big, national collection entities like the National Security Agency, the National Geospatial Intelligence Agency, and CIA's Directorate of Operations.(start)

As noted above, as a military officer (and if confirmed) I would bring to this job a perspective much sought by Congress. I would also note, however, that the

IR&TPA states that a commissioned officer, during his term as DNI or PDDNI, shall not be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense. This is a carry-over from the National Security Act of 1947, and it makes good sense to do so in order to ensure the independence of the incumbent.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Principal Deputy Director of National Intelligence (DNI)?

Answer. If confirmed, I see three major challenges that immediately will confront me as Principal Deputy Director of National Intelligence: establishing the organization of the Office of the Director of National Intelligence, staffing that organization with the best qualified people, and beginning to address significant issues for the DNI and the Intelligence Community.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. With respect to establishing the organization of Office of the DNI (ODNI), a number of options exist. If confirmed, the DNI and I will weigh those options and decide which structure will best meet the needs of the DNI and the goals of the IR&TPA.

Today, the Deputy Director of Central Intelligence for Community Management and those acting as the Assistant Director of Central Intelligence for Collection, and the Assistant Director of Central Intelligence for Analysis and Production perform important Community functions, which the DNI may want to continue in some form under the DNI structure. For instance, it may be desirable to have one person in charge of management issues that cut across the IC. This could include developing and determining the budget for the National Intelligence Program.

The law also gives the DNI important responsibilities for tasking intelligence collection, which the DNI may want reflected in the ODNI structure.

Similarly, the law obligates the DNI to ensure analytic integrity and objectivity obligations that should be considered as the DNI designs the ODNI.

With respect to staffing the ODNI, if confirmed, I would recommend to the DNI that the overriding consideration when selecting personnel should be doing what is best for the country. The law makes the DNI responsible for ensuring that this happens, and I support his authority. I would recommend to the DNI that he look for people who have the qualities needed to carry the Intelligence Community into the 21st century.

- This would include people who are dedicated to protecting the country. Intelligence work is a high calling and often requires sacrifices by individuals and their families. The IC needs people who are willing to put national needs above personal needs and serve the country by being its first line of defense.
- It would also include people who are proven leaders. I have often said that the strength of NSA is its people; NSA goes down the elevators when our people go home at night. Finding the right individuals with the skills to lead the workforces of the various IC elements is critical to successfully facing the challenges confronting the IC and the Nation.
- I would also advise the DNI to choose people who are committed to working cooperatively across the IC while fulfilling the mission of their host agency or department. This will take a special kind of talent. Individuals chosen to lead the IC must be keenly focused on the IC mission and work together to further the national interests of the United States.
- Ambassador Negroponte values diversity as an important goal in managing large organizations, and I support him in that.

Question. What do you anticipate will be the most serious problems in the performance of the functions of the Principal Deputy Director of National Intelligence?

Answer. I see the most serious problem in the performance of the functions of the PDDNI as creating within the IC a culture of collaboration. One of my goals as PDDNI will be to build a collaborative environment where cooperative analysis becomes the norm, resulting in one intelligence discipline being made stronger by another, and each prompting useful activity by still a third.

If confirmed, I would propose to the DNI that every member of the IC be given an urgent responsibility to understand his or her role within the larger community, and to carry it out as assigned. For example, while I would want DIA analysts to have access to NGA-generated imagery in order to inform their finished reporting, I would want, even more, DIA analysts to have access to the NGA expert who is responsible for having collected the information in the first place, has been collect-

ing such information for 30 years, and can provide insights concerning the information that would not occur to a non-expert.

We have to stress this kind of culture at every opportunity. It needs to be apparent in personnel appointments. It needs to be central in all of our professional education and training. It needs to be reinforced with a passionate commitment that the DNI leads all of the community.

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

Answer. If confirmed, I would take management actions as soon as possible to ensure that the Intelligence Community operates like a true "information enterprise." We need to find ways to enable the IC to provide relevant information at the appropriate stage of its development and in a form usable to those who have the mission, capability, and expertise to act on it. There ought to be no artificial barriers set up—or maintained—that deny significant information to an entity that requires it. Access to meaningful information in a form that is useful and responsive to the needs of the user is a key component of the information enterprise, and is absolutely vital to our success.

The IC has made progress in building close partnerships between and among intelligence agencies. Some of the collaborative relationships are relatively new; others have functioned effectively and efficiently for years. If confirmed, I would recommend to the DNI that we must act even more assertively and comprehensively; we need to build on our success to make cooperative relationships more lasting in their duration, more inclusive across the IC in their breadth, and more profound in their depth.

We would, of course, have to be specific with regard to timelines and metrics. In the absence of these, some of our efforts in the past to promote information availability and access have been received as guidelines rather than as determinative policy.

PRIORITIES

Question. If confirmed, what broad priorities would you establish in terms of issues which must be addressed by the Principal Deputy Director of National Intelligence?

Answer. If confirmed, I would recommend to the DNI several broad priorities. One priority, as discussed above, would be to establish the organization of the Office of the DNI and to staff it with the right people.

Another recommendation would be to issue clear DNI guidance on a variety of issues to the IC. I would recommend that the DNI's guidance be clear, short, and authoritative, and not the product of endless staffing or a lengthy search for absolute consensus. Consensus is rarely bold and it is often wrong.

Yet another priority would be to monitor the activities of the IC—in short, to improve our performance. The IR&TPA is quite clear in this regard. Among other things, the DNI is to: ensure the effective execution of the budget; monitor the implementation of that budget by the heads of the elements of the IC; establish objectives, priorities, and guidance for the IC to ensure timely and effective collection, processing, analysis, and dissemination of national intelligence; and ensure compliance with the Constitution and laws of the United States.

INFORMATION SHARING

Question. A consistent finding of almost all studies, investigations, and commissions evaluating the performance of the Intelligence Community with regard to the terrorist attacks of September 11, 2001 and pre-war intelligence regarding Iraqi weapons of mass destruction programs have concluded that there are impediments to the rapid and efficient sharing of information between elements of the Intelligence Community.

In your view, what are the institutional and cultural impediments to the effective sharing of information between elements of the Intelligence Community?

Answer. I see at least five broad categories of impediments to information sharing today: (1) technology, (2) law, (3) policy, (4) culture, and (5) impediments that grow out of enduring urban myths.

The technological impediments can be overcome. In short, we have wired ourselves north-south, i.e. within each of our disciplines. We have far less wiring east-west, i.e. between disciplines. But this can be overcome and massive efforts to do so are already underway.

The legal impediments to information sharing have traditionally grown out of a concern for the privacy of U.S. persons. Intelligence agencies are responsible for ensuring that information to, from, or about U.S. persons is "minimized" in accordance

with procedures approved by the Attorney General. Such procedures protect the legitimate privacy interests of U.S. persons against unconstitutional actions by the U.S. Government. When information about U.S. persons is collected as a result of the interception of the communications of a foreign entity, the identity of the U.S. person is not included in an intelligence report unless that identity is necessary to understand the foreign intelligence or to assess its importance. We are working very hard (and much progress has already been made) to maximize the sharing of information while continuing to protect privacy rights.

Policy issues also play a role in impeding the flow of information. The quintessential issue in this category is concern about the protection of sources and methods. Such concerns are legitimate, and at NSA we have experienced the loss of some lucrative sources of information when the communications methods we were exploiting became publicly known. That said, in my personal experience I have never seen "sources and methods" concerns sufficient to prevent the flow of intelligence to those who have a genuine need for it and we need to accelerate our training efforts to ensure that this is consistently the case. Again, we have made great strides in the past 3 years but this is an area that demands constant attention.

In addition, cultural issues can result in impediments to information sharing. Turf wars and the desire to overemphasize the "ownership" of data (i.e., knowledge is power) do indeed play a role—sometimes—in the erection of barriers to information sharing. These are, in my experience, much less common than the press would have us believe, and thankfully have become even more rare since the 2001 attacks on the United States. Nonetheless, our tolerance for this attitude must be zero.

Finally, I am occasionally struck by the number of so-called impediments to information sharing that result not from any conscious decision by one or more agencies in the IC, but instead from simple misunderstandings. We need to continue to educate IC members of the actual limitations so that they fully understand the rules.

Question. If confirmed, what steps would you recommend to ensure that critical intelligence information is fully shared within the Intelligence Community? How would you ensure that sensitive sources and methods of collection are fully protected?

Answer. If confirmed, I would recommend to Ambassador Negroponte that he make clear to all parts of the IC that he has access to all IC data and should set the standard by which that data may be accessed by those that need it. Information access is no longer a question for individual IC members, it is expected throughout the IC.

COMMUNICATIONS AND INFORMATION NETWORKS

Question. The Intelligence Community depends, in large part, on communications architectures and information networks established and managed by the Department of Defense.

How would you ensure that the "C3" functions, including information technology management, multi-level security, interoperability, and cybersecurity policy are fully coordinated between the Department of Defense and the Director of National Intelligence?

Answer. This is a critical issue for DOD and the Intelligence Community to resolve. Intelligence agencies need interoperable communications with each other and DOD agencies need to be able to get relevant information to combatant commanders. These objectives, though different, are not mutually exclusive. I expect to work closely with the DOD to ensure that the IC and DOD develop information systems architectures and information security policies that promote secure and timely information access. In addition, the establishment of the Information Sharing Environment mandated by Executive Order 13356 and the IR&TPA represents a positive step in promoting assured information access across different communities of interest.

NATIONAL COUNTERTERRORISM CENTER

Question. The Terrorist Threat Integration Center (TTIC) was established 3 years ago to facilitate the fusion of information about terrorist threats from various intelligence and law enforcement agencies. In accordance with the recommendations of the 9/11 Commission and the Intelligence Reform and Terrorism Prevention Act of 2004, the TTIC has evolved into the National Counterterrorism Center (NCTC).

What role do you envision for the Department of Defense in relation to the NCTC, including the provision of military and civilian personnel from DOD as members of the NCTC staff?

Answer. Success in the global war on terrorism demands the effective use of all national instruments. As the organization charged with strategic operational plan-

ning and threat warning, the NCTC will only succeed if there is a full partnership with the Department of Defense that leverages the depth and expertise of elements of DOD, including DOD assignees to the NCTC. DOD brings to the NCTC strength in planning, experience in the global war on terrorism battlefield and analytic engagement with targets of interest.

Question. In your view, what has changed within defense intelligence agencies, and within the other elements of the Intelligence Community since September 11 to enable them to better share information amongst themselves, within the larger Intelligence Community, and with appropriate law enforcement agencies?

Answer. The intelligence and operations environment necessary to confront a distributed networked threat like terrorism has challenged the Intelligence Community to reevaluate notions of what constitutes effective collaboration and sharing.

We have greatly enriched the broad understanding that we have significant interdependencies upon one another. This learning, and realizing the power of leveraging what we have learned, has done much to spur action towards establishing relationships, connectivity and effecting policy changes that further enable this capability.

I believe a bridge we still need to cross is closing what gaps remain between the flow of information between our IC and State and local officials. We need to set and implement appropriate relationships that provide first responders the kind of actionable information we have been successful in delivering to the fight overseas.

Question. In your view, what additional changes, if any, are needed to improve the function of the NCTC and its coordination with the defense intelligence agencies and the broader Intelligence Community?

Answer. I believe authorities stemming from the Intelligence Reform and Terrorism Prevention Act of 2004 will provide opportunities to strengthen the strong foundation Interim Director Brennan has established.

Ongoing work to build NCTC's strategic operational planning role is a good example of where NCTC is taking on the task of marrying operational planning with threat assessments in a fully collaborative environment. This is an area where DOD elements, in particular, have a considerable amount of experience and I expect they will play a key role in that process.

HOMELAND DEFENSE

Question. In recent years, with the establishment of the positions of Under Secretary of Defense for Intelligence and Assistant Secretary of Defense for Homeland Defense, the Department of Defense has been fundamentally reorganized to better address the critical homeland defense mission.

In your view, what challenges lie ahead in integrating the intelligence capabilities of the Department of Defense with those of the Department of Homeland Security and other associated Federal, state and local agencies?

Answer. The inclusion of "homeland security" within the national security framework of the United States is the most significant shift in American security thinking in decades. We need to ensure that we think through what it means to operate in a homeland security environment, one that does not lend itself to the facile distinction between "domestic" security issues and more traditional "international" security issues. My personal view is that this issue represents the immediate intellectual "heavy lifting" for the DNI.

The challenge of creating a consistent threat information stream from Federal players to state and local counterparts must be addressed. I expect that the Office of the DNI will play a significant role in fostering these relationships.

Question. In your view, does the Department of Defense's existing requirements process adequately support the establishment of intelligence requirements for homeland security and missions?

Answer. I am very familiar with the requirement's process used by NORTHCOM; it is consistent with other parts of the DOD requirements system. Although I have spoken to Secretary Chertoff and his staff about DHS intelligence needs, I am not yet as familiar as I need to be and look forward to learning more about those needs.

TRANSFORMATION

Question. Secretary Rumsfeld has established transformation of the Armed Forces to meet 21st century threats as one of his highest priorities.

What is the role of intelligence in the overall defense transformation process?

Answer. One of the key tenets of Secretary Rumsfeld's transformation initiatives is information dominance. The protection of our information and its networks and the seamless transfer of information throughout our military forces enable us to act upon our adversaries before they act upon us.

Question. Specifically for the defense Intelligence Community, what does transformation mean?

Answer. As a military officer I am fully aware that—in a doctrinal sense—we have opted for precision over mass. Said differently, we have decided that we can operate smarter and better by creating the effects of mass through precision targeting. We will defeat our enemies because the impact of destroying a critical target in a discrete, or focused, way maximizes our effectiveness and maximizes the disruptive effects on the enemy.

But precision weapons are never more precise than the intelligence that enables them. We need intelligence worthy of the precise weaponry that we have and are creating.

This shouldn't be surprising. The way a nation makes war is as indicative of its culture as the way it writes poetry or creates music. We are an information-based society. America's military is an information based combat force; hence, the absolute criticality of precise, timely and relevant intelligence for our battlefield forces.

Question. In your view, what transformational capabilities does our Intelligence Community require?

Answer. Transformation in the Intelligence Community requires both a technological and a cultural change.

Culturally, we need to combine like efforts while at the same time encouraging analytical differences. To do this, the DNI will need to gain visibility into all intelligence related activities but also know what management approach to emphasize for each of the IC's individual parts: a firmer hand to gain economies of scale when it comes to collection but perhaps a lighter hand when it comes to nurturing a variety of analytical approaches.

Technology must be harnessed to deal with what will become even more acute information overload in the future. We need to present information in the "language" of the receiver and in such a way as to facilitate decisionmaking.

Question. If confirmed, how would you ensure that defense transformation and the larger Intelligence Community transformation are mutually supportive and complementary?

Answer. Many efforts are already underway within the Intelligence Community to transform and improve processes. Step one will be to use the enhanced authorities of the DNI to get our arms around all disparate efforts. We need to combine like efforts and eliminate duplication where appropriate. We need to identify best practices and eliminate the inefficient. Most of all, we need to set a direction with clear, unambiguous guidance and use the tools that the law gives us to ensure our efforts are synchronized.

DEFENSE INTELLIGENCE

Question. The defense intelligence structure has evolved over the years, most recently with the creation of the Defense Human Intelligence Service in 1996, the establishment of the National Imagery and Mapping Agency (NIMA), now the National Geospatial Intelligence Agency, in 1997, and the establishment of the Under Secretary of Defense for Intelligence in 2002.

In your view, is the current organizational structure of defense intelligence the best structure to support military and national intelligence needs?

Answer. The organizational structure of defense intelligence is complex. The USD(I) already has several efforts underway to improve the efficiency and the effectiveness of defense intelligence. The creation of Joint Intelligence Operations Centers (JIOCs), for example, is a clear recognition that intelligence—by its nature—is inherently operational. The creation of intelligence campaign plans is another effort that will rationalize and clearly articulate DOD intelligence needs. Similarly, the increased authorities of Commander STRATCOM in global ISR promise to bring greater order and flexibility into this important area.

I would therefore be very reluctant to conclude that any current structure is the "best." It will be important, though, to harmonize changes planned or underway in DOD's tactical activities with the changes the DNI may make at the national level.

Question. If not, what changes would you recommend to the current structure?

Answer. Although I have no specific recommendations to make, I would stress that this structure is clearly something that should not be static, but should evolve over time in response to changing circumstances and needs. All of our activities are simply elements of larger strategies and policies. As the operational environment evolves, we need to ensure that our institutional arrangements emerge accordingly.

Question. In your view, what role should the Under Secretary of Defense for Intelligence play in order to best serve the needs of the Department of Defense, as well as the Director of National Intelligence?

Answer. My personal sense is that to the degree that Defense can package up the tactical intelligence activities of the military departments and present them in a unified, integrated, coherent way to the DNI, that would be a real virtue and something that would be very welcome. Under the best of circumstances, the USD(I) should be a key agent of the SECDEF and a key ally of the DNI.

ACQUISITION AUTHORITY

Question. The Intelligence Reform and Terrorism Prevention Act of 2004 establishes significant acquisition authority for the Director of National Intelligence, and provides that the Director of National Intelligence shall exercise exclusive milestone decision authority over Intelligence Community acquisition programs; except that with respect to Department of Defense intelligence programs, the Secretary of Defense and Director of National Intelligence will jointly exercise this authority.

What challenges, if any, do you see associated with the exercise of joint milestone decision authority by the Secretary of Defense and the Director of National Intelligence?

Answer. If confirmed, we will need to work out procedures that will allow us to exercise this joint authority in a way that does not create undue burdens in paperwork or time.

Question. What organizational structures will the Director of National Intelligence need to establish to ensure comprehensive and professional oversight of complex acquisition programs?

Answer. If confirmed, I will recommend to the DNI that he create a robust acquisition office to carry out the responsibilities identified in the law. Once the above referenced joint MDA process is defined, the DNI will need a staff to ensure proper practices and oversight.

Question. In your view, should milestone decision authority within the Intelligence Community be centralized within the Office of the Director of National Intelligence, or delegated to the heads of the respective elements of the Intelligence Community?

Answer. Under the IR&TPA, milestone decision authority rests exclusively with the DNI, except with respect to DOD programs. An analysis of specific practices, and the possible need or desirability to delegate any such authorities, will have to be reviewed after the DNI has been confirmed.

TACTICAL INTELLIGENCE AND RELATED ACTIVITIES AND JOINT MILITARY INTELLIGENCE PROGRAMS

Question. The Department of Defense currently funds important military intelligence programs through the Tactical Intelligence and Related Activities (TIARA) and Joint Military Intelligence Program (JMIP) accounts. The Director of National Intelligence will have significant budget authority in the formulation of National Intelligence Program budget recommendations made by elements of the Intelligence Community, as recommended by the 9/11 Commission. The 9/11 Commission also recommended that the Secretary of Defense retain principal authority for the formulation of TIARA and JMIP programs. The Intelligence Reform and Terrorism Prevention Act of 2004 provides for the Director of National Intelligence to participate in the formulation of TIARA and JMIP budget submissions.

In your view, what role should the Director of National Intelligence play in the development of military intelligence budget recommendations submitted by the military Services and the Department of Defense?

Answer. If confirmed, I will recommend to the DNI that his office play a robust and constructive role in the formulation of the JMIP and TIARA programs budgets.

This will be very important. Much of the discussion in the press and elsewhere over the past year has implied that there exists a clear distinction between "tactical" and "national" intelligence. This is at best wrong headed and it is potentially dangerous. One can still suggest that some users are more "national" users of intelligence, while others can still be described as "tactical" but the intelligence itself is likely to be part of a seamless whole, riding on a common network and applied simultaneously by various users pursuing a range of objectives.

Question. If confirmed, what steps would you take to ensure that the various components of the intelligence budget meet the needs of battlefield commanders, as well as the needs of the President and other national decision makers?

Answer. Support to the warfighter is a principal objective of the Intelligence Community. If confirmed, I will recommend to the DNI that we regularly consult with DOD and combatant commanders to identify both their current and future requirements. These needs will then be communicated through budgetary guidance to the intelligence components for preparation and development of the annual NIP budget submission.

HUMAN INTELLIGENCE

Question. The Secretary of Defense has indicated that he would like to have enhanced human intelligence capabilities within the Department of Defense.

Do you support the goals of the Secretary of Defense in enhancing the human intelligence capabilities of the Department of Defense?

Answer. Yes.

Question. What aspects, if any, of enhancing Defense human intelligence that would cause you concern as the Principal Deputy Director of National Intelligence?

Answer. This is largely an issue of coordination and deconfliction. HUMINT collection efforts between DOD and CIA must be coordinated and deconflicted for efficiency and to prevent unintended consequences. We do not want, for example, the HUMINT operations of one organization to interrupt or reveal the HUMINT operations of another. We must also ensure that all HUMINT operations are conducted in a manner consistent with US law and policy.

Question. What steps do you believe need to be taken to ensure that the goals and overall mission of defense human intelligence are consistent with the overall human intelligence goals of the Intelligence Community?

Answer. One of the statutory responsibilities of the DNI is to ensure effective use of intelligence resources. If confirmed, I would recommend to the DNI that he issue consistent guidance across the IC about maximizing the use of HUMINT resources.

Question. In your view, what changes or additional capabilities, if any, are needed in the Department's human intelligence organization?

Answer. As a SIGINTer and head of NSA, I am not fully prepared to address detailed changes needed by DOD's HUMINT organizations at this time. As a general matter, however, I would stress the need for language skills and area expertise as essential building blocks for any HUMINT activities.

Question. At various times, some have suggested that the human intelligence efforts of the Department of Defense and the Central Intelligence Agency should be consolidated.

Do you believe the Defense Human Intelligence capabilities should be consolidated or integrated into the Central Intelligence Agency?

Answer. I understand that this is an issue discussed in the WMD Report and I look forward to considering it in more detail, if confirmed.

MILITARY PERSONNEL TRAINING AND ASSIGNMENT

Question. The Intelligence Reform Act and Terrorism Prevention Act of 2004 gives the Director of National Intelligence significant authority over the assignment, extensions and transfers, and the proposed training of uniformed personnel serving within the Intelligence Community.

In your view, what procedures should be established to ensure that military personnel assigned to the Intelligence Community are managed so as to ensure that they develop the intelligence skills required to support both military and national intelligence requirements?

Answer. If confirmed, I intend to use my experience at NSA to help inform the judgment of the ODNI on this issue. Specifically, NSA is well practiced in working with a military workforce that is more junior, less experienced and more transient than its civilian counterpart in the Agency. I viewed this as a condition to be managed, rather than a problem to be solved. Accepting that the demands of uniformed service made the above conditions almost inevitable, we worked on the positive aspects that our military workforce brought to the enterprise—youth, energy, new ideas, deployability, recent education—rather than these more negative attributes.

I would also suggest that the greatest return on HR policy investment for the DNI would be with the Community's civilian workforce that does not yet enjoy the advantages of tech schools, leadership training, professional military education, mentoring and a rigorous promotion system that are already routine for our military personnel.

I would also add that many of these military programs should serve as models for how we develop our civilian workforce within the IC.

Question. If confirmed, what steps will you take to ensure that assignment, transfer, and extension policies for military personnel detailed to the Intelligence Community are consistent with the assignment and professional development policies of the parent military service?

Answer. It is to the mutual advantage of DOD and the DNI to routinely review how the military services recruit, train, and develop intelligence professionals. It would be inefficient and counter-productive for all concerned if time and efforts were spent giving a service member the skills to prosecute an intelligence target, only to have that person transferred to a new assignment before any of us could reap the

value of that development. I believe it especially important that we examine ways that service members can be promoted or otherwise recognized for their excellence as intelligence professionals.

EVALUATION OF INTELLIGENCE SUPPORT

Question. In your capacity as Director of the National Security Agency and as Deputy Commander of U.S. Forces Korea, you gained insights into the process by which the Intelligence Community provides intelligence support to the combatant commanders and other elements of the Department of Defense.

Based on this experience, how would you rate the job the Intelligence Community is doing in supporting the combatant commanders and other elements of the Department of Defense and what improvements, if any, would you recommend?

Answer. Let me address this from what I am very familiar with, SIGINT. SIGINT has gotten overwhelmingly positive reviews in prosecuting the counterterrorism mission over the last 3 years. As the target evolves, we have constantly evaluated and adjusted our efforts to ensure continued success in protecting the homeland and defeating our adversaries. We have created a more expeditionary force, moving forward into the warfighters' environment to operationalize intelligence to the maximum degree.

Question. If confirmed as Principal Deputy Director of National Intelligence, what steps would you take to ensure that support to the warfighter is a priority of the overall Intelligence Community and the Director of National Intelligence?

Answer. I am unable to imagine circumstances in which support to American combat forces would not enjoy the same priority it does today. That said, if the need were ever to arise, I would rely on my experience at NSA to reinforce the priority that American forces should enjoy. In short, we are critical to the fight and every bit as much a part of the operational team as air, armor, or infantry.

REQUIREMENT FOR SENIOR MILITARY OFFICERS ON THE STAFFS OF THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

Question. A position currently exists within the Director of Central Intelligence (DCI) staff for an Associate Director for Military Support, specifically to coordinate Intelligence Community support to the military and military support to the DCI.

Do you believe that a similar position should be established within the staff of the Director of National Intelligence?

Answer. While there have been no decisions regarding the structure of the ODNI, it is clear to me that that the needs of the Department of Defense and of American military forces are a priority and that the DNI will have to craft an organizational structure to support those needs.

Question. In your view, is there a continuing requirement for a senior military officer on the staff of the Director of the Central Intelligence Agency?

Answer. I would, of course, defer to the DCIA and Secretary of Defense on this issue. My personal experience, however, indicates that the Associate Director of Central Intelligence for Military Support was a very valued member of the CIA team and an important spokesman for the needs of the Department of Defense.

LESSONS LEARNED

Question. You have served in a variety of both operational and intelligence positions within the Air Force and within the Department of Defense during your military career.

What are the most important lessons you have learned regarding tactical, operational, and strategic intelligence during your tenure in senior leadership positions within the Department of Defense and within the Intelligence Community?

Answer. One of the most important lessons I have learned through observation over the course of my career is the rapid pace at which the distinctions between national and tactical intelligence have disappeared. In fact, in my 6 years as Director, National Security Agency, I have never had to choose between a "national" and a "tactical" effort. In today's environment, those two terms have eroded to non-recognition. I have had to make many choices based on resources, but never were the challenges tactical versus national.

With the passage of the Goldwater-Nichols Act, NSA was designated a Combat Support Agency for those activities it provides in support of operational commanders. We take this role very, very seriously and provide actionable, near-real-time intelligence and information system risk management support to operational commanders.

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, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree to give your personal views, when asked before this committee to do so, even if those views differ from the administration in power?

Answer. If confirmed, I will be as forthcoming as possible in giving this committee my views, consistent with my responsibilities under the Constitution and laws as an executive branch official.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Principal Deputy Director of National Intelligence?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided in a timely manner to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

NATIONAL INTELLIGENCE DIRECTORATE AND DOD INTELLIGENCE IMPROVEMENTS

1. Senator INHOFE. General Hayden, recently our country and Congress have had a debate on intelligence reform and it resulted in the consolidation of our intelligence resources under the Director of National Intelligence (DNI). As you addressed in your opening statement, the Defense Department is the single largest user of intelligence in the U.S. Government. An issue of concern when Congress created this new organizational structure was how the Defense Intelligence Agency (DIA) would operate in this new body—what would be its ability to continue to collect and disperse specific and applicable information in a time-sensitive environment. You have said in your statement that this new framework will give us the opportunity to improve overall intelligence for DOD. Given this previous concern and your background in the military and the National Security Agency, would you please elaborate on how you foresee the realization of this opportunity for the DOD?

General HAYDEN. The establishment of the position of the Director of National Intelligence offers an opportunity to improve the quality of intelligence the Department of Defense receives today and will receive tomorrow. By separating the authority for managing the Intelligence Community from the head of the Central Intelligence Agency, Congress, and the President have created the conditions under which the head of the Intelligence Community will be able to focus more attention across the entire community. This will help ensure that resources can be better marshaled and tracked to sharpen the focus of intelligence collection and analysis. Production improvements at the agency level can be further leveraged through DNI efforts to create and formalize a culture of collaboration across the Intelligence Community, for example through establishment of a deputy DNI position for Customer Outcomes with an associate deputy responsible to focus on military support. The objective is to produce more and better information and share it more widely. To the degree we succeed this approach will benefit DOD and indeed all intelligence consumers.

HUMAN INTELLIGENCE

2. Senator INHOFE. General Hayden, one of the areas in which we may find ourselves lacking and has been point of concern is our government's ability to gather human intelligence. Understanding that the best way to understand what is going on in the world is to analyze information from multiple sources, it seems that with our utilizing information from other governments and international non-governmental sources, as well as from our own technological sources, we may not be getting enough information from our own human intelligence sources. Is this of concern

to you and is this an area the Director of National Intelligence will be exploring to ensure we have the best information to make critical national security decisions?

General HAYDEN. Human intelligence can make a critical difference to the policy and military decisions of the United States Government. Much good work has been done at CIA in the recent past to beef up its human collection capabilities, and it is clear this work needs to continue so that our country will have the ability to obtain the best human intelligence possible. Other organizations, and in particular DOD, have roles to play in this area as well. As recognized in the IRPTA, one of the DNI's key responsibilities will be to ensure effective coordination and synchronization of all HUMINT activities within a collaborative intelligence environment. Enforcing the role of a HUMINT manager and ensuring deconfliction of CIA and DOD operations are two steps towards achieving this goal.

QUESTIONS SUBMITTED BY SENATOR SAXBY CHAMBLISS

NATIONAL AND TACTICAL INTELLIGENCE

3. Senator CHAMBLISS. General Hayden, let me quote something from an article I wrote for the current edition of Parameters, which is the Army War College Quarterly: "Real intelligence reform must look beyond the definitions of 'national' and 'tactical.' It must address the intelligence needs of the President in the White House, but it must also address the needs of the U.S. Army private in Baghdad or the U.S. Marine lance corporal in Fallujah. We cannot send American military forces into battle without the full spectrum of support from the entire Intelligence Community." What are your views on the definition of "national" versus "tactical" intelligence?

General HAYDEN. I would agree with your quoted statement, and reiterate my testimony to you in April that in my view the idea of a separation of national and tactical intelligence is wrong-headed and potentially dangerous. In a collaborative intelligence environment the availability of timely and relevant intelligence, from White House to foxhole, would be based upon the intelligence need, not the characterization of the intelligence source. The new intelligence structure will provide the DNI the opportunity to look across all intelligence operations to ensure that the information that is needed to serve all the intelligence needs of our country—tactical as well as national—is collected and shared.

4. Senator CHAMBLISS. General Hayden, do these terms even have meaning in today's threat environment?

General HAYDEN. From an operational perspective, no. The distinction between them lives on at the programmatic level.

5. Senator CHAMBLISS. General Hayden, if the distinction between "national" and "tactical" intelligence is eroding, should we address having a closer relationship between our tactical capabilities and the DNI?

General HAYDEN. I believe a closer relationship would be advantageous, and the Intelligence Reform and Terrorism Prevention Act provides several tools in this area. The Act makes specific provision for the Director of National Intelligence to participate in the development by the Secretary of Defense of the annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities. It also provides for the Director of National Intelligence to provide advisory tasking to intelligence elements of those agencies and departments not within the National Intelligence Program. More broadly, the act states that the Director of National Intelligence shall have principal authority to ensure maximum availability of and access to intelligence information within the Intelligence Community consistent with national security requirements. This provision makes no programmatic distinctions regarding either the information to be made available or the organizations that are to provide and receive it. Summarizing, with regard to our tactical capabilities the DNI helps shape their budgets, helps focus their collection and analysis, and exercises principal authority for integrating them into a collaborative intelligence environment.

INTELLIGENCE COMMAND

6. Senator CHAMBLISS. General Hayden, in your prepared remarks you said, "My personal sense is that to the degree that Defense can package up the tactical intelligence activities of the military departments and present them in a unified, integrated, coherent way to the DNI, that would be a real virtue and something that

would be very welcome." Senator Ben Nelson and I couldn't agree more, which is why we introduced our Intelligence Command (INTCOM) bill. In your view, could a unified command for intelligence accomplish what you are looking for relative to the unification and integration of our tactical intelligence activities in the military departments and DIA?

General HAYDEN. My personal view is that a unified command for intelligence is not necessary in order to improve the unification and integration of U.S. tactical intelligence activities. What I meant in my prepared remarks was that unifying and integrating the tactical intelligence activities of the Services, such as the tactical signals intelligence elements of each Service, into some coherent structure for reporting up to the Director of National Intelligence on issues of common concern would better help the DNI understand their issues. This could be accomplished through internal DOD restructuring, perhaps involving oversight by the Under Secretary of Defense for Intelligence, without the need for a unified command.

[The nomination reference of Lt. Gen. Michael V. Hayden, USAF, follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 14, 2005.

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

The following named officer for appointment in the United States Air Force to the grade of indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be General

Lt. Gen. Michael V. Hayden

[The biographical sketch of Lt. Gen. Michael V. Hayden, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF LT. GEN. MICHAEL V. HAYDEN, USAF

Lt. Gen. Michael V. Hayden is Director, National Security Agency, and Chief, Central Security Service, Fort George G. Meade, MD. The NSA/CSS is a combat support agency of the Department of Defense with military and civilian personnel stationed worldwide. He is the department's senior uniformed intelligence officer.

General Hayden entered Active Duty in 1969 after earning a bachelor's degree in history in 1967 and a master's degree in modern American history in 1969, both from Duquesne University. He is a distinguished graduate of the university's ROTC program. General Hayden has served as Commander of the Air Intelligence Agency and as Director of the Joint Command and Control Warfare Center. He also has served in senior staff positions at the Pentagon, Headquarters U.S. European Command in Stuttgart, Germany, National Security Council in Washington, DC, and the U.S. Embassy in the People's Republic of Bulgaria. Prior to his current assignment, General Hayden served as Deputy Chief of Staff for United Nations Command and U.S. Forces Korea at Yongsan Army Garrison, South Korea.

Education:

1967 Bachelor of Arts degree in history, Duquesne University, Pittsburgh, Pennsylvania.
1969 Master's degree in modern American history, Duquesne University.
1975 Academic Instructor School, Maxwell Air Force Base, Alabama.
1976 Squadron Officer School, Maxwell AFB, Alabama.
1978 Air Command and Staff College, Maxwell AFB, Alabama.
1980 Defense Intelligence School, Defense Intelligence Agency, Bolling AFB, DC.
1983 Armed Forces Staff College, Norfolk, Virginia.
1983 Air War College, Maxwell AFB, Alabama.

From	To	Assignments
January 1970	January 1972	Analyst and briefer, Headquarters Strategic Air Command, Offutt AFB, Nebraska.
January 1972	May 1975	Chief, Current Intelligence Division, Headquarters 8th Air Force, Andersen AFB, Guam.
May 1975	July 1975	Student, Academic Instructor School, Maxwell AFB, Alabama.
July 1975	August 1979	Academic instructor and commandant of cadets, ROTC program, St. Michael's College, Winooski, Vermont.
August 1979	June 1980	Student, Defense Intelligence School (postgraduate intelligence curriculum), Defense Intelligence Agency, Bolling AFB, DC.
June 1980	July 1982	Chief of Intelligence, 51 st Tactical Fighter Wing, Osan Air Base, South Korea
July 1982	January 1983	Student, Armed Forces Staff College, Norfolk, Virginia.
January 1983	July 1984	Student, air attache training, Washington, DC.
July 1984	July 1986	Air attache, U.S. Embassy, Sofia, People's Republic of Bulgaria.
July 1986	September 1989	Politico-military affairs officer, Strategy Division, Headquarters U.S. Air Force, Washington, DC.
September 1989	July 1991	Director for Defense Policy and Arms Control, National Security Council, Washington, DC.
July 1991	May 1993	Chief, Secretary of the Air Force Staff Group, Office of the Secretary of the Air Force, Headquarters U.S. Air Force, Washington, DC.
May 1993	October 1995	Director, Intelligence Directorate, Headquarters U.S. European Command, Stuttgart, Germany.
October 1995	December 1995	Special assistant to the Commander, Headquarters Air Intelligence Agency, KellY AFB, Texas.
January 1996	September 1997	Commander, Air Intelligence Agency, and Director, Joint Command and Control Warfare Center, Kelly AFB, Texas.
September 1997	March 1999	Deputy Chief of Staff, United Nations Command and U.S. Forces Korea, Yongsan Army Garrison, South Korea.
March 1999	Present	Director, National Security Agency, and Chief, Central Security Service, Fort George G. Meade, Maryland.

Major Awards and Decorations:

Defense Distinguished Service Medal.
Defense Superior Service Medal with oak leaf cluster.
Legion of Merit.
Bronze Star Medal.
Meritorious Service Medal with two oak leaf clusters.
Air Force Commendation Medal.
Air Force Achievement Medal.

Promotion	Effective Date
Second Lieutenant	June 2, 1967
First Lieutenant	June 7, 1970
Captain	Dec. 7, 1971
Major	June 1, 1980
Lieutenant Colonel	Feb. 1, 1985
Colonel	Nov. 1, 1990
Brigadier General	Sept. 1, 1993
Major General	Oct. 1, 1996
Lieutenant General	May 1, 1999

[The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Lt. Gen. Michael V. Hayden, USAF, in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Michael Vincent Hayden, Allan Michael Myers (Amended April 15, 2005).

2. **Position to which nominated:**
Principal Deputy Director of National Intelligence, Washington, DC.

3. **Date of nomination:**
April 14, 2005.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
March 17, 1945; Pittsburgh, PA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Jeanine Carrier Hayden (Nee Jeanine Alice Carrier).

7. **Names and ages of children:**
Margaret Graf, 36; Michael Hayden, Jr., 35; Liam Hayden, 30.

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
None.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Organization	Office Held	Dates
Council on Foreign Relations	Member	2003 to present.
American Association of Retired People	Member	2003 to present.
Council on Foreign Relations	Member	2003 to present.

11. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the committee by the executive branch.
None.

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify before any duly constituted committee of the Senate?
Yes.

13. **Personal views:** Do you agree, when asked before any duly constituted committee of Congress, to give your personal views, even if those views differ from the administration in power?

Yes.

[The nominee responded to the questions in Parts B–E of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–E are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

MICHAEL V. HAYDEN.

This 22th day of March 2005.

[The nomination of Lt. Gen. Michael V. Hayden, USAF, was reported to the Senate by Chairman Warner on April 21, 2005, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on April 21, 2005.]

NOMINATIONS OF GEN. PETER PACE, USMC, FOR REAPPOINTMENT TO THE GRADE OF GENERAL AND TO BE CHAIRMAN, JOINT CHIEFS OF STAFF; ADM EDMUND P. GIAMBASTIANI, JR., USN, FOR REAPPOINTMENT TO THE GRADE OF ADMIRAL AND TO BE VICE CHAIRMAN, JOINT CHIEFS OF STAFF; GEN. T. MICHAEL MOSELEY, USAF, FOR REAPPOINTMENT TO THE GRADE OF GENERAL AND TO BE CHIEF OF STAFF OF THE AIR FORCE; AMBASSADOR ERIC S. EDELMAN TO BE UNDER SECRETARY OF DEFENSE FOR POLICY; DANIEL R. STANLEY TO BE ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS; AND JAMES A. RISPOLI TO BE ASSISTANT SECRETARY OF ENERGY FOR ENVIRONMENTAL MANAGEMENT

WEDNESDAY, JUNE 29, 2005

U.S. SENATE
COMMITTEE ON ARMED SERVICES
Washington, DC.

The committee met, pursuant to notice, at 9:40 a.m. in room SD–106, Dirksen Senate Office Building, Senator John Warner (chairman) presiding.

Committee members present: Senators Warner, McCain, Inhofe, Roberts, Sessions, Talent, Chambliss, Graham, Cornyn, Thune, Levin, Dayton, and Clinton.

Other Senators present: Senator Allen and former Senator Bob Dole.

Committee staff members present: Judith A. Ansley, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Ambrose R. Hock, professional staff member; Gregory T. Kiley, professional staff member; Sandra E. Luff, professional staff member; Thomas L. MacKenzie, professional staff member; David M. Morriss, counsel; Stanley R. O'Connor, Jr., professional staff member; Lynn F. Rusten, professional

staff member; Scott W. Stucky, general counsel; Kristine L. Svinicki, professional staff member; and Richard F. Walsh, counsel.

Minority staff members present: Richard D. DeBobes, Democratic staff director; Daniel J. Cox, Jr., professional staff member; Madelyn R. Creedon, minority counsel; Gabriella Eisen, research assistant; Evelyn N. Farkas, professional staff member; Richard W. Fieldhouse, professional staff member; Creighton Greene, professional staff member; Gerald J. Leeling, minority counsel; and Peter K. Levine, minority counsel.

Staff assistants present: Andrew W. Florell and Catherine E. Sendak.

Committee members' assistants present: Christopher J. Paul, assistant to Senator McCain; Chris Arnold, assistant to Senator Roberts; Meredith Moseley, assistant to Senator Graham; Russell J. Thomasson, assistant to Senator Cornyn; Bob Taylor, assistant to Senator Thune; David S. Lyles, assistant to Senator Levin; William K. Sutey, assistant to Senator Bill Nelson; Mark Phillip Jones and Kimberly Jackson, assistants to Senator Dayton; and Andrew Shapiro, assistant to Senator Clinton.

OPENING STATEMENT OF SENATOR JOHN WARNER, CHAIRMAN

Chairman WARNER. Good morning all. The Armed Services Committee is very pleased, and indeed honored, to have before us such a distinguished panel of nominees from our President.

This morning we have two very distinguished panels of nominees who will come before us.

For our first panel, we have three military nominees. General Peter Pace, U.S. Marine Corps, has been nominated to be the next Chairman of the Joint Chiefs of Staff, Admiral Edmund P. Giambastiani, Jr., has been nominated to be the Vice Chairman of the Joint Chiefs of Staff, and General T. Michael Moseley is the nominee to be the next Chief of Staff of the U.S. Air Force.

We also have joining us Ambassador Edelman. Senator Allen, we'll recognize you momentarily for the introduction. I understand that Senator Nelson, of Florida, will introduce General Pace, Senator Clinton will introduce Admiral Giambastiani, and Senator Cornyn will introduce General Moseley. We'll proceed with those introductions momentarily.

We will have a second panel, again, with Ambassador Edelman, to be Under Secretary of Defense for Policy; Dan Stanley, to be Assistant Secretary of Defense for Legislative Affairs; and James Rispoli, to be the Assistant Secretary of Energy for Environmental Management.

I would now like to ask Senator Levin to say a few words before the introductions. Then we have a special need to hear from our distinguished colleague from Oklahoma, who is chairman of the Committee on Environment and Public Works, and has a conference on the Highway Bill.

Senator Levin.

Senator LEVIN. Mr. Chairman, I'm going to withhold my statement until later so that our introducers, including Senator Nelson, who have scheduling conflicts can proceed. If it's all right with the

chair, I would give my opening statement a little bit later, after those introductions are made.

Chairman WARNER. Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman.

First of all, let me thank you for giving me just a moment here. I do chair the Highway Bill Conference, and we're in the middle of doing that right now, and there's a lot of interest in this room, as well as in that room, on that. So, I won't be able to stay here.

However, I've been honored to be able to talk to five of the six nominees that are before us today. I fully support all six of them. General Pace has always been one of my heroes, and I'm hoping that, in some of the advance questions that I sent in, that you'd be in a position to elaborate on the quality of the training of the Iraqi security forces. That is often demeaned. It's been my experience, being over there, that they're doing a great job. The spirit is there, the capability is there, and I can see them growing in ability, as well as in numbers.

So I just wanted to say, Mr. Chairman, I do support all of these nominees, and I am anxious to hear what they have to say vicariously through staff.

Thank you.

Chairman WARNER. Thank you very much, Senator.

Now, Senator Nelson, if you can grab a chair, at some point? Most appropriate—standing tall, as always. Just grab a seat there, Senator. That is fine. Please go right ahead.

Senator BILL NELSON. Mr. Chairman, thank you very much.

It's my privilege to formally introduce to our committee General Pace, who is going to assume the very august responsibility as Chairman of the Joint Chiefs.

I think it's noteworthy that it's almost a family affair. General Pace was introduced to his wife, Lynne, by Admiral Mullen, the Chief of Naval Operations (CNO). As a matter of fact, General Pace had his engagement party with General Jones. So, this family has come up together. General Pace has his own immediate family here—his son, his daughter, and his wife, Lynn.

I got to know General Pace when he was our commander, in Miami, of the United States Southern Command. Of course, that is a unique command in which you not only need a military warrior as commander, but you need a diplomat. He did such an excellent job that he was asked to be the Vice Chairman, a role he has performed the last several years. It's very fitting that, at the time in which this country is going to have challenges that are extraordinary, and at a time in which we have to be successful in our efforts in Iraq, because the alternatives are rather consequential if we were not successful, that this responsibility is falling to a leader who has been prepared all of his life, and that is General Pete Pace.

So, it's my pleasure to introduce him to our committee, Mr. Chairman.

Chairman WARNER. We thank you, Senator. You clearly spoke from the heart.

Senator BILL NELSON. Thank you, sir.

Chairman WARNER. Now, Senator Allen, I understand you have a time constraint, and if you'd like to introduce our distinguished nominee?

STATEMENT OF HON. GEORGE ALLEN, U.S. SENATOR FROM THE STATE OF VIRGINIA

Senator ALLEN. Thank you, Mr. Chairman and ranking member, Senator Levin, and other members of the Armed Services Committee.

It is my pleasure to present to you a gentleman that some of you all have voted on over the years, and that is the respected gentleman who resides in Stafford County. I'll not go through all of his wedding matters. If you want to put that part in, that's good to hear. I will note that he does have a son who is at Mary Washington University, but the President has nominated Ambassador Eric Edelman to be Under Secretary of Defense for Policy. I think that many of the members of this committee have voted for him at least once—and some, twice.

He has 25 years of distinguished service as a Foreign Service officer in a variety of roles. He has provided, indeed, Mr. Chairman and members of the committee, bipartisan service to the United States under several presidents. He has been confirmed twice by the United States Senate. Most recently, in 2003, President George W. Bush nominated, and the Senate confirmed, Ambassador Edelman to be Ambassador to Turkey, where he served with distinction until last week. In 1998, President Clinton nominated, and the Senate confirmed, Ambassador Edelman to be the Ambassador to Finland, where he served from 1998 until 2001. He's also served in numerous other diplomatic posts, from Prague to Moscow and elsewhere. He has had assignments, including several key executive positions in various agencies and administrations. He has served as Vice President Cheney's Principal Deputy Assistant for National Security Affairs, and was actually with the Vice President when Washington was attacked on September 11, 2001.

Ambassador Edelman also served as Deputy Secretary of State Strobe Talbott's executive assistant, and Secretary of Defense Cheney's Assistant Deputy Under Secretary of Defense for Soviet and East European Affairs. He was also Special Assistant to, I think, one of the most highly regarded, wise, and respected Secretaries of State, George Schultz.

He graduated from Cornell. He has his Ph.D from Yale. He received the State Department's Superior Honor Award, amongst many of his honors, which are part of the record.

If he is again, Mr. Chairman, confirmed by the Senate, I believe that Ambassador Edelman's return to the Defense Department will carry on the tradition of other distinguished diplomats, such as Mort Abramowitz, Frank Wisner, and Michael Armacost, who have lent their wisdom and skill to the Department in bipartisan service to our country.

I thank you, Mr. Chairman, members of the committee, for allowing me to present this outstanding individual for your consideration and, hopefully, prompt action.

Thank you, Mr. Chairman.

Chairman WARNER. Senator Allen, we thank you for taking the time to introduce this distinguished nominee. I wish to associate myself with your remarks. I share your views about this nominee. Thank you.

Senator ALLEN. Thank you, Mr. Chairman.

Chairman WARNER. Senator Clinton, for Admiral Giambastiani?

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

It's a great honor and privilege to formally introduce someone who probably doesn't need an introduction, but I can't resist doing so anyway, because I have had the great opportunity to work with Admiral Giambastiani over the last several years. Of course, he was born in Canastota, New York, and we claim him, still, to this day.

After graduating from the Naval Academy in 1970, his distinguished career took him back home to New York twice, early in his career. He served at the Naval Reserve Training Center in Whitestone, New York, and at the Nuclear Power Training Unit in Schenectady, New York. Since those early assignments in New York, his career has taken him all over the globe as a submarine commander and in several assignments in which he was responsible for development of new technologies and experimental processes. Many of us remember him in the days after September 11, when he often accompanied Secretary Rumsfeld to Capitol Hill for briefings, as the Secretary's senior military assistant.

Over the past 2 years, I've had the privilege to become well acquainted with the admiral. During his current assignment as Commander, Joint Forces Command, in Norfolk, and as North Atlantic Treaty Organization (NATO) Supreme Allied Commander Transformation, last year I was pleased to be invited by Admiral Giambastiani to join the Joint Forces Command's Transformation Advisory Group (TAG), a group that he formed to advise him on transformation issues. Through our work together on TAG, I have been impressed by the Admiral's intellectual openness to new ideas, as well as his devotion to joint transformation.

I must say, Mr. Chairman, any committee that includes as many distinguished former military officers, people who run some of the most well-known think tanks and think deeply about military ideas and strategies with Newt Gingrich and me has to have an open discussion, and we certainly have had that.

As our military faces new challenges of transformation over the next several years, I can think of no one better suited to helping us think through these challenges than Admiral G., as he is often called. I'm looking forward to working with him, as well as with General Pace and General Moseley, to apply some of the lessons that we have learned and ideas that have emerged out of the Transformation Advisory Group.

New Yorkers are very proud, but I think Americans are, as well, that this appointment is being considered today. I am pleased that he has been joined by his family—his wife Cindy, his daughter Cathy, and his son Peter, who's also serving in the Navy. It is a real privilege to not only introduce him, but to look forward to working with him in the years to come.

Thank you, Mr. Chairman.

Chairman WARNER. Thank you, Senator. I, again, wish to associate myself with your remarks. I have the highest regard for the Admiral.

Now we have Senator Cornyn, who will introduce General Moseley.

Senator CORNYN. Thank you, Mr. Chairman, for allowing me to say a few words on behalf of General "Buzz" Moseley.

It's always a privilege to introduce such a fine American and Texan to the committee. I commend President Bush for nominating this fine individual to be Chief of Staff of the United States Air Force. There's no doubt in my mind he will do an outstanding job.

We're all very much aware of the problems that the Air Force has faced over the past few years. These challenges provide even more reason why the Air Force needs a leader of the caliber of Buzz Moseley as Chief of Staff. I'm confident General Moseley is equal to the challenge. He's a man of integrity and honor, and I know he is equally concerned about the problems in the Air Force, as we all are.

Although the committee is certainly aware of General Moseley's distinguished career, I would like to point out just a few of the highlights.

He graduated from Texas A&M University in 1971, with a Bachelor of Arts degree in political science. He earned a Master of Arts degree from Texas A&M in 1972, also in political science. Then he went to Big Spring, Texas, where he earned his wings. He's a command pilot, and has flown more than 2,800 hours in a range of aircraft. He commanded the F–15 Division of the Fighter Weapons School in the 57th Wing, the Air Force's largest, most diverse flying wing. He's also served as the Director of Legislative Liaison for the Air Force, something this committee knows about and which is no small assignment.

More recently, he served as Commander of the 9th Air Force and the U.S. Central Command Air Forces. I know General Tommy Franks is full of praise for Buzz's work in ensuring that Operation Enduring Freedom and Operation Iraqi Freedom were truly joint and successful operations.

Mr. Chairman, as the Department of Defense and the Services work to transform our military to meet the threats of the 21st century, I believe that General Moseley is the right person for this job. He has the proven experience, leadership, and dedication to see that the Air Force lives up to its proud history and tradition.

Thank you very much.

Chairman WARNER. Senator, we thank you for your strong statement on his behalf, and I associate myself with your remarks, having known and worked with this distinguished officer for some years now.

I want, at this moment, to say, with a great sense of humility, that being a former marine myself, we marines—and I'm going to call on Senator Roberts, another fellow marine—to take due note of the fact that one of our marines in the 200-plus-year history of the Marine Corps now has been recognized by the President to take over the highest position for a professional military officer.

Senator Roberts, would you like to add your erudite comments at this moment?

Senator ROBERTS. I don't know about the erudite part, Mr. Chairman, but I'm very happy to note, with pride, that General Pace will be the first marine to serve as Chairman of the Joint Chiefs. As a former member of our Nation's September 11 force in readiness, and ready to put cold steel on the enemy anytime, anyplace, at the direction of the President or the Chairman of the Joint Chiefs, I know I speak for all marines in saying how proud we are, General, in regards to this outstanding officer and this nomination.

Mr. Chairman, we are all joined at the hip with the Navy. I say "we"—those of us in the Marine Corps—in our amphibious missions and our operations. In doing so, we have always been proud—over 200 years—to assist and serve our Navy. I note with pride that today we will soon see an outstanding Admiral assisting and serving our new chairman.

I won't say that "it's about time," I just would like to say it is very appropriate. [Laughter.]

I think it will be an outstanding team, on behalf of our national security.

General Pace, on behalf of all of our marines, again, I express a great deal of pride in regards to your past service and what we know will be outstanding service to our Nation in the future.

General PACE. Thank you, sir.

Chairman WARNER. Thank you very much, Chairman Roberts.

I think there's another footnote in history that should be recognized here this morning. One of the most important functions of a Member of Congress, both the House and the Senate, is our nominations to the Service academies. I believe there is a benchmark in history about to be established, in that the Chairman, the Vice Chairman, and the CNO are all graduates of Annapolis. Would you set the appropriate order of protocol, General Pace, as to the classes and the rankings, which I'm sure will be observed in these respective positions now?

General PACE. Sir, I'm Class of 1967. Mike Mullen is Class of 1968, and Ed Giambastiani is Class of 1970.

Chairman WARNER. Class of what?

General PACE. 1970, sir, and Mike Hagee, sir, is Class of 1968.

Chairman WARNER. That locks it up pretty well.

Senator Levin.

STATEMENT OF SENATOR CARL LEVIN

Senator LEVIN. Mr. Chairman, thank you.

I join you in welcoming our nominees and their families this morning. All of us here know, and I believe all Americans know, of the tremendous sacrifice that you and your families have made, and will continue to make, for the good of our Nation. We thank you for that dedication. We thank you and your families for the long hours that you put in, on behalf of all of us.

The three officers on our first panel have assembled an impressive record of service, with more than 100 years of collective experience in the military. Each has performed well in some of the most senior positions in our military. General Pace has served as Vice Chairman of the Joint Chiefs of Staff, Commander of the U.S. Southern Command, and Commander of U.S. Marine Corps Forces

Atlantic. Admiral Giambastiani has served as Commander of the U.S. Joint Forces Command, Commander of Submarine Force, U.S. Atlantic Fleet, and Deputy Chief of Naval Operations. General Moseley has served as Vice Chief of Staff of the Air Force and Commander of the 9th Air Force in U.S. Central Command Air Forces.

If confirmed, these highly distinguished officers will take the helm of our military at a time of serious challenge. As Chairman, Vice Chairman, and Air Force member of the Joint Chiefs of Staff, General Pace, Admiral Giambastiani, and General Moseley will be asked to play a critical role, balancing the heavy demands placed on our forces by current operations against the need to train and equip the force to meet future threats.

As Chief of Staff of the Air Force, General Moseley will be asked to help strengthen the morale and confidence of an organization which has been undermined by a serious acquisitions scandal and by recent events at the Air Force Academy.

By the way, Senator Kent Conrad just came by a few minutes ago to express his strong support and long friendship with you, General. He really looks forward to your confirmation.

I've referred to this time of serious challenge when our nominees are assuming their new duties. Foremost among those challenges is the war in Iraq, which has not only taken its physical and financial toll, but it has weakened recruitment and threatens to weaken retention within our volunteer Army. There is a consensus among our military leaders that military action without a political settlement will not defeat the insurgency in Iraq.

Iraq has become a terrorist-producing factory whose output is increasing. To say that we are there as long as we are needed is too open-ended and sends the wrong message to Iraqi leaders. The best chance to change the dynamic in Iraq and to succeed in Iraq is to make clear to the Iraqis that, unless they meet their own timetable for adopting a constitution, that the United States will review our position in Iraq with all of our options open, including a reevaluation of our military commitment. If the Iraqis come together politically, and if they can unify against the outside jihadists, who do not want an Iraqi nation to be created, then we will have the best chance of success in Iraq.

I look forward to the thoughts of our nominees on Iraq or other critical issues that they face. I believe they are extremely well qualified to take on these challenges, and I look forward to their testimony.

Chairman WARNER. Thank you very much, Senator Levin.

I would like, at this time, to ask each of the nominees to introduce all of their family members who are in attendance today. As Chairman, I ask those family members to stand and be recognized.

General Pace?

General PACE. Sir, I would be delighted, thank you very much.

My wife Lynne, who I met when I was a first-class midshipman at the Naval Academy over 38 years ago, who has been my wife for 34 years, who has—as many, many spouses in the military—been the glue that has held our family together while I've been about our country's business. She serves this country as well as any uniformed member of the Armed Forces, and I love her, as you would expect.

Because of her, we have two wonderful children. Sitting next to my wife is our daughter Tiffany. Tiffany is an accountant here in Fairfax, Virginia, with the National Rifle Association. She is studying hard at night to add to her undergraduate degree so she can get her Certified Public Accountant degree.

Next to her is our son Peter, who just spent 6 years on Active-Duty in the Marine Corps. He is now a captain, United States Marine Corps Reserve. He is going to graduate school to get his MBA at the University of Chicago. His wife Lindsay is not here with us today, because she is working in Chicago.

Next to my son is my sister-in-law, Mary Pace, married to my brother, Sim, for over 37 years. They live here in Arlington, Virginia. Sim preceded me at the Naval Academy, Class of 1965, served in Vietnam, was wounded twice, and has been an example for me all my life and someone I truly respect.

Missing, importantly, my brothers Sim and Tom, my sister, Elizabeth, and my mom, who thought she could make it today, but, because of illness, could not. But she is in Waretown, New Jersey. If she's not in church right now, burning the church down, saying prayers that I get through this confirmation hearing, she's watching on television, sir. [Laughter.]

Thank you.

Chairman WARNER. Thank you, General. You did that with superb feeling, and it means a lot to the families of the military, wherever they are in the world. At no time in our recent history have the hearts and the minds of Americans poured out more to the families who care and love those who are serving in uniform, wherever they are.

General PACE. Thank you.

Chairman WARNER. Admiral Giambastiani, would you kindly introduce your family?

Admiral GIAMBASTIANI. Thank you, Chairman Warner.

Once again, it's an honor to be here before this committee today.

I am joined by my fire-support team, led by my wife. Cindy and I celebrated our 29th anniversary 3 days ago. She is the daughter of a career Air Force officer, and had two brothers, both of whom served—one served in the Navy as a Naval Academy graduate and a test pilot, another brother who was an Air Force Academy pilot. She comes from a long family of distinguished servicemembers; and she has moved her entire life. She has been the rock of our family, as you would imagine, and she has led the way, all the way. I can't thank her enough for what she has done.

She also has brought two lovely children into our family. My son Peter is a Navy lieutenant. He has just returned from two tours of duty on the east and west coast, on a frigate and a cruiser. He now serves on the House side of the Navy's Legislative Liaison Office. He arrived there in September. We are very fortunate to have him.

She also gave me my daughter Kathy. Kathy is a just-recently-graduated law-school graduate of American University. She is studying to take her bar exam, and will do that at the end of July. She is accompanied by a friend, also from American University. I guess we would call him her boyfriend. [Laughter.]

As it turns out, he is also a lawyer, and studying for that bar exam, also. You can stand up, Jason. [Laughter.]

Senator LEVIN. He just sunk right through the floor. [Laughter.]

Admiral GIAMBASTIANI. He's a "significant other," as my wife has corrected me.

Finally, I am not joined by my dad, but he's in Cazenovia, New York, along with my sister and her family, watching today. My dad is almost 87 years young. He was a Navy man for a few years, a long time ago. He is the sole remaining one of my parents, but I know my mom is looking at us. General Pace said that the church is burning down. My mother is saying a few novenas, as we like to say. My dad, I know, is very proud, and I'm very proud of him.

Thank you for the opportunity to introduce this family.

Chairman WARNER. Thank you very much, Admiral, beautifully done.

General Moseley.

General MOSELEY. Mr. Chairman, thank you for the opportunity to introduce my best friend, companion, and wife Jenny, who is the daughter of a naval officer, who is now a rancher and a farmer in Texas. Jenny has been alongside on this journey with me since August 1967. We've been married 34 years, and everything good that has happened to me and my family is a direct result of her.

We have two wonderful kids. We have a daughter who is a school teacher in public service, and is not with us today because she's preparing for her next academic year. We have a son, a captain fighter pilot in the Air Force, who, after five deployments, is home in the Pacific right now, and, I am told, on the flying schedule this morning. So, he would rather be there than here.

Again, Mr. Chairman, everything that is good that has happened in my family is a direct result of Jenny and her leadership and her advice and her partnership. Sir, thank you again, for the opportunity to introduce her.

Chairman WARNER. We thank you, General, and we thank all the families. We thank all those in attendance who have joined me in the privilege of hearing these magnificent statements and seeing the true military family that we are so proud of here in America.

Now, the committee has asked all our nominees, military and civilian, to answer a series of advance policy questions. They have responded to those questions, and, without objection, I will make the questions and the responses part of the record.

I also have certain standard questions we ask every nominee who appears before this Senate committee. Gentlemen, if you would please respond to each of the following questions.

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

General PACE. I have, sir.

Admiral GIAMBASTIANI. I have, sir.

General MOSELEY. I have, sir.

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

General PACE. No, sir.

Admiral GIAMBASTIANI. No, sir.

General MOSELEY. No, sir.

Chairman WARNER. Will you ensure that you and your staff comply with deadlines established for communications with the Congress of the United States, including responses to questions for the record, in the course of our hearings?

General PACE. I will, sir.

Admiral GIAMBASTIANI. Yes, sir.

General MOSELEY. Yes, sir.

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

General PACE. Yes, sir.

Admiral GIAMBASTIANI. Yes, sir.

General MOSELEY. Yes, sir.

Chairman WARNER. Will those witnesses be protected from any possible reprisal for their testimony or briefings?

General PACE. Yes, sir.

Admiral GIAMBASTIANI. Yes, sir.

General MOSELEY. Yes, sir.

Chairman WARNER. Do you agree, if confirmed, to appear and testify, upon request, before this committee and other committees of Congress?

General PACE. I do, sir.

Admiral GIAMBASTIANI. I do, sir.

General MOSELEY. I do, sir.

Chairman WARNER. Do you agree to give your personal views, when asked, even if those views might differ from the views of the administration in power, or your respective superiors?

General PACE. I will, sir.

Admiral GIAMBASTIANI. I will, sir.

General MOSELEY. I will, sir.

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

General PACE. Yes, sir.

Admiral GIAMBASTIANI. Yes, sir.

General MOSELEY. Yes, sir.

Chairman WARNER. General Pace, again, I warmly welcome you and your family, and would you kindly proceed with your opening statement?

STATEMENT OF GEN. PETER PACE, USMC, FOR REAPPOINTMENT TO THE GRADE OF GENERAL AND TO BE CHAIRMAN, JOINT CHIEFS OF STAFF

General PACE. Senator Warner, Senator Levin, members of the committee, thank you.

To be nominated to be Chairman of the Joint Chiefs of Staff is both exhilarating and humbling. It's exhilarating because, if confirmed, I will have the opportunity to continue to do my best to serve this country. It's humbling because I know that the road ahead will not be easy. We are a country at war. We have a tough road ahead. But I am absolutely confident in our soldiers, sailors, airmen, marines, and coastguardsmen that they will deliver for this country, as they always have.

If confirmed, my priorities will be the war on terror, improving joint warfighting capacity, transforming our forces for the future, and pursuing initiatives for quality of life for our families and our troops.

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

Chairman WARNER. Thank you.

Admiral Giambastiani.

STATEMENT OF ADM EDMUND P. GIAMBASTIANI, JR., USN, FOR REAPPOINTMENT TO THE GRADE OF ADMIRAL AND TO BE VICE CHAIRMAN, JOINT CHIEFS OF STAFF

Admiral GIAMBASTIANI. Thank you, Mr. Chairman.

Let me thank the committee and also the United States Congress for your tremendous continuing support of our soldiers, sailors, airmen, marines, coastguardsmen, and Defense civilians.

I am proud and humbled, as General Pace said, to be nominated to serve alongside the superb officers at this table. I'm also honored that our Nation's leaders have nominated me, and shown trust and confidence in me to help lead our Armed Forces, along with General Pace. I assure you that, if I am confirmed, I will wake up every day dedicated to serving our national defense and those soldiers, sailors, airmen, marines, and coastguardsmen who protect our Nation and its interests.

Thank you, sir.

Chairman WARNER. Thank you very much, Admiral.

General Moseley.

STATEMENT OF GEN. T. MICHAEL MOSELEY, USAF, FOR REAPPOINTMENT TO THE GRADE OF GENERAL AND TO BE CHIEF OF STAFF OF THE AIR FORCE

General MOSELEY. Mr. Chairman, Senator Levin, committee members, thank you for the opportunity to appear before you today.

I am deeply humbled and honored to be here. I truly appreciate the enormity, the importance, and responsibility of the Office of Chief of Staff of the United States Air Force.

For me, it's a humbling experience to look down the path of history and see the faces of those who have held this position. Since 1947, the Air Force has seen 18 outstanding airmen as Chiefs of Staff, including the expert leadership of our current Chief, General John Jumper. If confirmed as the next Chief of Staff, I will wake up every morning and pledge to do all in my power to live up to their legacy and to earn the sacred trust that you gave them. I am most grateful for the opportunity to continue serving my fellow airmen, along with my wife Jenny, who has been my primary advisory, loyal companion, again, best friend, and partner through this journey.

Mr. Chairman, today I am incredibly proud to be a member of an Air Force family that has over 28,000 airmen deployed in every continent, in every time zone, in a true joint endeavor, alongside soldiers, sailors, marines, coastguardsmen, and merchant marines. The 684,000 Active, Guard, Reserve, and civilians of the United States Air Force also wake up every morning knowing that this

Nation is at war. It is hard for me to express how intensely proud I am of each of them and their families. Their professionalism, determination, and expertise are second to none.

Mr. Chairman, as I wake up every morning, the things that I worry about are fighting this war in a true joint, interdependent way, transforming our military, being a better partner on the joint team, taking care of our people, and looking at opportunities to modernize this force. Sir, our people are our greatest asset, and, in every way, they serve every day without asking for much.

Mr. Chairman, thank you, again, for the opportunity to come before this committee, and I look forward to your questions.

Chairman WARNER. Thank you very much, General.

We will now proceed to a 6-minute round of questions.

Each of you were selected from amongst your peers because of outstanding records of achievement as professional officers. But now you're taking on a responsibility that has a new dimension, in that you're going to be charged with representing the interest of your respective branches of Services. As you are referred to now, that is, in case of General Pace, Admiral Giambastiani, purple-suiters—in that you will give your unbiased opinions, fairly, on behalf of each of the Services, no matter how much your continuing loyalty to your respective Service. I'm confident, having worked with each of you for some many years now, that you can make that transition.

I remember, most affectionately, when I served as Secretary of the Navy with Admiral Moorer, he used to quip that he had his purple suit on, but he really had a little book on his desk written by Robert E. Lee's aide-de-camp, called "The Unbiased History of the Civil War from the Southern Point of View," and he never forgot the naval perspective, but he rose above that and was a distinguished chairman.

In addition to equality of opinion among the respective Services is your duty to give your best and your most honest appraisal of situations to your immediate superior, the Secretary of Defense. When you deem it necessary, under Goldwater-Nichols and its modifications, the law clearly provides that you can go to the President.

Now, I think, for this record this morning, I would like to ask each of you if you agree, or have any hesitation whatsoever, when you may have a position which differs from that of the Secretary of the Defense, or, indeed, might differ from that, as enunciated by the President, that you would unhesitatingly go forward and provide, each with your own professional judgment and opinion.

General Pace.

General PACE. Sir, I absolutely agree with that responsibility. My experience from the last 3½ years tells me that not only is it expected of me by you and the members of the committee, but it is expected of me by the Secretary of Defense and the President of the United States. I've taken that opportunity in the last 3½ years, and, if I need to, and if confirmed, I will do so again, sir.

Chairman WARNER. Admiral Giambastiani.

Admiral GIAMBASTIANI. Mr. Chairman, as General Pace has stated, I believe it is a duty of each of us—and, of course, I take this duty very solemnly—that I, in fact, will continue to express my

military advice, whether it's contrary or not, to the President, the Secretary of Defense, and to the Chairman of the Joint Chiefs of Staff and other members of the Joint Chiefs at any point, at any time. I think it is important and incumbent upon each of us to understand that's part of our role and duty as a member of the Joint Chiefs, and also in the position for which I've been nominated. If confirmed, you have my absolute commitment to carry forward through that.

Chairman WARNER. Thank you.

You made reference "out of respect for Congress," but also those duties go down to the lowest-ranking private or sailor, seaman, in respective branches of our Government, and the airmen and the Army, all the way down, and to every citizen of this country. You owe that obligation. There is no higher obligation you will have than to express your best personal advice to those who are making the critical decisions along with you.

Further, General Pace, as Chairman, should members of the Joint Chiefs and the Vice Chairman, likewise, have views differing from those that you have expressed and the Vice have expressed, and they so desire to let their superiors—namely, the Secretary and the President—know of their views, do you assure this Committee you will facilitate that opportunity?

General PACE. Sir, absolutely. It is their responsibility, as well as mine, to ensure that every opinion is spoken, especially if it is different.

Admiral GIAMBASTIANI. Sir, I will carry forward that commitment.

Chairman WARNER. I stress these questions, because I've had the privilege of observing the military contributions of men and women in the Armed Forces for some 60 years, and I cannot recall a period in contemporary military history where the challenges are more diverse, where we face an enemy, which is really without precedent, an enemy that follows no international conventions or international law, follows nothing but their determination to bring death and destruction to people all over the globe. Therefore, there are not going to be many guideposts out there as you make these decisions as to how best to employ the men and women of the Armed Forces of the United States in this war on terror. It's going to require innovation and initiatives unlike any that we have seen before in our contemporary military history.

In the course of the President's remarks last night, and in the national debate that is ensuing, General Pace and Admiral Giambastiani, we see a continuation—and I don't say this by any means as criticism—of the issue of whether or not there are adequate forces of the combined coalition force—and most particularly of the U.S. contribution to the coalition forces of our troop strengths in Afghanistan and Iraq. Our President, with a measure of great courage, states clearly that he listens carefully—as he should—to the advice of the military leaders, and he is willing to accede to a recommendation, which might be forthcoming, suggesting an increase in the level of our forces.

General Pace, that will be a question that will be raised every day between now and whenever we succeed with our goals in Iraq, and I would like to have you advise the committee this morning as

to how you will go about your own formulation of a decision as to that level, and how you would then communicate it with the Secretary of Defense and, indeed, the President.

General PACE. Sir, I have struggled with the answer to that question for the last couple of years, because it is, in fact, a very difficult situation to judge properly. On one hand, you want to have the correct number of troops to provide enough security in the country to allow the mechanisms of governance, the political process, to move forward, and but on the other without so heavy a presence that you become an oppressor and don't allow the Iraqi people to participate in building their own country.

So, as an example of the way we process this—and, to my knowledge, sir, every single request for forces that has come from General Abizaid, General Casey, and their predecessors has been provided to them. As an example, when General Casey was here this past week, on Monday, he came in to the Tank with the Joint Chiefs. He briefed us on the current situation, as he saw it. He briefed us on how he envisioned using troops in the future so that we could analyze his plan for the future and determine for ourselves whether or not we agreed or disagreed, to ask him questions, to reach a conviction that the numbers of troops he was asking for, and the way he planned on employing them, were correct. We did that again just this past Monday. Collectively, as Joint Chiefs, we were comfortable with his plan for the way ahead and the number of troops, but it is clearly a balance between enough troops, to get the job done, and too many troops so as to appear to be an oppressor. We work with that literally weekly, sir.

Chairman WARNER. Admiral.

Admiral GIAMBASTIANI. Mr. Chairman, I had the honor of also attending that meeting earlier this week with the Joint Chiefs, on invitation. As the Commander, United States Joint Forces Command, all of the requests for forces that come in from combatant commanders from around the world all get funneled to the Commander, U.S. Joint Forces Command. So, my staff and I work very hard to fulfill all of these requests for forces. As General Pace said, I'm not aware of any requests that we have not met, to the full satisfaction of General Abizaid, General Casey, our other combatant commanders.

I might mention one or two things that I think are important, in addition to what General Pace has said. Number one, it is important for us to come up, if you will, with this right number. I never know if any specific number is exactly right. There's always a range of numbers that are good. The reason I would say that is, without getting into any classified details, we always put forces on what we call "prepare-to-deploy orders." There may be a 24-hour prepare-to-deploy, 48-hour, 72-hour, or something else.

The reason why I say this is that, during the January elections, we increased the total number of troops there by keeping some longer in theater and also sending a couple of battalions—in this case, out of the 82nd Airborne Division—and we put them in, at the request of General Casey and General Abizaid—and they were sent out on short notice, because they were prepared to do this. In fact, in Iraq and in Afghanistan we also have arrangements to provide, if you will, for flexibility that the combatant commanders

want. So, it is not just the number that is in the theater, it is also this flexible number that we can add above it on short notice if they need additional troops.

The last thing is that, in order to get my head right, in addition to talking with the senior commanders, as Commander, U.S. Joint Forces Command, I've made repeated visits into the theater to talk with the commanders so that I had a better understanding; and also when they came back to the United States after being deployed, to get a feel for where they are.

Thank you, sir.

Chairman WARNER. Thank you very much.

General Moseley, you take over as Chief of Staff of the Air Force in the aftermath of a very troubled period for this very distinguished and historic branch of our Armed Forces. I have the greatest respect for General Jumper. I think he has done his very best. I commend him for the manner in which he has steadfastly continued in his leadership in the face of challenges, whether they've been procurement allegations, of contracts being handled in a manner inconsistent with law and regulation, or very severe problems experienced by the U.S. Air Force Academy. One of the reasons that you were selected is that you are perceived to possess the strength to carry on the good work of your predecessor to, as we say in the Navy, "right the keel and bring her back." I know that you will do that. You have my personal commitment to assist in every way possible.

Please outline some of the initial steps, if confirmed, that you will take to respond to these problems in the Department of the Air Force.

General MOSELEY. Mr. Chairman, thank you for that trust and confidence.

Let me first say, because we had a hearing yesterday on the Air Force Academy, that one of the first things that I would like to tackle, if confirmed, is to meet again with a variety of the cadets out there, and with faculty, and to re-emphasize the Agenda for Change, and to reinforce the policies that we have set in motion, under the leadership of General Jumper, to bring more leadership and more visibility onto the Air Force Academy. It is unsatisfactory, and it is outrageous, to have one of our cadets that is either mistreated, assaulted, or in any way fearful of walking across the campus or going anywhere on that campus. So, sir, you have my pledge that that is at the top of my list.

Also, we have, over the last few weeks, had a chance to look at the religious intolerance allegations at the Academy. I think, with General Brady's report that we distributed to the committee, we see that we have had some insensitivities at the Academy. We have had some things that concern me, personally, that relate to superior/subordinate relationship dialogue, relative to religious freedom. You can rest assured that is also at the top of my list, because one of the pillars of our society in this great country is religious freedom and the freedom to practice one's faith and one's spirituality. It is unsatisfactory to have a cadet feel that she or he cannot practice their faith or somehow believe that they are disadvantaged because of their faith. That is absolutely unsatisfactory.

Sir, I would also offer to you that there is much to be done in the world of acquisition reform. This committee has been very helpful. Senator McCain has been very helpful in highlighting this. There are processes that we should have taken, and acts we should have taken along the way, that we now see, with acquisition reform, would make this a lot better.

Mr. Chairman, I will tell you that, in the world of acquisition reform along the way, as we downsized the Air Force, we took too many people out of that oversight role—cost estimators, engineers, testing evaluators, program managers. My pledge to you, the committee, and to my Air Force, is that we will right this with the right rudder trim to get the right people back into that process, because it is a process—it is a legal process, and it is a process that needs to be open and visible.

So, sir, the first two things, other than fighting this war and taking care of our people, will be to ensure that the Air Force Academy, which is the backbone of our officer corps, which produces about a thousand lieutenants a year, is right, and that every kid that goes to that academy feels safe and comfortable and graduates as a lieutenant to serve this country and hold a commission as a lieutenant. The second is to look at acquisition reform, because, Mr. Chairman, that's so critical to the recapitalization and modernization of our Air Force that we have to do this right.

Sir, thank you for that question.

Chairman WARNER. I thank you, General. This committee stands by to help you in every way possible.

Senator Levin?

Senator LEVIN. Thank you, Mr. Chairman.

General Pace, both Active and Reserve Forces are experiencing significant challenges in achieving their recruiting targets. The Active Duty Army is more than 8,000 enlistments behind its goal for fiscal year 2005. The Army and Air National Guard, the Army Reserve, the Navy Reserve, and the Marine Corps Reserve have all missed monthly recruiting goals. Recruiting professionals predict that the recruiting marketplace will be even more difficult next year. What, in your opinion, will be the effect of an ongoing conflict in Iraq and Afghanistan on recruiting for our Armed Forces?

General PACE. Senator, thank you. You're absolutely correct that we face a challenge recruiting right now, especially for ground forces, like the Army and the Marine Corps. Congress has been very generous in supporting us with incentives for recruiting, but this is not about money; it's about message, it's about our young folks in this country understanding that we truly are at war with an enemy that seeks to eliminate the way we live, and to encourage our young people, as young folks have done throughout our Nation's history, to come forward to help defend this Nation against a very real threat, and to encourage the families of those young folks to let them follow their instincts in supporting this Constitution and this country.

I believe that there is sufficient love of country and desire to serve, that if encouraged properly by the leadership, and if sent to do missions that are understood to be good and supported, that we will continue to fill the ranks of our Services. I point to the fact that, for those who are currently in uniform, active and Reserve,

our retention rates are higher than what we have experienced historically. Those who are in uniform serving this country "get it." They understand what they're doing; they understand the value; and they understand this enemy. Those who are looking to serve this country should be encouraged to do so, sir.

Senator LEVIN. General Pace, a number of our senior military officers have said that military action alone won't solve the situation in Iraq. General Myers said that, "Progress in the political front's going to be the key to progress against the insurgency." General Casey has said, "The political process will be the decisive element." General Alston said, "This insurgency will not be settled through military options or military operations. It's going to be settled in the political process." Do you agree?

General PACE. I absolutely agree, sir. The military and police forces of the coalition can provide a level of stability inside the country for the political process to go forward, but this clearly now is the responsibility of the Iraqi people and the Iraqi government to write their constitution, to vote for their new government, to take responsibility for their future, with the coalition's help, and to get on about the business of governance, because it is governance and economics that will be the future success in Iraq, sir.

Senator LEVIN. Senator Collins and I wrote a letter to the President the other day and I want to quote portions of that letter to you, relative to the subject that you just addressed. "Some administration officials," we wrote, "have said recently that we would stay in Iraq as long as needed. We believe that goes too far, because it is too open-ended a commitment to the Iraqis that we will continue to provide security, even if they fail to agree on a constitution; thereby lessening the chances the Iraqis will make the compromises necessary to defeat the jihadists and the insurgency, and become a nation."

We continue, "There is a consensus that military action, without a political settlement, will not defeat the insurgency in Iraq. We believe that we should send a clear message to the Iraqis that they need to reach a political settlement according to the timetable to which they have agreed."

We continue that we should "review our position in Iraq, with all of our options open, if the Iraqis fail to meet their own timetable for adopting a constitution. Part of that review of our position would include a re-evaluation of our military commitment."

I want to just read the final two paragraphs. "The failure of the Iraqis to adopt a constitution as scheduled would represent a lack of will to create a country, and would, instead, reflect a continued willingness by them to rely on U.S. troops to carry a burden that the Iraqis must accept. We should demonstrate to the Iraqis that our willingness to bear that burden is not unlimited. We have opened the door for the Iraqis, but only they can walk through it; we cannot hold that door open indefinitely. Only a constitutional agreement, a political agreement among all parties, can change the status quo and end the current deadly dynamic in Iraq. The possibility of our leaving, unless such a settlement is reached, can help bring about that agreement."

Now, this is a question for you, and I'd welcome a comment on what I've quoted, do you agree it is essential to success in Iraq that

the Iraqis recognize that it is important to stick to the timeline for the drafting and ratification of a new constitution?

General PACE. Sir, first, what you read to me is the first time I've heard those words, so, without them in front of me, I would not want to comment on the totality of what you said. With regard to the absolute requirement for the Iraqis to take hold of their own future, to stay on timeline, and to begin the process, which they have, of writing their constitution on time—and on time is 15 August—having the referendum on that constitution, which is 15 October, and having a vote for the new government under that constitution, which is 15 December, are all things which we should continue to press forward on.

From the military viewpoint, we need to continue to work with their armed forces to make them stronger and better so that they can provide the proper environment inside of which that process can take. But, whatever you and the other political leaders of this Nation do on the political side to impress upon the Iraqis the need for assuming more and more responsibilities for themselves will certainly help in the governance of that country and the way ahead, sir.

Senator LEVIN. Does that include meeting their own self-imposed deadline for adopting a constitution?

General PACE. We should absolutely encourage them to do that, yes, sir.

Senator LEVIN. Encourage, or tell them how essential it is?

General PACE. Sir, that is out of my lane, but I do agree with the fact that, as they write their constitution and have their elections, just like the last election, it will have major impact on the society and on their armed forces. As an example, if I may, sir, since the elections in January there has not been a single Iraqi armed-force unit that has been pushed off the battlefield. Before January 2005, they left combat sometimes. Since that time, not a single Iraqi unit has left. I believe that a significant reason for that is the belief in their own political process, the standup of their own government, their own elections, and that another election, based on the new constitution, will further reinforce the belief in their own country, of their own armed forces.

Senator LEVIN. Well, to put it in another way, will there be any fallout if they don't meet that deadline? Do you believe this—just as it was important, militarily, that they met their election date last time, is it also critically important, militarily, that they meet their self-imposed timetable this time?

General PACE. I think it is important, sir, that they meet timelines. I think it's important to the Iraqi people to understand that they're moving forward. So, yes, if they were to miss timelines, that would have some negative impact.

Again, that would be situation dependent on why they missed the timeline and how long they missed it by; but the fact of the matter is, we should encourage them to stay on their own timelines, to take care of their own business.

Senator LEVIN. Thank you.

My time is up.

Chairman WARNER. I just wish to add, here, in the course of our hearings last week I asked similar questions of General Abizaid,

What would happen if they missed the August 15 deadline? Would it send a message to the terrorist insurgents? Unhesitatingly, he said yes, it could well have serious implications that would be negative, in terms of our ability, militarily, to continue to repress this terrorism. I hope you share that view.

General PACE. Sir, I do share that view. I would align myself with General Abizaid's statement.

Chairman WARNER. I would put into this record, at this point, the actual question and reply by General Abizaid.

[The information referred to follows:]

Chairman WARNER. Thank you, Mr. Secretary.

General Abizaid, you have had a very long and distinguished career in our military and much of that career of service has been in this region of the world. Your understanding of the people and the culture and their capabilities and the history—there is a lot to be said that we should have examined with greater care the history of this culture as we proceeded with this military mission.

What are your assessments as to the ability of the Iraqi people to succeed in the goals outlined very clearly by Secretary Rumsfeld just now and in other testimony?

General ABIZAID. Mr. Chairman, I think both General Casey and I would tell you that we spend a lot of time working very closely with Iraqis on the political side and on the military side, and we have known Iraqis that have been killed by the terrorists, that have succumbed to the insurgents. It is interesting how many times when one of them is killed another one will stand up and take their place.

The desire to be free, the desire to develop a society within their own cultural norms, that allows them freedom and opportunity for a better future for their families, is not only an Iraqi desire; I think it is a desire of most human beings everywhere on this planet. That the United States Armed Forces help to give them that is absolutely one of the most important things I think we have ever been engaged in.

We often do talk past one another culturally. We do have barriers of understanding that get in the way of efficient business sometimes. But as we go down this road, both in Afghanistan and Iraq and in other places in the region, the cultural gap is closing, and it needs to close faster. There is nothing about Islam that says Iraq cannot move in the direction it is moving. There is nothing about the Arab culture that says that people cannot participate in their future in a free and participatory manner.

The opportunity for a new beginning is clearly there. I believe that people throughout the region, not only in Iraq but elsewhere, in Lebanon, in Syria, in Saudi Arabia, you name the country in the Middle East—but they are all looking for the opportunities for reform and a better future and for accountability from their governments, and I think that is possible.

Chairman WARNER. Let me ask a second part of this question. Should there be a delay in adopting the constitution, or the invoking of the 6-month extension, creating a perception that the formation of this new permanent government is being delayed, for whatever reason, what is likely to be the reaction of the insurgents and others who want to stop this process in Iraq? Will they redouble their efforts? Will there likely be more participants from other nations that are flowing into Iraq daily? What would be the consequences from a military standpoint should that scenario become a reality?

General ABIZAID. My view is that if there is a delay, it gives the insurgents the opportunity to get better organized, it increases the number of deaths and the tempo of action. It would be a bad thing, but not fatal.

Chairman WARNER. Thank you.

Senator LEVIN. Mr. Chairman, I would like to put into the record, also, the letter which I and Senator Collins sent to the President the other day.

Chairman WARNER. Without objection.

[The information referred to follows:]

United States Senate
WASHINGTON, DC 20510

June 27, 2005

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

We are writing to express our concerns about the current dynamic in Iraq.

Some have proposed setting a fixed date for departure. We agree with you that such a policy would be counter-productive, because it would give an incentive to insurgents and jihadists to simply outlast us, and because it would also increase the chances of a civil war on our departure.

At the opposite extreme, some administration officials have said recently that we would stay in Iraq as long as needed. We believe that goes too far, because it is too open-ended a commitment to the Iraqis that we will continue to provide security even if they fail to agree on a constitution, thereby lessening the chances the Iraqis will make the compromises necessary to defeat the jihadists, end the insurgency, and become a nation.

The Iraqis have approved a timetable for adopting a constitution: August 15, with the possibility of one 6-month extension. There is a consensus that military action without a political settlement will not defeat the insurgency in Iraq. We also believe that none of the ethnic groups in Iraq wants our forces to leave. Therefore, we believe that we should send the clear message to the Iraqis that they need to reach a political settlement according to the timetable to which they have agreed.

In your speech to the nation on Iraq tomorrow night, we hope you will make it clear that unless the Iraqis meet their own timetable for adopting a constitution, we will review our position in Iraq with all of our options open, including a reevaluation of our military commitment. The failure of the Iraqis to adopt a constitution as scheduled would represent a lack of will to create a country, and would instead reflect a continued willingness by them to rely on U.S. troops to carry a burden the Iraqis must accept. We should demonstrate to the Iraqis that our willingness to bear that burden is not unlimited.

We have opened the door for the Iraqis, but only they can walk through it. We cannot hold that door open indefinitely. Only a constitutional agreement – a political agreement among all parties – can change the status quo and end the current deadly dynamic in Iraq. The possibility of our leaving unless such a settlement is reached can help bring about that agreement.

Sincerely,

Carl Levin

Carl Levin

Susan Collins

Susan M. Collins

Chairman WARNER. Senator Roberts.

Senator ROBERTS. Thank you, Mr. Chairman.

General Pace, I know there's another hearing tomorrow regarding the status of the Army and the Marine Corps, as we fight the global war on terrorism. I just came back from Fort Riley to welcome home a battalion who are back from their second mission. I

know you are not a witness at tomorrow's hearing, but—I may not be there, but I would like to know, basically, any comments you would make in regards to the "wearing out"—and I'm using that term in quotes—of the equipment that we must have to conduct any mission there in the desert. It is a big problem.

As I look at the armor there at Fort Riley, and talk to our marines, I am gravely concerned. I don't know what we're going to do, in terms of all of the equipment. There is much of it that you're going to try to redo or re-engine or re-something. I'm not too sure that, once you do that, that it's worth the effort, in terms of cost. In my view, I don't know how we're going to fund that. Would you have any comments?

General PACE. Senator, thank you.

First, if I may, sir, thank you for your very generous comments, before. I deeply appreciate it, sir, especially coming from a fellow marine. Thank you.

Our estimates, sir, are that it will take about 2 years after the end of armed conflict to be able to put all of our equipment through the depots to be reconstituted to like-new status. About 2 years, sir. That means that, currently, if we go to war somewhere else, if we had to, that we would certainly be able to meet this Nation's obligations to defeat any enemy, but we clearly would not have 100 percent of the equipment that we would like to have to fight that war. So, it would be less precise, for example, than we have been in this conflict.

Senator ROBERTS. I thank you for your candor, and I think we have a major obligation and responsibility. I think Congress has to take a hard look at that. I congratulate the chairman on holding the hearing.

General Moseley, we talked about the issue of tanker recapitalization. It reminds me of Zane Grey's "To the Last Man," on the sheep and cattle war, out in Arizona, John. After we have the analysis of alternatives, when that is finished later this year, we talked about the time frame by which the Air Force is looking to recapitalize this very aging fleet. Some of the planes are as old as I am. From my side of the table, I'm concerned about the price tag it's going to bring with it, as we discussed. I think the tankers are some of the most important things in the inventory, without question. We don't go to war without the tankers. I mean, the war stops.

We've had cost problems with these planes. With the budget constraints Congress faces, and will continue to face for the foreseeable future, my question is, How can we recapitalize the tanker fleet at such a rate that we don't significantly sacrifice our strategic capabilities? Would you have any comments on that, sir?

General MOSELEY. Sir, thank you for the question. The analysis of alternatives (AOA) is in work now, within the Office of Secretary of Defense (OSD). We anticipate that to provide some insight, later this summer, which will then be reviewed for sufficiency by OSD Program Analysis and Evaluation (PA&E), which will then take us back to a request for proposal (RFP) and open competition to drive the best cost, the best price for the chosen alternative.

Senator Roberts, this process is the right way to do that, with an analysis of alternatives, and to look at competing this to get the costs down on the chosen alternative.

We also have the mobility capability study that is in work, and is working inside the Quadrennial Defense Review (QDR) right now, that will help us with mobility requirements and lift requirements and tanker requirements. It's working parallel to that. We look forward to seeing what the AOA says, and we look forward to the PA&E sufficiency review so that we can get on with the competition and get the best price for this airplane.

Senator ROBERTS. My only concern is, by the time we're through, to replace the tanker fleet, or to go back in and do the re-engineering, that we're going to have planes that are not my age; we're going to have planes 80 years old. We've never done that before. So, I hope we can find an answer to this, and I hope, with my colleagues' attention, we can do it in the proper way, in regards to authorizing and appropriating, which could have saved us a lot of time, before.

I have one other comment to make. I'm concerned about the Southern Command. General Pace, we have 360 million people in 31 nations, average age 14, malnourished. We have the tilt of government change there that really is not in the best interest of America—or, at least in comparison to previous governments, are not as stable. We have a situation in Brazil where they are challenging the entire U.S. program policy and trade, and a situation that is a little different in Argentina; in regards to Venezuela and Hugo Chavez, who self-described himself as the next Castro, and he may well be; in terms of energy, in terms of immigration, in terms of drugs, in terms of trade, in terms of money going to terrorists. All of those things are taking place in that part of the world. We took an awful lot of infrastructure out and provided it to the Balkans, which then went to Afghanistan and Iraq, and we haven't put it back. Now we have the big issue here, in regards to Central American Free Trade Agreement (CAFTA), which also has a lot of very strategic ramifications.

I'm worried about the Southern Command. I'm worried about our neighbors to the south, and every one of those issues directly affect the daily lives and the pocketbooks of the American people. I know that we have obligations. We all know that. We must reach a just conclusion in regards to the Mid-East, but I just wanted to express my concern.

General PACE. Yes, sir.

Chairman WARNER. Thank you very much, Senator.

Senator Dayton.

Senator DAYTON. Thank you, Mr. Chairman.

Gentlemen, I want to thank each of you and your families for your very dedicated and exceptional service to our country.

General Pace, a book that has just come out, written by Larry Diamond, a senior fellow at the Hoover Institution, who, in the first months of 2004, at the request of then-National Security Advisor, Condoleezza Rice, was recruited to be a senior advisor to the Coalition Provisional Authority in Baghdad, references a memo that he wrote to Ms. Rice—now Secretary Rice—dated April 26, 2004, in which he says, "We need to send significantly more troops

and equipment. Perhaps it is already too late for this, as well, but, in my weeks in Iraq, I did not meet a single military officer who felt, privately, that we had enough troops. Many felt we needed, and need, tens of thousands more soldiers, and, at this point, within the limits of the possible, at least another division or two."

That question has been raised by members of this committee, going back to that time, and even before, including those who expressed that strong view. What you said here today is what we've been consistently told, that the theater commanders make that recommendation or decision, and then that has been honored.

Is this an incorrect or correct statement, that at least many military officers then in Iraq felt that we needed more troops? If that is a view that is prevalent, is there a mechanism by which that view is communicated to you, as Chairman of the Joint Chiefs, and, then to corroborate it, if those in Congress hold that view? Because it doesn't seem to have been.

General PACE. Sir, I've not had a chance to read the book, but I will tell you what I know.

First of all, we've done more than honor the request of the commanders. As Joint Chiefs, we have validated them. We have looked at that. We have analyzed it. We have decided for ourselves. I, as an individual, have agreed with the size force that is there. So, we should take on the responsibility that we own, which is having not only received the recommendation, but approved and agreed with the recommendation.

As a rifle platoon leader in Vietnam, if I was in a firefight, I didn't have enough men, no matter what the situation was. I mean, I clearly understand lieutenants and captains, who are fighting for their lives, who would like to have more troops on their left or their right in the situation that they are in at that moment. As you back up to the battalion level, that battalion commander has 4 rifle companies of 150 men that he can apply to that situation. If you back up to the regiment, then the regimental commander has 3 battalions of 700 men or so that he can apply. So, as you back up from the instant case of the firefight, what you see is a little bit different than the person who is right in the fight.

I can understand where individuals on the ground fighting would want to have more assets at the time they're in that fight. But, as I've tried to explain before, there's also a balance that must be accommodated, or understood; that is the balance between having enough forces to provide sufficient security for the political governance to take place and having too much force that presents more targets, more of what would be viewed as oppression.

From my standpoint, sir, sitting where I sit, listening to what I've heard, doing the analysis I've done, talking to the leaders I've talked to, I am personally comfortable with the size of the force we have.

Senator DAYTON. Thank you.

This article in the New York Times last Sunday regarding the issue of safer vehicles for soldiers, "A Tale of Delays and Glitches," was the headline. The chairman and ranking member, and all of the members of this committee on both sides of the aisle, have persisted for the last, I think, close to about 2 years now, to find out what's causing delays, why our forces are not armored at the maxi-

mum extent possible, and asked repeatedly what, if anything, does anyone need—resources, authorization, whatever—to get beyond these delays and get that there, and received assurances that resources were available, and the problems were being overcome.

In that light, this article was very distressing, to say the least, because, it says, "It took months for requests made in Iraq to filter through the Defense Department." Asked why the Marine Corps is still waiting for the 498 high mobility multipurpose wheeled vehicles (HMMWVs) ordered last year, the company spokesman acknowledges that it told the Marine Corps it was backed up with Army orders, that it had only begun fulfilling the Marines' request this month. The company says the Marine Corps never asked it to rush. The Marine Corps denies this, but acknowledges that it did not get the money to actually place the order until this February. Officials now say they need to buy 2,600 to replace their HMMWVs in Iraq that still have only improvised armor. It goes on to say, "When the Marine Corps returned to Iraq last year, it settled on the Cougar as the superior vehicle to perform one of its main jobs, searching the roads for improvised explosive devices (IEDs). The Cougar can take more than twice the explosive punch as the armored HMMWV, and deflect 50-caliber armor-piercing bullets. British troops had used the vehicle during the invasion. 'The Marines used a new ordering method called the Urgent Universal Needs Statement, which allowed it to skip competitive bidding to speed the process,' officials said. Even at that, the Marine Corps took 2 months to complete the product study. Its records show the contract took 2 more months to prepare. By then one of its units in Iraq, Company E of the 1st Marine Division, was suffering the highest casualty rate of the war. More than half of the 21 marines killed were riding in HMMWVs with improvised armor, or none at all. When the Cougar order was completed, in April 2004, the Marine Corps got only enough money from the Iraq war fund to buy 15 of the 27 Cougars it wanted. 'This start-stop game is driving everyone nuts,' an executive of the Cougar's maker said, in a recent interview.'"

We talk about supporting the troops. Actions speak louder than words here and right through the whole system. If these men and women over there are being denied the best-possible armoring and protection, and we're told, then, subsequently, because not enough money is available, and we've been asking for 2 years, "Do you have enough money? What more do you need? What do we need to do?" and they're told, "We're doing everything possible," and that those who are responsible are doing everything possible, and then you find out they are not—if this is true, it's just unconscionable and unforgivable.

I know that you know better than I, the consequences of the lack of this protection. On behalf of those mothers and fathers or loved ones who are serving over there, and those men and women whose lives are on the line, I will ask again today, "Is there anything that you need, the Armed Forces need—money, authority, whatever—to get this maximum protection to our forces?"

General PACE. Sir, first, thank you for your sincere concern for our troops in battle.

Senator DAYTON. That's shared by everybody here, everybody in this body of the Senate.

General PACE. Yes, sir. The troops know it. We all know it. The very specific answer to your question about, "Is there more that we need Congress to do right now?" The answer is, no, sir. You have provided funding, you have provided the authorities we need to get this job done, as far as acquisition.

If I could take just a minute. When we had the small-arms protective insert (SAPI) armor initiative, the SAPI plates that go in the front of the flak jackets when this war began, that was an experimental piece of gear that, as soon as it proved itself in combat, we began to order, thanks to Congress' support, in large numbers. Everyone had, when we went to war, the older flak vests, which was state-of-the-art at the time. The new experimental one proved itself, and Congress provided several hundred million dollars to go out and buy the new protective gear, which we did, and which now every soldier, sailor, airman, marine, and DOD civilian in Iraq has right now.

Likewise, when we started this war, we had something like 200-plus up-armored HMMWVs in the entire inventory of the United States, and they were on special missions, protecting special types of things that we own in this country. When we went from major combat, where we had plenty of tanks and plenty of Bradleys, that have a lot of armor, to patrolling cities, the tanks and the Bradleys were too heavy, and the unarmored HMMWVs were too light. So, we began the process, with Congress' support, of building—instead of 25 a month, now they're building 500 a month. We've gone from almost no wheeled vehicles in Iraq having armor to 40,000 vehicles in Iraq having either armor that was put on them at the factory or—that's level one—or level-two armor, which is factory-bought and installed in theater. Level-three armor is things that are fabricated in theater and put on. So that, as of February 2005, the commanders on the ground were able to say there will be no vehicles traveling outside of compounds in Iraq that did not have armor. As we are learning which armor works best, we are replacing it as we go.

The fact of the matter is that thicker armor can be defeated by bigger bombs. We have had tanks, which are our best armed vehicles, destroyed by explosive devices, as we have had vehicles. We have troops who are walking the street without armor protection, other than their body armor. This is dangerous business, sir, which does not get to your point, but it does mean we cannot put a cocoon around every single soldier, sailor, airman, and marine. But we should give them the best we possibly can, and Congress has been extremely forthcoming, not only in meeting our request, but asking us what requests we might have.

So, the straight answer to your question, sir, is, there's nothing more we need Congress to do. We need to get on about doing what we're doing.

Senator DAYTON. Thank you. My time is expired, but I guess this does appear to be ongoing, and I will follow up with a written question about these Cougars and whether you're getting those sufficiently or not.

General Moseley, my time is up, I will submit to you a written question about the Air Force's intentions regarding the Air National Guard, which is very prominent in Minnesota. All of our planes are disappearing, and they don't seem to have anything coming to replace them. We talk about recruitment and retention. We have a lot of dedicated men and women in the Minnesota Air National Guard, and also around the country, who are suddenly feeling their missions are being take away from them, when they want to continue to serve actively. So, I'll submit that to you.

Thank you, Mr. Chairman.

Chairman WARNER. Senator Graham.

Senator GRAHAM. Thank you.

Senator Sessions, thank you for allowing me to go ahead. I appreciate it.

One, I enthusiastically support each of you. I really do believe you're very good choices.

Let's look at the big picture about force. I understand, if you're a lieutenant or a captain in a firefight, you want everything you can get your hands on, and then some, but, when you back away—one of the things that concerned me is Syria. I think Senator McCain brought this up at the last hearing. We're having an increase in foreign insurgents, foreign terrorists, coming in, being suicide bombers. One of the avenues they seem to be coming from is Syria. Would an increased coalition presence along the Syrian border help stem that tide? What is your opinion, General Pace, about that dynamic with Syria?

General PACE. Sir, more troops along the border could possibly help, but that is a very long border. I can't remember the exact number, but it's hundreds of miles. What would stop the infiltration would be the Syrian Government stopping the infiltration that is coming through their country. The main route for foreigners coming into Iraq, who are going to kill innocent Iraqis and attack our troops, is through Syria. The Syrian Government is the one that needs to stop that, sir.

Senator GRAHAM. Let's follow that thought process through. The likelihood of increased violence seems to me to be great, because the closer you get to a political solution in Iraq, the bigger the nightmare for the terrorists. The constitution is being written. Senator Levin is correct that we should push, but I don't want to push to the point that we get it wrong. I know how hard it is to write a constitution. Read our history. It took us awhile to get there.

The bottom line is, it seems to me that the level of violence is likely to go up to destabilize the political processes to come. In that regard, my counsel is, if you think, at any moment, you need a bigger military footprint to get this right, I think you will find a lot of support on the Hill and throughout the country, if that is what it takes to get it right.

Now, let's talk about the military and political strategy, right quick, the two-pronged strategy. Is this a correct assessment, that in training the Iraqi military, here's what lies ahead? One, you're trying to create a military loyal to civilian elected leadership, with no history of that. That's very difficult. Do you agree with that?

General PACE. Yes, sir.

Senator GRAHAM. There is virtually no Noncommissioned Officer (NCO) Corps in place that buys into that concept. Is that accurate?

General PACE. There was not. Now we are building it. But that is right, sir.

Senator GRAHAM. But that's the backbone of any military, and that's going to take awhile.

General PACE. It will.

Senator GRAHAM. You get paid, in the Iraqi military, by cash, I believe, is that correct?

General PACE. Yes, sir

Senator GRAHAM. That means you get your cash, and, if you have a family, and they're in some other part of the country, you may have to actually leave the unit to pay the bills. That's a problem that we're working on, but a problem, is that correct?

General PACE. It has been, yes, sir.

Senator GRAHAM. The bottom line is, creating a military from scratch is a very difficult task. So, I'd just counsel patience. To get a police force loyal to the public to protect the public's property and interest, and not the dictator, is also a difficult task. To get a judge who is not corrupt and is loyal to the rule of law is a difficult task in any country, and it's very difficult to do while you're being shot at.

The only comment I would like to make is please don't hesitate to tell us how hard this is. Let's not have unreasonable expectations of the Iraqi people, because a 1,400-year religious dispute is pretty hard to settle between now and December. The Confederate flag in my State came down only 3 years ago. It takes awhile to get over things.

The bottom line is, please don't hesitate, gentlemen, to tell us that the enormity of the task that lies ahead is real, but the outcome is very important to our national security interests. If you need more troops at any stage of the process, I think, to get it right, we will answer your call.

Now, let's talk about the military aspects of that call. Recruiting and retention is a separate issue, with separate dynamics. The Guard and Reserve make up 40 percent of the force in Afghanistan and Iraq. I'm still a reservist, so I hear things, just like you hear things.

There is a proposal before Congress to increase benefits for the Guard and Reserve families and members through better healthcare. Are you familiar with that proposal to offer to the Guard and Reserve TRICARE eligibility, where they will pay a premium to be part of TRICARE?

General PACE. I know of it, sir. I do not know all the specifics.

Senator GRAHAM. I will take some time to brief you, but I would encourage each of you to do what we can to improve the life of guardsmen and reservists. Here's the dynamic. Most of them get a pay cut when they're called to Active-Duty. You know that better than I. Twenty percent to 25 percent are ineligible to go to the fight because of healthcare problems, because 25 to 40 percent are uninsured. So, to me, gentlemen, it's important, from a readiness and retention point of view, that we address the healthcare problems facing the Guard and Reserve and their families.

I would like to talk with each of you about a proposal that 70 Senators have voted upon in the past, and we will do that another day.

At the end of the day, could you, very briefly, tell us why this is not Vietnam, and why it is more like World War II, if you believe that to be correct, each of you?

General PACE. Sir, I think it's neither like Vietnam nor like World War II, when it comes to the war, itself. First of all, as I believe General Casey mentioned last week, in the worst estimate of the size of the enemy, it is no more than one-tenth of 1 percent of the Iraqi people.

Senator GRAHAM. Can I stop you right there? How could Zarqawi survive as long as he has without a bigger support network than that?

General PACE. Sir, he is a very flexible, adaptive individual. He would need no more than dozens, or hundreds, of individuals supporting him. He operates in 4 of the 18 provinces where we're having the problems. So, it's very possible for a individual, or individuals, in rather large population centers, to be hidden if they don't want to be found.

This is not ideology-based; this is hatred-based. This is an insurgency where the leadership wants to kill Iraqis at random to be able to subordinate them to their will so they can control them and the rest of the world through what they are saying is a religious basis that is nowhere near any teachings of the Muslim faith. They do not have an ideology; they do not have any hope or promise, other than subjugation of the people. They do not have a following. What they have is a desire to rule and to recapture what they wrongly took in the first place, and want to take again.

This is not World War II, because this is not nation versus nation, for the most part. This is going to be a war on terrorism that is going to pit freedom-loving men and women against those small cells supported by thieves and others who would want to take away the way we live. As you said, sir, this is going to be a long, tough fight for the Nation, globally, to defend ourselves and our friends, but there is also absolutely no doubt that this country and our friends are very capable of doing it. It will not be easy, but, if I am confirmed, sir, I look forward to having the opportunity to participate.

Thank you, sir.

Admiral GIAMBASTIANI. Senator Graham, I would heartily agree with everything that General Pace has just said. I would add a couple of things to that.

First of all, motivation. I think our troops are very motivated. When he said all of these conflicts aren't the same, they aren't. But I will tell you, as you can see by our commanders who come back, in my experience these are very highly motivated U.S. militarymembers, throughout. Their determination, their "stick-to-itiveness" here to this task is remarkable. They are really a remarkable fighting force.

With regard to ideology, I don't know how they appeal, other than by threats, intimidation, and the strength of their weapons. There are no rules with these people. There are no rules. They will kill anyone, they will destroy anything to get their way. There are

no Marguis of Queensberry rules. There are no Geneva Convention rules with these folks. They are very nasty individuals. Anything goes with them.

Thank you, sir.

General MOSELEY. Senator Graham, I would echo what both General Pace and Admiral Giambastiani just said. I would also reinforce the notion that we have a volunteer force, and they are the most capable, the most motivated, the best trained, and the most lethal men and women that we've fielded, as far as soldiers, sailors, airmen, and marines. With this force there, our people will do okay against this very adaptive threat.

Chairman WARNER. Senator Sessions.

Senator SESSIONS. Thank you, Mr. Chairman.

I would like to join in expressing my admiration for each of you. I've had the opportunity to get to know you, and to see you perform, as I've seen other officers in the United States military. As I say privately, and I'll say publicly, the officers that I see in the United States military are capable of running the best corporations in America, being the best lawyers, being the best doctors. They are men and women of exceedingly great skill and ability. As you indicated, General Moseley, they are motivated. They work incredible hours, as I know you do—7 days a week, 12 hours a day, 15 hours a day. They believe in what they're doing, as do the soldiers that work with them. There is a bond in the modern military that is unlike what we've seen before, I think. I salute you for having helped create that.

It is different from the thousands of people that were brought in through the draft who didn't want to be there, who were trained and thrown into situations that they weren't motivated effectively for—or many of them. Many were motivated. It was a different environment, and we've reached a higher level, and I salute you for that. I, again, express my admiration for each of you.

General Pace, I'm a big supporter of transformation. I think it's important that we continue it, as Secretary Rumsfeld has determined to do, even in the midst of this conflict. I know we have visions and goals for transformation of the entire military. The Army has its Future Combat System, but I would just say, we learn things in the course of this conflict, and we see new technologies. Some work and some don't work.

I guess my question and urging to you is, let's proceed with transformation. If something has proven a little differently than we thought a few years ago, let's not hesitate to come forward to Congress and say, "Well, we thought that might be the best approach, but now we'd like to do another approach," if it's the best idea. Would you comment on that?

General PACE. Sir, thank you, I sure will. I absolutely agree with you.

First of all, and fundamentally, if we changed no equipment at all and simply pursued a mindset change, we will have enormous transformation in the U.S. Armed Forces. We already have, in the way we fight. But we can continue to think about joint warfighting, and the things that have been working well and the things that haven't. What really pleases me about the prospect, if confirmed, of Admiral Giambastiani and I working together, is the fact that

as we got ready to go into this conflict, he stood up a team to write down lessons learned. That team has been in place, and continues to be in place. They went through the planning process. Everything that has happened in this war, his folks have captured the major pieces of. So, he has already, though Joint Forces Command, been feeding to us and the Joint Requirements Oversight Council the types of lessons learned that can either get a quick-turn transformation or that need to be put into the process of requirements. I'm really looking forward to teaming with Ed Giambastiani, if we're confirmed.

Senator SESSIONS. Thank you for that. I think that is the right approach.

Another matter that I do believe we have to confront is our long-term contracting for major weapons systems. The cost seems to me to be continuing to rise beyond what is realistic. There's been a good bit of discussion in recent months about how to improve it. General Moseley mentioned that he thinks you need more staff, DOD personnel, uniformed, maybe civilian, to deal with the contractors who are producing these products. I think Congress will be asking about that, because, as we move forward with the weapons systems that are planned, I'm not sure we're going to have the money to fund them all.

Are you prepared, General Pace—and maybe General Moseley would comment briefly—to confront some of the tough choices that may need to be made and to evaluate our systems as to how we monitor contracting today?

General PACE. Sir, there are a lot of bright folks on both sides of the river working the proper changes that may or may not be needed to the acquisition process, that would allow us to preclude repeating the problems we've had in the past.

Where I have been able to plug in, under my current responsibilities as Vice Chairman, is as the Chairman of Joint Requirements Oversight Council. What we've been able to do there, sir, is to change our process so that earlier in the requirements definition phase, we've been able to begin to feed to the acquisition professionals and the acquisition community the types of things that we are looking at as capabilities needed in the future. So, the acquisition community and the requirements community, sooner in the process, are talking to each other about the future. But, correctly so, we have maintained a boundary between those of us who stipulate what the need is and those who determine how to fill that need. I am anxious to continue that process, sir.

Senator SESSIONS. I think we're going to need progress there.

General Moseley.

General MOSELEY. Senator Sessions, thank you.

If confirmed, I also look forward to working for enhancements in the traditional process within acquisition reform. I know in the Air Force we've made some mistakes. I know that in the Air Force we could have done, and should have done, things different. I know that along the way we've taken people out of the acquisition professional corps, and for that we've paid dearly; in the oversight of requirements, so the requirements don't continue to creep; in the oversight of standardization configuration, so that does not creep; and in the oversight of the entire process, which allows more visi-

bility, not only for the Air Force, but for others along the way. The traditional process has worked. Our mistake is, we've taken people out as we've shrunk the Air Force.

I'm committed, if confirmed, to be able to work with the Committee and with the Department to put people back in for the oversight function.

Senator SESSIONS. Thank you.

General Pace, just briefly with regard to the Guard and Reserve, as a former reservist, a person who knows a lot of guardsmen and women in Alabama who are serving exceedingly well—and I understand at one point guardsmen were at 40 percent of our force in Iraq—what is the policy with regard to multiple call-ups of Guard and Reserve serving in Iraq today?

General PACE. Sir, thanks for the opportunity to agree with you wholeheartedly on the tremendous contribution that our Guard and Reserve has been making to this war. They are fabulous, and they bring unique skills, especially in sustainment and stability operations, where you have folks who have been in fire departments, and been policemen, and been city managers, who bring that unique experience with them to help rebuild a country like Iraq.

The policy, sir, for recall is, first, that no individual will have more than 24 months cumulative on Active-Duty, Guard, or Reserve. Right now, we're able to stipulate that anyone who has already been called to Active-Duty will not be recalled. The way we've been able to get there—because we made mistakes early on in the way that we mobilized and trained and equipped—the reservists we initially sent to Afghanistan and that we initially sent to Iraq. In the process of learning those mistakes—and I can get into that in detail, if you want——

Senator SESSIONS. My time has expired.

Chairman WARNER. Thank you, Senator. I would like to have you complete that answer for the record.

[The information referred to follows:]

In the process of learning from those earlier mistakes, we are using our Guard and Reserve servicemembers more effectively. Today, the Guard and Reserve make up about 39 percent of our force in Iraq. We expect this percentage to decline based on future requirements. Most of the multiple call-ups to Iraq you cite are volunteers. Other examples of multiple deployments to Iraq are caused by a specific Service's rotation policies. For example, the Air Force has established a 120-day rotation policy for the majority of its force, including its Reserve components. Therefore, it is possible for an airman to serve in Iraq or Afghanistan several times in a 24-month period, given the short-term rotations of those members. In some cases, we have also had to involuntarily remobilize Guard and Reserve personnel because they occupy high-demand specialties within the total force. I want to assure you that this is the exception and not the rule. The Department has a rigorous process in place to ensure the judicious and prudent use of its Guard and Reserve servicemembers.

Chairman WARNER. We have another panel to which this committee must turn to, so we have to proceed.

Senator Chambliss.

Senator CHAMBLISS. Thank you, Mr. Chairman.

Let me just concur in what my colleagues have said, relative to the fact that we appreciate the service of you three gentlemen to our country, and the President could not have made a better choice for the positions for which you have been selected to be nominated. Having worked with all three of you in your current positions of

leadership, as well as previously, we look forward to continuing to do so.

General Pace, we had a hearing, as you well know, last week, where we had General Abizaid and General Casey here. As a part of that hearing there was a lot of conversation about the fact that the war in Iraq may be losing some of its impetus back home in some parts of the country. I'll have to say, in my part of the world I don't hear that, and I don't think it's because we have any greater patriots in Georgia, but we do support our men and women. But I will have to say, you folks are trained to fight a war, and you train your people to fight a war. They do a great job of that. But somehow we need to get the message back to the United States about the good things that are happening over there. It's pretty easy to understand why there can be some doom and gloom if all you're seeing is carnage and blown-up vehicles and you have a loss of life, as we had last week, of two young men from my State. Folks do get a little bit upset when that's all they hear. I don't know just how we do that. I have some regular ongoing e-mail conversations with some Georgia troops over there who do tell me about what's happening, and they're excited about what they're seeing, relative to the conversion of the Iraqi people and the building of infrastructure, whether it's schools, electric power—in one case, one young captain reported drilling a well to provide good drinking water for two communities for the first time in 30 years. There's a lot of good going on. General, I don't know how you do that, but certainly it's not coming across on the media that's being transmitted from theater back over here.

General Moseley, in your responses to the committee's advance policy questions, you note, "Our rapid-strike capability is challenged by the aging of our legacy aircraft in addition to the need for persistent stealth and precision." In addition, you stated among the top three priorities is the need to recapitalize and modernize the force. It's been stated the position of the Air Force is, it needs 381 F/A–22s to modernize its forces in order to maintain global air superiority. Is your assessment of the tactical fighter aircraft requirements of the Air Force different from the previous Air Force Chief's? Do you foresee the ongoing QDR arriving at a much different conclusion from either your current assessment or the stated position of the Air Force?

General MOSELEY. Sir, let me answer the second part first. We don't know what the QDR is going to tell us, because we're in the midst of it now with the various Integrated Process Teams (IPT) in the discussions. We still believe that we need one squadron per Air Expeditionary Force (AEF). That's 240 combat airplanes. With the training base and with the attrition reserve, that's the 381 number that has been stated.

Sir, the airplane is performing in a magnificent manner, and there's no question that it will dominate. The issue that we're working with within the QDR is to come to that number. We still believe the one squadron per AEF is a reasonable position. Certainly as we work our way through this, we will be open to dialogue and discussion within the Department and, hopefully, come to that answer soon.

Senator CHAMBLISS. Finally, let me just say that Senator Sessions mentioned that acquisition and procurement process and our antiquated way in which we do business. I think there are certain scenarios, from an acquisition/procurement process, that have evolved over the years within the Department of Defense. Unfortunately, if I ran my business back home, in my business years, like we run some aspects of the Department of Defense, we simply wouldn't last very long. We have to do a better job of oversight. Senator McCain and I have talked about this. As we move forward, once this appropriation process is completed, we really need to review that and work very closely with you folks to, hopefully, make some very needed changes in that regard. So, I'm pleased to hear the response of you folks, relative to that.

Thank you very much, Mr. Chairman.

Chairman WARNER. Thank you very much.

Senator McCain.

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

I want to echo the words of Senator Chambliss. This is a huge issue, this whole issue of procurement reform. We're just pricing ourselves out of the business, and I think the entire committee, under your and Senator Levin's leadership, obviously, we are going to be very involved.

General Moseley, during your term as Vice Chief of the Air Force, in your appearance before the House and Senate Armed Services Committee, and in over 300 of your e-mails that I've reviewed, you clearly advocated for the Boeing 767 tanker lease deal. The tanker lease deal. After exhaustive investigations by this Committee, the Senate Committee on Commerce, an alphabet soup of groups—the GAO, CBO, CRS, DOD IG, etc.—we now know that Air Force leadership—and, to some degree, DOD leadership—failed. To quote the DOD IG, it failed "to follow acquisition statutes and regulations and ensure good fiduciary stewardship of taxpayers' funds." In fact, the requirements of the operational requirements document (ORD) were tailored to the Boeing 767 instead of to the warfighter, overstated the effects of corrosion on the KC–135 tanker fleet, and on and on and on. If we hadn't stopped it, it would have cost the taxpayers an additional $7 billion.

You zealously pursued the tanker lease deal. What steps will you take to ensure that this doesn't happen again, if you're confirmed as Chief of Staff of the Air Force?

General MOSELEY. Senator McCain, thank you for that question. Sir, I believe the traditional process has served us well. I believe, in this case, we should have conducted an AOA. Out of an analysis of alternatives would have come a wider range of discussions about opportunities on existing airplanes and new airplanes. I think, putting the uniformed people back into the acquisition process in the right places would have provided oversight of the process, as well. So, I believe the traditional process serves us well.

Senator MCCAIN. Thank you.

General Pace, obviously I support your nomination, but I must say, I continue to be disappointed at your continued belief that somehow there was never needed any additional troops, nor is there today. I know you're familiar with General McCaffrey, and literally every other retired military officer that I know, many of

whom served in Iraq, all say that we needed additional troops there after the initial success. One of the reasons why we're facing the challenge we are today is because we didn't have enough troops on the ground.

Today, you mentioned the Syrian border. We come in, we attack, they leave, we leave, they come back. The obvious answer to that—as the President so eloquently stated last night—is expansion of the Iraqi military's capability to handle these responsibilities. In the meantime, we do not have, and have not had, enough troops, and we have paid a very heavy price.

General, that's not just my opinion; that's the opinion of every respectable retired military officer that I know—maybe there are some that don't believe it—and military expert. I'm disappointed in your continued comment that you're relying on the "commanders in the field." Commanders in the field never say they need help, because of the nature of the commanders in the field.

General McCaffrey, I thought, wrote in a piece in the Wall Street Journal the best article that I have ever seen, where he talks about the success that we've enjoyed, the progress we're making, the fact that we are going to prevail over time, and that the success of the Iraqi security forces is now real, and appearing in great numbers. They have real equipment. We are making significant progress. I think he states the case well. This will continue to be hard work in Iraq. Progress will be nonlinear, as you very appropriately have stated, but he also goes on to say, "We're also in a race against time. The U.S. Army and Marines are too undermanned and under-resourced to sustain the security policy beyond next fall. They're starting to unravel. Congress is in denial, and must act. In addition, the American people are losing faith in the statements of our Defense Department leadership. The U.S. Army needs to increase by 80,000 personnel; and the Marines, by 25,000. In addition, serious targeted recruiting, educational, and economic incentives are needed to be provided by Congress."

I accept the responsibility of Congress and the fact that we need to act, Mr. Chairman. But I—particularly in the area of recruiting and retention of qualified men and women—I don't know how you continue to ignore the views of people like General McCaffrey, and a long laundry list of highly respected people, when it's clear that we are in a tough situation and we need to act. Part of that is supporting a strong armed services, as the President did last night, appealing to our patriotism, appealing to young Americans to serve their country, and how proud we are of them. But to outright deny that we didn't need more troops during this period, and we don't need them now, I think, is regrettable, and I would like to hear your response.

General PACE. Sir, thank you.

First of all, I understand exactly what your point is, and I appreciate the opportunity to expand on mine. First of all, it would be unfair to the commanders in the field for me to leave with you the impression that it is their responsibility, and solely their responsibility, to determine what the size of the force is. What they have done is come to us with recommendations. As I hope I have stated, but I will certainly state again, as, a single member of the Joint Chiefs, and as a body, we have struggled over the proper size of

the U.S. Armed Forces to be employed. I have made a conscious decision, repeatedly, about what I believe to be the correct size of the Armed Forces—not oblivious of great Americans like General McCaffrey, who have a differing view, but taking that into account.

I have never said that we don't need more totality of forces there. In fact, I think in the past, in front of this panel, in previous testimonies, I have said, yes, we need a larger coalition force, but the answer to that, in Pete Pace's opinion, was to bring the Iraqi armed forces on sooner so that we could have the totality of forces that you correctly believe we need, to get the job done. That, in my mind, is a balance between how many U.S. forces are there and how many Iraqi and other coalition forces are there.

So, I don't think there's a major disagreement among professionals about how many troops are needed, in totality. I do believe there's an honest professional disagreement about what number of those should be U.S. troops and what number of those should be Iraqi troops, sir.

Senator MCCAIN. I thank you. My time is expired, but I think the question is, How many American troops are needed while the Iraqis make this transition?—which we all know is the solution to this war, and on which we are making progress, as the President pointed out last night—I think, in an outstanding presentation. But I worry, and I hope you will pay attention to General McCaffrey, and others who are retired military officers, as well as outside experts, on this issue.

I thank the chairman, and I thank you, and I look forward to working with the three of you in the future.

Thank you.

Chairman WARNER. Thank you, Senator McCain.

Senator Levin and I, in consultation here, are of the view that we complete the round here with Senator Nelson and then Senator Thune, and then we will proceed to the second panel.

I will ask, prior to moving to the second panel, for General Pace to give us a situation report on Afghanistan—we suffered a tragic loss there—and your professional assessment of that overall situation, and such details as you might be able to provide about that loss.

Senator LEVIN. Mr. Chairman, in addition, we both talked about questions for the record being promptly answered, so we could move on to the vote on these nominations. There will be questions for the record.

Senator Dayton has already mentioned one very important one, but there will be others that need to be promptly answered.

Chairman WARNER. That is correct. We urge Senators to submit their questions.

Now, on a separate matter here, Senator McCain, I, and other members of the committee have discussed at great length that the committee, as well as the American public, deserve additional information regarding the status of the training of the Iraqi forces. Congress has virtually given the Department of Defense unlimited funds to proceed with that very important challenge essential to any strategy we have in the future, essential to any contemplation of that point at which our force level, and the coalition, can be reduced.

In an earlier hearing of this committee, there was concern on behalf of the witnesses as to the classification of the data, as to exactly what units are ready, or what percentage of the forces are ready to take on independent combat activities, what percentage are able to take on parallel activities, working alongside U.S. units, and what units will require embedded U.S. forces. I would like to ask you, General, to review these questions of the previous hearing, and this hearing, and to come back and report to this Committee as to your assessment of what can be declassified, so that we have a better understanding of the status today and in the immediate future of the Iraqi forces.

Do you wish to add anything to that, Senator McCain?

Senator MCCAIN. No, thank you, Mr. Chairman. You've articulated it. I think we need to know, the American people need to know, the status of readiness of the Iraqi military, which is improving, so that we can not only understand, but appreciate better, the roles and missions that they're capable of carrying out.

I thank you, Mr. Chairman.

Chairman WARNER. I think in our discussion we pointed out the status of our own forces as a matter of public record.

General PACE. Mr. Chairman, in the advance questions the panel did ask me for the response to that. I did submit a classified part of the advance question. I answered that to my complete ability, in a classified way. I will go back and see what could be declassified for common discussion, but I have answered the question, sir.

Chairman WARNER. I was aware of the classified response, but I think it is essential—the status of our own Armed Forces is not a subject of that high a classification.

Senator LEVIN. Excuse me, if I could just ask that your unclassified answer be made a part of the record of this proceeding—in other words, be answered promptly, along with our other questions—because there has been so much interest in that issue. There have been leaks to the press that there are 2 or 3 of their battalions that are capable of operating independently, out of a total of 80. We should have an unclassified number, to the extent you can give it to us as a part of this record.

General PACE. I understand, sir.

[The information referred to follows:]

Only a small number of Iraqi security forces are taking on the insurgents and terrorists by themselves. Approximately one-third of their army battalions are capable of planning, executing, and sustaining counterinsurgency operations with coalition support. Approximately two-thirds of their army battalions and one-half of their police battalions are partially capable of conducting counterinsurgency operations in conjunction with coalition units. Approximately one-half of their police battalions are forming and not yet capable of conducting operations. The majority of Iraqi security forces are engaged in operations against the insurgency with varying degrees of cooperation and support from coalition forces. Many of these units have performed superbly in conducting operations against the enemy, and their operational capability is continuing to improve. I have provided a classified graphic of this data in my responses to advance questions.

Chairman WARNER. Thank you very much, Senator Levin.

Senator Nelson, to be followed by Senator Thune.

Senator BILL NELSON. Mr. Chairman, would it be your pleasure that you would want the General to answer your question with regard to the status of Afghanistan?

Chairman WARNER. I think we will do that as a final wrap-up question on behalf of the whole committee.

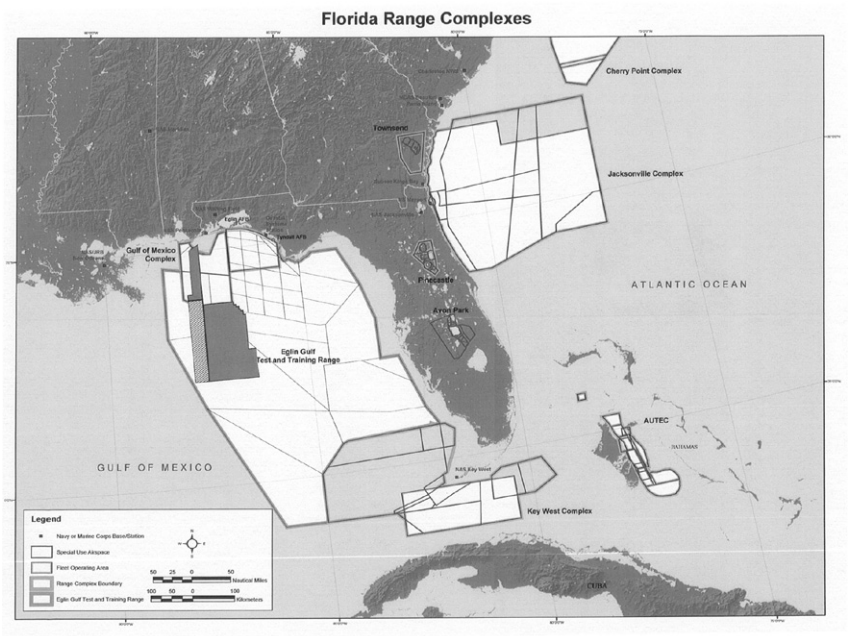
Senator BILL NELSON. At your pleasure, Mr. Chairman.

Gentlemen, good morning. It was clearly my privilege to introduce General Pace.

I want to come back to this part of the world and make the three of you aware of a battle that I had to engage in, on the floor of the Senate over the course of the last 2 weeks to protect a national resource which is of considerable interest to the three of you, which is restricted airspace over the Gulf of Mexico, off of the State of Florida.

I think, in this round of base realignment and closure (BRAC), it is no accident that we see not only the continuation of the military training for the new F–22 at Tyndall Air Force Base, that in this round of BRAC we see the consolidation of the military training for the pilots on the Joint Strike Fighter, the F–35, will be at Eglin Air Force Base, because they are co-located with all of that restricted airspace. Indeed, with the closure of Vieques, Puerto Rico, as the Atlantic fleet training site for the United States Navy, a lot of that training has moved to the State of Florida, a good part of that to the Panhandle of Florida, to utilize this national asset of restricted airspace. If you look at a map, you will see that the military restricted airspace is basically all of the Gulf of Mexico off of the State of Florida.

[The map referred to follows:]



Now, the battle that I had to wage was that the oil interests of this country want to drill. From my standpoint, representing the State of Florida, we have other reasons that we don't want drilling

off of our coast, but, clearly, one of the arguments that I used was the argument that we don't want to interfere with this national asset, particularly when you come in and have all of these joint exercises. Now, it's true, the carriers will come on either coast of Florida, and they will use Avon Park bombing range, and Pine Castle, but with computers you can create virtual land masses out on the surface of the Gulf of Mexico, and you have that ability.

Fortunately, Senator Martinez and I were successful over the course of the last 2 weeks, but this battle isn't over. It's going to continue. I had to carry this battle in the 1980s, when I was a pup Congressman representing the east coast of Florida, and finally convinced the forces that you can't have oil rigs where you're dropping the solid rocket boosters from the Space Shuttle, and where you're dropping the first stages of expendable booster rockets coming out of the Cape Canaveral Air Force Station. But we have a battle now right in the middle of your restricted airspace.

If this has not come to your attention, I want to bring it to your attention, and I would like to know what you think about protecting this resource for weapons testing and combat training and preventing the encroachment by oil exploration and drilling.

General PACE. If I may start, sir, and then perhaps General Moseley and Admiral Giambastiani.

First, sir, if I could take just a second to say thank you for the great honor you did me of introducing me today. I very much appreciate your words, sir.

Second, sir, I do not know the specifics of the restricted airspace in Florida. If I may, I would pass to my Air Force colleague.

General MOSELEY. Senator, thank you for the opportunity to reinforce the notion of how critical airspace is to train, especially now, for the joint team, when you think about the airspace from Pensacola to Panama City. Those areas are called warning areas and restricted areas—151, 155, and 470 are the ones that we're talking about off the Panhandle. Tyndall is where we have the F–22 school. That's where we have the F–15 school. Eglin is where we do our tests. We have the 33rd Fighter Wing there, which is an F–15 operational unit. The Navy has a large flying operation at Pensacola. In the BRAC submission, we have also proposed that we consolidate the Joint Strike Fighter training for all of us at Eglin—Air Force, Navy, Marine Corps, and coalition, at that one location.

Sir, the airspace that we require out there is only getting bigger, because the aircraft have more capable sensors, they see further, and they fly faster. The opportunity to do this in a joint and coalition setting is equally critical for us. To be able to partner with naval battle groups and with Marine Corps amphibious groups as they do what they used to do at the other places are even more critical for us when you think about the operations that are ongoing now in Afghanistan and Iraq. There's nothing that we do as a single Service; we do this in complete interdependence with each other. Training ranges, whether they are over land or over water, and training airspace, is absolutely, fundamentally critical to the preparation for combat and the things that we do every day.

Senator BILL NELSON. Admiral, I wish you would comment with regard to the United States Navy, and especially with the move-

ment since you've had to pull out of Vieques and all of that training that has taken place up there.

Admiral GIAMBASTIANI. If I could, Senator, just add to the comments of General Pace and General Moseley.

First of all, in the record already, in the advance questions, I have talked about problems with encroachment on training ranges. I received this in a question about base realignment and closure. Training ranges, in general, did well with regard to the BRAC process, however, encroachment is a significant problem, and continued encroachment is even more of a problem.

With regard to Vieques and its closure, much of what we could do, airspace-wise, was moved to South Florida for compensation, if you will, for the loss of airspace that we had in the Vieques area and in the Puerto Rican area. So, this is a key area for us.

Number two, the joint national training capability, where we net significant numbers of ranges together, requires places to be able to conduct cruise-missile flights, both unmanned and manned aircraft are required. So, I would just say to you that restricted airspace significantly reduces the realism and the capability for our combat forces to practice and exercise prior to their deployment for use, such as we have going on worldwide right now.

Senator BILL NELSON. Gentlemen, I tried to fight your battle last week. We won it, but this crowd doesn't let up. I had a bitter experience in the mid-1980s under one Secretary of the Interior, and we finally fought it back. They came back 2 years later, after another Secretary of the Interior, absolutely intent to drill off the east cast of Florida. I never could get the Department of Defense and NASA to step up and say what was the reasons for not drilling, because it was a buddy-buddy club, and they were going to drill out there. I'm hoping that you all, in light of what you have just said, are going to stick up for your point of view about the lack of encroachment upon this valuable national asset called restricted airspace.

Thank you, Mr. Chairman.

Chairman WARNER. I thank you, Senator. I was on the other side of that issue with you, not in any way trying to encroach on the needs of our U.S. military. We have to strike a balance between the energy needs of this country, with oil going above $60 a barrel, to make an assessment of what might be available offshore the United States, wherever it may be. You can put Florida in isolation, if you wish. I won't touch it, but there's the rest of the 49 States that are deeply concerned about this energy crisis that we're facing. If there were the opportunity to put a natural-gas drilling operation off some State, I'm certain that the Department of Defense would be able to have its voice heard if, in any way, that would jeopardize or impair training of our forces. It's a balance of interests, and this country, I think, regrettably, in the near future, is going to have to make some very difficult decisions about where it's going to go for its energy resources.

Now, Senator Thune.

Senator THUNE. Thank you, Mr. Chairman.

General, General, Admiral, thank you. I will associate myself with much of what has been said earlier, and thank you for your extraordinary service to our country and for your willingness to re-up to an even higher level of service that will require you probably

to spend more time in front of congressional committees. That is going to be a big part of your job description, going forward. It may shock you all that I'm not going to force you to answer questions about BRAC, although I will be following up on that in later forums, but I do want to ask a couple of questions.

There's been a lot of concern expressed by folks in the military and at the Department of Defense about the military buildup in China. I suppose I would direct this question more specifically to General Moseley. With the end of the Cold War, the Soviet Union obviously having a dramatic effect on our force planning and realignments for the 21st century, and acknowledging that DOD is still working on the QDR and the mobility capability study, do you think that we may have scaled back too much our projected needs and planning for long-range strike capabilities, in light of that growing military—or I guess I should say, in light of growing military powers like China?

General MOSELEY. Senator, thank you for that question. That is a topic of much discussion and much dialogue within the QDR that is ongoing now. As a member of one of the Op ETs, that is certainly one of the things that we are struggling with inside the QDR. There is nothing that has changed the requirement for range, persistence, survivability, and payload in any of the equations, regardless of the region. The enhancements that we see in the Chinese military does cause concern. In fact, General Hester, I believe, last week, in a press conference, laid that out very well. He's the Commander of our Pacific Air Forces.

Sir, that question is being discussed at some depth inside the QDR. It is a troublesome question of how much strike do you need, relative to the other mission areas that we are engaged with. Sir, I can tell you, if confirmed as the Chief of Staff of the Air Force, that is at the top of my list, relative to long-range strike and the ability to provide that capability for this country.

Senator THUNE. I appreciate that. I know that one of your priorities is recapitalizing our aging fleet. That's something, I think, that all of us here are very interested in as well. It ties into a discussion that was held earlier with respect to acquisition and cost. I look forward to working with you to ensure that we are taking those steps that are necessary to get that per-unit cost down. I think that's a growing concern, in terms of the platforms and the needs that we're going to have, going forward. This is particularly so in light of some of those emerging threats and the 10- to 20-year window that, hopefully, this QDR is going to make some judgments about.

Let me also follow up on one other point that was raised, and that has to do with the National Guard. That has been addressed at some length here, but in my home State of South Dakota, we have had a lot of deployments. We have a high proportion of people per capita involved in the Guard, and we have excellent Guard units with excellent reputations, and you've all noted, already, the enormous role, the important role, that they have played in the war on terror. I've heard the Secretary talk about rebalancing the Active-Duty and the Guard and Reserve and the various roles they play. Rebalancing the skill sets is going to be necessary. In light of what's happening—and I don't want to focus this exclusively on

the Air Force—but how does that process, as it goes forward—and I refer to the question that was raised earlier about the effects of deployments—and, clearly, there have been a lot of Guard units that have been deployed, and there are some which are now getting ready for another deployment, tie-in to recruitment, tie-in to retention, and people willing to extend their service and keeping involved in the Guard. How do you see the role of the Guard playing as we go forward? Perhaps you can shed a little bit of light on just the stresses and strains that are associated with the level of deployments that they're experiencing today.

General MOSELEY. Senator, the Air Force—and I, particularly—look at ourselves as a total force. We don't look at ourselves as an Active Force and a Reserve Component. We look at ourselves as a Guard, Air Force Reserve, and Active mix. Every member, whether a guardsman or a reservist or active or civilian, is a treasured member of the Air Force. So, as we look at reshaping and rebalancing the force to fight not only a global war on terrorism, but also to cover contingencies in the future as they emerge, there are some mission areas that we can do better at. For instance, the C–130 world has been particularly stressed inside the Guard, because the aircraft that are in the Guard are the newest, most-capable aircraft. We keep those forward.

Over the last month or so, we have looked at ways to fly more of General John Abizaid's and General George Casey's materials to get them off of highways so we can get them away from IEDs and potential threats, which has increased the requirement for C–130s to do intratheater lift. That's the right thing to do for the joint team. We have looked at positioning the aircraft forward and rotating the crews—both Reserve, Guard, and Active—to keep the aircraft forward, but not disadvantaging a particularly high-stressed group of people—in this case, the Guard.

So, sir, the new missions out there, of command-and-control, air operations centers, and space operations, and the new aircraft, are extremely critical for us in this Reserve, Guard, and Active mix. In fact, today, there are guardsmen flying the F–22 who will operate in an associate arrangement at Langley with the 1st Wing.

Senator, we take this very seriously, this partnership and this holistic approach to how we do business.

Senator THUNE. Thank you.

General Pace, anything to add, in terms of the Army Guard?

General PACE. Sir, thanks. The Army, especially, has been paying attention to this very closely for about the last 2 years, to include General Schoomaker's decision to convert about 100,000 billets, that are either Active or Reserve right now, into the other components. For example, we needed more military police (MPs). One of the reasons we've had as much as 38–40 percent of the forces on the ground being Guard or Reserve is because that's where the bulk of our sustainment, our mechanics, our MPs, and the like, have been. So, not "looking at," but changing the mix of the way that we have our Guard, Reserve, and Active Force components right now—and, additionally, going out far enough so that if we know we're going to need to use reservists a year from now, potentially, letting them know right now. That way we can take reservists, who perhaps are artilleryman right now in the Reserves,

and give them the training they need to be MPs. When they're called to Active-Duty, instead of going back repeatedly to the Guard MPs, we have been able to expand our access to the Guard.

Primarily, getting a better mix of Active/Reserve, but also providing long enough lead times so we can train up our reservists in time to take the mission is key.

Senator THUNE. I appreciate that. Anything you can do, I would think, to add predictability for these folks would help. We have had, I think, extraordinary success in South Dakota, in terms of retention, to date, in Army and Air Guard units, but I see the stresses and strains on the members, themselves, and their families. Part of it is just the uncertainty and not knowing when you're going to be called up.

Admiral GIAMBASTIANI. Senator, I might add one piece of information for you.

Back in March 2003, when we would mobilize a reservist, for example, who was in what we would call in combat service-support areas, we probably gave on average, only had about 2 months' notice. Today, we're out to 8 months of notice. This is the lead time that General Pace is talking about. With regard to combat forces, we were about 4 months ahead of time; and now we're out to 12 months. This is a significant difference that affects both Active component and Reserve component, Guard and Reserve.

Senator THUNE. Thank you, sir. Thank you, gentlemen, for your testimony. I look forward to working with you.

Thank you, Mr. Chairman.

Chairman WARNER. Thank you, Senator Thune. We will see that our witnesses respond to your questions on BRAC. I fully appreciate the severity of the BRAC situation as it relates to your distinguished state, and how hard you've worked on that issue. Thank you.

Now, General Pace, on the subject of Afghanistan, we will not proceed with questions on that, which we will be submitting for the record, but it is important here this morning that you review that area of responsibility (AOR). It has progressed exceedingly well. We would like to have your professional assessment of the situation today that's facing the forces, and the immediate future.

General PACE. Senator, thank you.

First of all, as you mentioned, the tragedy of yesterday and what appears to be a shoot-down of one of our Special Operations helicopters, that included some very special folks who were on a mission for this country. That's under investigation. We think it was a rocket-propelled grenade, sir, but are not 100 percent sure. That will come out in time, as we're able to get to the scene and do the investigation required. Our hearts go out to their families.

I'm very optimistic about Afghanistan, but I also know there are challenges ahead.

First, the reasons for optimism. When you go to Kabul, there are traffic jams; there's glass in all the windows; there are cranes putting up new buildings; they're fixing the potholes in the roads; there are kids, boys and girls, going to school; and they're proud of having voted. The people are voting with their pocketbooks, as well as their real vote. The population, in my mind, is extremely

proud of what they have done, and extremely proud of where they're going.

In the countryside, the Provisional Reconstruction Teams, which were at about 6 or 7 this time last year, are up above 20 this year. These are teams of 80 to 100 who are around the country helping with the reconstruction, helping the governors and the local leaders in those regions to rebuild their areas.

NATO's vote to expand what they are doing from the original force that was in Kabul to sector one, which is the northern part, and sector two, which they've just taken over, which is the western part, with a plan next year, once the United Kingdom (U.K.) takes command, and with Canadian help, to take over the southern part, and then eventually the center part——

Chairman WARNER. That would be sector three?

General PACE. Sector three would be the southern part. Sector four would be the central part. So that over the next year or so—2 years, probably, sir—you will have more and more turnover of the day-to-day activities of helping the Afghan Government provide security for its citizens, being NATO-led—which, of course, includes U.S.—rather than a purely U.S.-led effort in most of the countryside.

Chairman WARNER. U.S. would principally be in sector four, would that be correct?

General PACE. We would be a part of a NATO force in all sectors, sir, but we would still primarily be in sector four, which includes the border between Pakistan and Afghanistan, and which includes most of the fighting that must continue against the insurgents who use that border area as an area for safety.

The elections are coming up on September 18, an election that will see 3,000-plus Afghan individuals standing up for elections to include women.

All of those things are very positive.

Two things of concern, sir. One is the drug trade. Heroin is easily grown. Poppies are easily grown. The opportunity, because of the enormous impact of the heroin trade on the economy, about 50 percent of the current economy is from the drug trade. The opportunity for corruption that that breeds is a challenge for the Afghan Government in the future.

Also a challenge is the Taliban, who suffered a severe blow during the last election and know that the next blow to them is coming on September 18, when the Afghans vote again. We are probably going to see an increased attempt on the part of the Taliban to create havoc, cause death and destruction, between now and September 18. But they will not be able to dissuade the Afghan people from voting and bringing into existence a parliament-type organization that will be the first of its kind in the 5,000 years of Afghan history, sir.

Chairman WARNER. Isn't there a third concern though, General? I've been studying, with other members of the committee, the increased use of the IEDs—that is, the road bombs—and also the incorporation of what appears to be some advanced technology in their methodology of using those very destructive weapons, which are primarily targeting vehicle traffic.

General PACE. That is a concern, yes, sir.

Chairman WARNER. I hope that everything can be brought to bear by the various task forces in the Department of Defense on IEDs and is fully shared in that AOR. Am I assured of that?

General PACE. Yes, sir. It has been, and will continue to be. In fact, not only are we sharing the technology-type information, the ground tactics, techniques, and procedures, but also the training lessons we've learned with General Petreaus, visiting with General Eikenberry, to ensure that the lessons we're learning in training both of those armies are shared with each other.

Chairman WARNER. Fine, thank you.

That will conclude the committee's hearing on panel one. We will take just a few-minute recess and proceed to panel two. [Recess.]

We welcome the nominees and their families, and I think, before we start with the introductions, I would like to ask Ambassador Edelman to introduce his family.

Ambassador EDELMAN. Thank you very much, Senator. I have behind me, my wife Trish, who is both the daughter and mother of a Foreign Service family. Also here is my daughter Stephanie, my son Terrence, and my son Bob. My son, Alex, was not able to make it today, but I hope he is watching, and my folks, my mom and dad, I hope are watching in Shelburne, Vermont.

Chairman WARNER. Well, thank you very much, and I had the privilege of meeting your family, and advising your wife that, based on my own experience of over 5 years in the building, there's no reason why you can't get home promptly at 7, because all decisions made after 7 are usually reversed the following morning. [Laughter.]

Would you kindly bear that in mind as you undertake this responsibility.

Now, Mr. Stanley, if you would introduce your family.

Mr. STANLEY. Thank you, Mr. Chairman, I would like to introduce my wife Kay, my partner, defender, friend, and when necessary, therapist. My brother Scott, who mentored me as only a loving brother can. My daughter Beth, and my three grandchildren, Nick, Jack, and Grace, were unable to make it today because of an illness in the family. A special salute to Second Lieutenant Daniel R. Stanley, Junior, United States Army, who is training currently at Fort Leonard Wood, and will be graduating in July, will be married, and then will go up on deployment. My mother, 86 years, could not be here today, because she is celebrating the birthday of her mother, and my grandmother, at 106. She is in Sacramento, and so she chose that event.

Chairman WARNER. We'd better pause again to take this all in—go over that again, she's 86, celebrating the birthday of her mother, who's 106?

Mr. STANLEY. Yes, sir. She still requires that I give her strokes in golf, and beats me scratch. [Laughter.]

Senator LEVIN. Which one, the grandmother, or the great-grandmother? [Laughter.]

Mr. STANLEY. I would be embarrassed to tell you which one. [Laughter.]

Chairman WARNER. Well, that's a wonderful story. When I was in the Department, my mother was in her 80s and she lived to be 96, so I wish you well. Thank you very much. Families are an im-

portant part of military life, and you're undertaking assignments to work alongside the men and women in uniform. Your families are no less important than our affairs, and this committee in every way tries to accommodate the families and to express our profound gratitude for their sacrifices that they must make, particularly the long hours you will encounter in these troubled times in our Department of Defense.

Mr. Rispoli, you've been so quiet. Would you kindly introduce your family?

Mr. RISPOLI. Thank you, Mr. Chairman, I have with me today my wife of 36 years this month, Carol, behind me, and together—she's the only family member who could be here today—we have two children, our daughter, Christina, is married and lives in Raleigh, North Carolina, with an infant. She could not be here. She is a University of Virginia graduate, I will tell you, in Engineering. Our son Joey, who is to be married to his fiancé, Mandy, in Austin, Texas, in 2 weeks, and so obviously they have other things going right now. I hope that they, along with my sister and her family in Arizona, are also watching the proceedings. Thank you for the opportunity to introduce them.

Chairman WARNER. Thank you very much. Delighted to have you and your family here today and I so enjoyed our visits yesterday in my office. I was very impressed with the credentials that you bring to this important post.

Now the Chair recognizes the distinguished chairman of the Intelligence Committee, and longtime member of this committee, for the purpose of two introductions.

Senator ROBERTS. Mr. Chairman, I do have a statement of support for Dan Stanley as a personal friend. I might add it's the water, the genes, and the clean living in Kansas that leads to longevity, sir, but I would prefer to yield to another witness. In Kansas, about a decade or so ago, we declared our former President, Dwight David Eisenhower, the Kansan of the Century. Well, if we really look at that, and given that, that's certainly true. The next witness, Senator Bob Dole, is our Kansan of the last half century, at least. His leadership and his contributions on behalf of our State and our Nation, we certainly know and they're well-known, I think, to every American, more especially our veterans, and rightfully appreciated. I yield to my friend, my colleague, my mentor, my "God—uncle" to my public service when I used to be somebody, Mr. Chairman, in the House of Representatives. That was because when I said something, or I was for something, or introduced an amendment, or if I opposed something, people automatically thought that I was walking in step with Bob Dole, and that gave me a big catalyst of support. I never told them that most of the time I never talked to Bob about those things, but at any rate, we always seemed to think alike. He has been a great friend, and I would like to yield to him at this particular time. Bob?

Chairman WARNER. Thank you very much, Senator. I would like to associate myself with some of the remarks—not necessarily the latter part—of Senator Roberts. I say to you, dear friend, Senator Levin and I are celebrating our 27th year as members of the United States Senate, and I calculated the other day that we have served with 241 Senators in that period of time. Not one of those

in any way surpasses the extraordinary contribution that I and others witnessed that you made to this Nation through your service to the Senate, and of course, prior thereto, to the Armed Forces of the United States. I owe a great deal to whatever modest career I've been able to achieve, to the guidance you have given me through these many years. I particularly cherish the last chapter that we worked together on, and that was that World War II Memorial. You certainly showed your respect for what is referred to as The Greatest Generation, and I congratulate you, Sir.

Senator LEVIN. I would like to join in a quick welcome, Bob, just to make sure that everyone understands just what a love affair both parties have had with you inside the U.S. Senate. Members of this body on both sides of the aisle have extraordinary respect and fond memories of your being here, and still do your work today. We had the pleasure of naming a building in Michigan after the late Phil Hart, who represented Michigan, Danny Inouye, who still represents Hawaii, and Bob Dole. The three of them spent a very memorable part of their heroic lives in the hospital in Michigan, and got to know each other. We, several years ago, had the pleasure of having Bob Dole there, with Danny Inouye when we named that Federal Center after the three of them. It's a real honor in Michigan to have your name on that building.

STATEMENT OF HON. ROBERT DOLE, FORMER UNITED STATES SENATOR FROM THE STATE OF KANSAS

Senator DOLE. I appreciate the comments by my former colleagues, and I'm very honored to be here, because I know the gentleman on my left, Dan Stanley, very well. I see so many of my friends, I note the absence of the Senator from North Carolina, by the way. [Laughter.]

Chairman WARNER. She is accounted for, though.

Senator DOLE. I know she's here in spirit. I used to be here in spirit myself. [Laughter.]

Senator DOLE. In any event, these are critical times for America, and as a Republican leader throughout the Cold War, and the first Gulf War, and the defeat of the Soviet Union, I had the privilege to work with this committee to stand strong for America. As I reflect on those times, I know we did everything we could do together to ensure that America's fighting men and women had what was necessary, both in equipment and unity, to stand up to the threats against our country. We stood behind them and in support of them for the great sacrifice that America asks of them, even though individually, we didn't always agree on how best to achieve that important task. We had some pretty heated debates, as I remember.

When the time for persuasion had passed, and the votes were cast, we stood as one to defend our mutual decisions and our country. I mention this only to sort of introduce Dan Stanley, who served on my staff during some of the fiercest and most important of those debates. Dan Stanley, who is before this committee as the President's nominee for Assistant Secretary of Defense for Legislative Affairs. There's always a tension between the executive and legislative branch in Congress. It's a very tough job, and because they believed our mutual love for our country would ensure suffi-

cient civility to overcome divergent interests and political dyspepsia, our Founding Fathers sort of set it up that way.

Without getting into Dan Stanley's resume, which I'm certain is a part of the record, and which I know Senator Roberts will comment on, I just know Dan Stanley as somebody who gets things done. When the Governor of Kansas needed something, he called Dan Stanley to come out and help him. When the people of Topeka wanted something done, they elected him to the City Council, even though he was serving in the Governor's cabinet, and Secretary Rumsfeld called upon him with the important task of transforming the Army. Now he's been called upon again by the President to do a very important job, and I can't think of a more important job than the job he's going to have. I think it is fair to say we're all very proud of our States. We all can point to things in Michigan, or Virginia, or North Carolina, or Kansas that we're particularly proud of, and we're obviously proud of our State—there's not a lot that comes very easy in Kansas, as Pat knows, and as Dan has found out in his life, but we are good people, solid people, and patriotic people, and if the job requires starting at the bottom to get it done, that's where we start.

Dan enlisted in the Navy and served aboard submarines during the Cold War because he wanted to do his part. He rose from Seaman Recruit to Chief Petty Officer, then through the commissioned officer ranks and served with the Joint Chiefs of Staff. He has served me in the Senate, and again, during perilous times, without showboating, because that is who he is. That's how I'll close my statement, and ask that it all be made a part of the record.

[The information referred to follows:]

PREPARED STATEMENT BY SENATOR BOB DOLE

Mr. Chairman, members of the committee:

It is good to be here today and see so many friends and former colleagues. Two things I note are still true since last I saw you: 1) In my eyes none of us looks a day older, and 2) these are critical times for America. As the Republican leader and throughout the Cold War, the first Gulf War, and the defeat the Soviet Union, I had the privilege to work with this committee to stand strong for America. As I reflect on those times I know we did every thing we could do together, to ensure that America's fighting men and women had what was necessary—both in equipment and unity—to stand up to the threats against our country. We stood behind them and supported them for the great sacrifice that America asked of them. Individually we did not always agree on how best to achieve that important task—and we had some pretty heated debates. But, when the time for persuasion had passed and votes were cast, we stood as one to defend our mutual decisions and our country. I mention those days as I introduce a man who served on my staff during some of the fiercest and most important of those debates, Dan Stanley, who is before this committee as the President's nominee for Assistant Secretary of Defense for Legislative Affairs.

There is always a natural tension between the executive branch and Congress. This is a very tough job. Because they believed our mutual love for our country would assure sufficient civility to overcome divergent interests and political dyspepsia, our Founding Fathers set it up that way.

In that context let me say this about Dan. If you know him as I have, if you look at his resume, if you talk to people who have worked with him and those whom he has mentored and led, you will understand what I know. It is this: when there is a tough job to do, Dan Stanley is the person they call. I did. The Governor of Kansas did when he needed a tough job done. The people of Topeka did when they wanted a change and elected him to the city council even as he still served in the cabinet. Secretary Rumsfeld called upon him to help with the important task of transforming the Army. Now in a time of acrimony and danger the President has called upon him once again.

From the beginning, Kansans have understood the sacrifice of service. There isn't much that comes easy in Kansas. We like to think we earn whatever we get, and we believe that it takes character to outlive drought and dust and the hard times that make our State's sunflower a metaphor for gritty optimism. If the job requires starting at the bottom to get it done, that's where we start. We just do it. Dan enlisted in the Navy and served aboard submarines during the Cold War because he wanted to do his part. He rose from seaman recruit to chief petty officer, then through the commissioned ranks to serve with the Joint Chiefs of Staff. He served me and the Senate, again during perilous times and without showboating, because that is who he is.

Let me say one thing more about Dan. He always has dealt with people in the most civil, honest, and respectful manner—Republican or Democrat, liberal or conservative. In my view, that is how the American people want business conducted in Congress. Dan understands that. The American people want that. I worry sometimes that this great body has lost its balance—sense of civility and understanding that our greatest purpose is far more important than partisanship. One thing I can assure you is that if you confirm Dan Stanley to this position, Congress will have someone who will work tirelessly to bridge what has seemed a growing gap not only between the branches of government, but between ourselves as decent and fair-minded men and women who put the country first. He is a Kansan, so you might find that like mine his humor is a little dry. But he is a good man and he will tell you the truth and keep his word. He has ably served the U.S. military and the U.S. Senate and understands and respects both. This above all: he comes here because, like all the rest of us, he loves America more.

Senator DOLE. This job requires a sense of civility and understanding, but a great purpose is far more important than partisanship, and one thing I can assure you is if you confirm Dan Stanley to this position, Congress will have someone who will work tirelessly to bridge what has been the growing gap, not only between branches of government, but between ourselves as fair-minded men and women. I know Dan. I know how he has treated people in the past. I've never had a complaint when Dan was in my office from anybody in either party saying that he had not kept his word, or not dealt fairly with them, whether it came as some amendment or something else, some policy discussion. Dan is a good man, and he will tell you the truth and keep his word, and that's about all you're going to get out of Dan Stanley. He doesn't talk a lot, he's laid back, but he's fair, he's objective, he's a good man, and I certainly am proud to be here this morning to recommend his confirmation. Thank you.

Chairman WARNER. Senator, all of us are moved by the sincerity and depth of feeling that you've provided in your remarks, and we once again thank you for your service. I have to pause a minute, because I knew he was in the Navy and we talked about that—electrician was his grade—but I didn't realize he achieved, really, the extraordinary status at a relatively young age of Chief Petty Officer. That is the Navy's backbone. I can't help but think, Senator, of how many times we were reminded we had another Chief Petty Officer around here, a man who we respected and loved, and that was John Tower.

He ordered me into his office one time when I was Secretary of the Navy to promote him to Senior Chief Petty Office, with the Chief of Naval Operations standing by my side at his desk, right here in the Russell Building. So, we welcome Mr. Stanley and his contributions.

Senator ROBERTS. Mr. Chairman, I do have a very short statement.

Chairman WARNER. Please, go ahead.

Senator ROBERTS. I would like to join Senator Dole and associate myself with his remarks. He has introduced Dan to the committee. Dan is a personal friend, but more important, his qualifications really speak for themselves as the Senator has pointed out, serving honorably as a Naval Officer, senior staff of the United States Senate, juggling all of those important issues that would boil up every day, in State government in our State of Kansas—his resume reflects the important responsibilities he has assumed and the tough jobs he has fulfilled. I don't think any Kansan better reflects his commitment to duty than our favorite son, Dwight Eisenhower, who I referred to, but I just want to tell a story about Dan and his background.

There's another connection with a former President. Dan's office in the Pentagon is located on the E Ring in the hallway known as the Eisenhower Corridor. It's appropriate that the Pentagon honor the architect of D-Day with such a tribute. We Kansans were able to put a statue of Ike in the rotunda. The footnote in history is that Ike was not the first choice from Kansas to attend West Point. Ike came in second in the competition for the appointment for the Academy that year, to Dan's grandfather, who received the highest score in the competition for that appointment.

That unique story aside, Mr. Chairman, I truly believe that he will, as Bob indicated, excel as the next Assistant Secretary for Legislative Affairs. I believe this not only because of my experiences with Dan, and as Bob said, watching him work hard for his country over the years, but also because of what he said when he came to me for his pre-hearing meeting on Monday.

Now, he's been around the Pentagon. He's also been around Congress a lot, and the meeting was barely underway before he asked me how he could make the Legislative Affairs shop at the Pentagon more responsive to lawmakers, and how he could make it better for Representatives and Senators, and Committees like this one, and staffs. So, he knows who we are, he also knows we are the end users of the DOD's Legislative Affairs operation, and I think he understands that certainly better than most, and will work hard to ensure that our needs and questions are answered.

I would just take the liberty of describing Dan as an "oil can man." If you have an itch, he will scratch it; if you have a rash, he will treat it. If you throw a monkey wrench in the gear box, he will try to recommend to you that you take the monkey wrench out, or will fix the gear box. Basically, when he sees some kind of an issue that becomes overheated, as Bob has indicated—and a tremendous need for unity of purpose in this Congress, more especially when we are at war—he will make it possible for the dialogue to take place to achieve understanding and that special unity of purpose.

Mr. Chairman, I think what we say up here from this dais and the many comments we make from the floor of the Senate, the many press conferences we have during these very trying times, these challenging times, the message that we send, not only is to our constituency, but also to our men and women in uniform and also to our adversaries.

I just came back from Fort Riley where we had a battalion coming back from their second tour of Iraq, and I went over to the 12

people who received Purple Hearts, and 3 with Bronze Stars. I said, "On behalf of Congress, I want to congratulate you, thank you for your service. On behalf of the committee, I want to congratulate you." I spoke more especially on your behalf, Mr. Chairman. I got to the last young man who had received his second Purple Heart, and he said, "Thank you for the support in Congress. By the way, what in the hell is going on back there?" in terms of some of the comments, I said, "Well, we have strong differences of opinion," and he said, "Well, that's fine, Sir, but we're doing a lot of good work in Iraq, and we're not really hearing about it." That really concerns me, and I think if there's any appointment right now that can do a better job of keeping this committee posted, and again, being that oil can person, so that we can achieve that unity of purpose, and achieve what the President wants and what we all want, it is Dan Stanley.

[The prepared statement of Senator Roberts follows:]

PREPARED STATEMENT BY SENATOR PAT ROBERTS

Mr. Chairman: It is my pleasure to introduce a fellow Kansan who is before this committee as the nominee for Assistant Secretary of Defense for Legislative Affairs, Dan Stanley. I consider Dan to be a personal friend. But more important are his qualifications. He has served our Nation honorably as a naval officer, senior staff in the United States Senate, and in State government in our State of Kansas. Kansan's don't shirk from the tough jobs. And Dan never has.

Mr. Chairman, Dan's resumé reflects the important responsibilities he assumed and the tough jobs he has fulfilled. No Kansan better reflects this commitment to duty than our favorite son, Dwight D. Eisenhower. But Dan shares another connection with the former President. Dan's office in the Pentagon is located on the E-Ring, in the hallway known as the Eisenhower Corridor. It is appropriate that the Pentagon honor the architect of D-Day with such a tribute, just as Kansas has presented his statue for display in the Capitol. The footnote in history is that Ike was not the first choice from Kansas to attend West Point. Ike came in second in the competition for the appointment to the Academy that year to Dan's grandfather, who received the highest scores in the competition for that appointment. That unique story aside, Mr. Chairman, I truly believe Dan will excel as the next Assistant Secretary for Legislative Affairs. I not only believe this because of my experiences with Dan, watching him work hard for his country over the years, but also because of what he said to me when he came by for his pre-hearing meeting Monday. The meeting was barely underway before Dan asked how he could make the legislative affairs shop at the Pentagon more responsive to lawmakers, how he could make it better for Representatives, Senators, relevant committees like this one, and staff. He knows we are the end users of the Department of Defense's legislative affairs operations. Dan understands that better than most, and will work hard to ensure that our needs are met and our questions are answered. With that, Mr. Chairman, I offer my full recommendation that Dan Stanley be approved as the next Assistant Secretary of Defense for Legislative Affairs. Thank you.

Chairman WARNER. Senator, I'm very pleased that you mentioned that personal conversation you had with that distinguished soldier on his return. In the hearing that we had last week, General Abizaid, on his own initiative raised his concern about the need from time to time to respond to similar inquiries addressed to him as the commanding general of U.S. Central Command (CENTCOM) from the men and women in his command. As to "What's all that we're hearing back home, General? We're fighting as hard as we can. Is there any lessening of the resolve?" I commended General Abizaid for that, and as a matter of fact, as recently as last night I had the opportunity in several press appearances to express my support for the Commander in Chief, the President's resolve. I feel that on both sides of the aisle, it is not

just on one side, Senator, both sides of the aisle here, both Democrat and Republican, I think our colleagues should take to heart the comments of General Abizaid and those of yourself and possibly my own as to the need to be very careful in how we couch our important and very necessary views about the conflict against terrorism. We must do it in a way that reflects great credit upon how the forces are performing their duty and carrying out the goals of trying to provide a measure of freedom for the people of Iraq and elsewhere, in Afghanistan. I thank you.

Senator ROBERTS. I think you put that very well, Mr. Chairman, thank you.

Chairman WARNER. This committee will stand in recess. We have two votes, and members of the committee will cast a vote on the pending one, and then immediately cast a vote on the second one, and then we'll resume and complete the hearing. [Recess.]

Senator LEVIN [presiding]. Senator Warner has suggested that I open up this panel, and I'm happy to do that. I welcome our panelists. We have had a long morning. I will just really briefly say that I know our chairman would welcome you, on behalf of the whole committee. I would be joining him if he were here, and I welcome each of our nominees.

Mr. Edelman is a career Foreign Service Officer who has served in a long series of senior government positions, including Ambassador to Turkey, Deputy Chief of Mission at the U.S. Embassy in Prague, and Deputy Under Secretary of Defense for Soviet and Eastern European Affairs.

Mr. Stanley has served in a series of positions in Federal, State, and local government, most recently serving as Principal Deputy Assistant Secretary of Defense for Legislative Affairs, and Principal Deputy Assistant Secretary of the Army for Manpower and Reserve Affairs.

Mr. Rispoli spent a large part of his career in the private sector before serving as Director of the Department of Energy's Office of Engineering and Construction Management. I appreciate, and I know the whole committee does, your willingness, all of you, to serve your country. We look forward to your testimony. The chairman has suggested that I, on his behalf and on the committee's behalf, present the standard questions to you. The answers to policy questions have been entered into the record, and now the standard questions that we ask of each nominee.

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

Ambassador EDELMAN. Yes, sir.

Mr. STANLEY. Yes, I have, sir.

Mr. RISPOLI. Yes, I have, sir.

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

Ambassador EDELMAN. No, Senator.

Mr. STANLEY. No, sir. I have not.

Mr. RISPOLI. No, Senator.

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

Ambassador EDELMAN. Yes, Senator.

Mr. STANLEY. Yes, Senator, I will.

Mr. RISPOLI. Yes, I will, Senator.

Senator LEVIN. Thank you. Will you cooperate in providing witnesses and briefers in response to congressional requests?

Ambassador EDELMAN. Yes, Senator.

Mr. STANLEY. Yes, sir.

Mr. RISPOLI. Yes, sir.

Senator LEVIN. Will those witnesses be protected from reprisal for their testimony or briefings?

Ambassador EDELMAN. Yes, Senator.

Mr. STANLEY. Yes, sir.

Mr. RISPOLI. Yes, sir.

Senator LEVIN. Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

Ambassador EDELMAN. Yes, Senator.

Mr. STANLEY. Yes, Senator, I do.

Mr. RISPOLI. Yes, Senator.

Senator LEVIN. Do you agree to give your personal views when asked even if those views differ from the views of the administration?

Ambassador EDELMAN. Yes, Senator.

Mr. STANLEY. Yes, sir.

Mr. RISPOLI. Yes, sir.

Senator LEVIN. Do you agree to provide documents, including copies of electronic forms of communications in a timely manner when requested by duly constituted committee, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Ambassador EDELMAN. Yes, Senator.

Mr. STANLEY. Yes, Senator.

Mr. RISPOLI. Yes, Senator.

Senator LEVIN. Ambassador Edelman, you are first to give us your opening comments. Given the hour, I would appreciate it if you could make your comments brief.

STATEMENT OF AMBASSADOR ERIC S. EDELMAN, TO BE UNDER SECRETARY OF DEFENSE FOR POLICY

Ambassador EDELMAN. Thank you, Senator Levin, thank you, Mr. Chairman.

I would just make some very brief comments and ask that the full statement that I've submitted be included in the record.

I appreciate very much the opportunity to appear before you as the President's nominee to be the Under Secretary of Defense for Policy. I'd like to especially thank Senator Allen for introducing me earlier this morning. I am grateful to the President for the confidence that he's expressed by making this nomination, and the support I've received from Secretary Rumsfeld. If confirmed, I look forward to working closely with you on the various duties and responsibilities that would be conferred on me.

Let me just say, I want to also thank the committee for its bipartisan commitment to the welfare of our men and women in uniform, their families, and the security of our country. The committee obviously has a historic and constitutional role in ensuring the de-

fense of the Nation and the readiness of our Armed Forces. I want to assure you that if I am confirmed I will hold the well-being of our troops uppermost in my mind at all times.

I think we confront today a broad array of security challenges, perhaps broader than we've ever faced in the past, and I believe as a result, that the Department of Defense must be flexible and agile, anticipating change, influencing its direction, and adapting our strategy and capabilities as appropriate.

I've been fortunate to have had the opportunity to serve our country in a number of diplomatic positions and settings, and if confirmed, I'll make every effort to put that experience to good use, to achieve the goals of strengthening our Nation's alliances and partnerships, assuring our allies and friends that the U.S. is, and will remain, a steadfast friend and security partner.

I would hope that my recent experience in Turkey, as well as my experience interagency, both in the Department of Defense and in other assignments will be helpful in building extensive, positive working relationships throughout the Government, which I could draw on in working towards the goals that I've mentioned, if confirmed.

I know that many of these issues will be of particular interest to the members of the committee. If confirmed, I look forward to consulting with you, to working closely with you to try to respond to any concerns or questions or issues that you have, and I look forward to your questions.

[The prepared statement of Ambassador Edelman follows:]

PREPARED STATEMENT BY AMBASSADOR ERIC S. EDELMAN

Chairman Warner, Senator Levin, members of the committee:

Thank you for the opportunity to appear before you today. I would like to especially thank Senator Allen for introducing me this morning. It is indeed an honor and privilege to come before this distinguished committee as you consider my nomination to be the Under Secretary of Defense for Policy. I am truly humbled by President Bush's decision to nominate me to that office and welcome the opportunity he has offered me, if confirmed, to return to the Department of Defense. I also deeply appreciate Secretary Rumsfeld's support and am excited by the prospect of serving under his leadership. If confirmed, I will look forward to working closely with each one of you as I endeavor to discharge the duties and responsibilities conferred on me.

I am profoundly aware that I come before you today during a time of war. American forces are engaged in combat in remote parts of the world. I honor their service to the Nation, their sacrifices and their families, whose support and sacrifices are in every measure as important to our national security as those of their loved ones.

I also wish to thank you for your bipartisan commitment to the welfare of our men and women in uniform, their families, and the security of our country. This committee plays an historic role to ensure the defense of our Nation and the readiness of its Armed Forces. I thank each of you for that service. I assure you that, if confirmed, I will hold the well-being of our troops uppermost in my mind at all times.

The need to achieve strategic victory in the global war on terrorism is currently our country's greatest challenge. We confront a broader array of security challenges than we faced in the past. In addition to the continued threat of traditional military challenges posed by nation states, the United States faces a range of nontraditional challenges from nations and nonstate actors. These challenges include the threat of attack by terrorists who operate from the shadows, outside governments, and outside the rule of law.

Thus we cannot protect America solely from inside America. As the President's commitment to the forward defense of freedom reflects, we must—in cooperation with our partners—continue to take the fight to the enemies of freedom, where they train and where they organize. We must also continue to advance the cause of liberty by helping those who do not yet enjoy it. As President Bush stated in his Inau-

gural speech in January 2005, "We are led by events and common sense to one conclusion: the survival of liberty in our land increasingly depends on the success of liberty in other lands. The best hope for peace in our world is the expansion of freedom in all the world." If confirmed, I will do all I can to help achieve this goal. We live in an era marked by strategic uncertainty. We may face, in time, a security environment far different from what we now envision as we pursue our objectives in the global war on terror. Accordingly, I believe that the Department of Defense must be flexible and agile, anticipating change, influencing its direction, and adapting our strategy and capabilities as appropriate. Achieving the President's goals of transforming the Department of Defense and our military forces to meet tomorrow's challenges has never been more important than now.

The Department of Defense recently published its new National Defense Strategy, aligning the Department's efforts with the President's commitment to the forward defense of freedom. It supplements the National Security Strategy adopted by the President in 2002 and complements the National Military Strategy. If confirmed, I will work under the Secretary's leadership to provide him policy advice aimed at achieving the great goals of the new National Defense Strategy, in particular to:

- Secure the United States from direct attack;
- Secure strategic access and retain global freedom of action;
- Strengthen alliances and partnerships;
- Establish favorable security conditions;
- Assure allies and friends;
- Dissuade potential adversaries;
- Deter aggression and counter coercion; and
- Defeat adversaries.

I have been fortunate to have had the opportunity of serving my country in numerous diplomatic positions and settings. If confirmed, I will make every effort to put my diplomatic experience to good use in working to achieve our goals of strengthening our Nation's alliances and partnerships, and assuring our allies and friends that the United States is and will remain a steadfast friend and security partner.

I believe that identifying and pursuing approaches and mechanisms that help both international and interagency partners build their security capacity should be a primary focus of DOD's Policy organization. If confirmed, I would intend to devote a great deal of effort to achieving these objectives. I would hope that my recent experience as U.S. Ambassador to Turkey will be particularly helpful in this regard, especially in connection with NATO matters. Likewise, during my 25 years of service in the Department of State, I have had the opportunity to build extensive, positive working relationships throughout the department on which I would draw in working toward these goals, if confirmed.

Many of these initiatives will be of particular interest to this committee and to Congress. I look forward, if confirmed, to consulting and working closely with you and the committee's able staff on these and other matters.

Chairman WARNER [presiding]. Thank you very much, Mr. Edelman.

Mr. Rispoli.

STATEMENT OF JAMES A. RISPOLI, TO BE ASSISTANT SECRETARY OF ENERGY FOR ENVIRONMENTAL MANAGEMENT

Mr. RISPOLI. Thank you, Mr. Chairman, Senator Levin, members of the committee. In view of the hour, I would like to just note that I did turn in a statement for the record.

Chairman WARNER. Yes, I am aware of it and I have examined it, it is a very good statement.

Mr. RISPOLI. Thank you. I've also introduced my family, thank you for that gracious opportunity earlier. I have a very short statement, a couple of sentences.

I would like to thank the President and Secretary Bodman for their support. I'm truly honored to be nominated to serve in this position, I pledge to you, Mr. Chairman, Senator Levin, members of the committee that if I'm confirmed to this position, I will work

closely with you and all of Congress in addressing the many issues that we face in the Environmental Management Program.

I intend to devote my full energy and my leadership and management experience to deliver results for the American people, and at the end of the statements, I would be pleased to answer any questions you may have. Thank you.

[The prepared statement of Mr. Rispoli follows:]

PREPARED STATEMENT BY JAMES A. RISPOLI

Good morning, Mr. Chairman, Senator Levin, and members of the committee.

It is a privilege for me to appear before you today as the President's nominee to be the Assistant Secretary for Environmental Management at the U.S. Department of Energy. I would like to introduce my wife, Carol, who is here with me today. Since our marriage some 36 years ago, she and our two children have supported me in my service to our country, as I was for 26 years a career military officer, mostly as a Civil Engineer Corps officer in the United States Navy. We moved our household 12 times in those 26 years, and Carol held down the homefront while I deployed as a Navy Seabee. Without the support of Carol and our two children throughout those years, I am convinced I would not be here before you today. I thank the President and Secretary Bodman for their support, and I am honored to have been asked by them to serve in this position. I pledge to you, Mr. Chairman, and to the members of this committee, that if confirmed to this position, I will work closely with you and all of Congress in addressing the many issues that we face in the environmental management program.

My formal education is as a civil engineer, educated as such to the Master's degree level. I also earned an advanced degree in business, and from my earliest days of practice I have had a special interest in environmental issues as related to engineering and construction. I have managed facilities as the public works officer and environmental officer at naval installations. Additionally, I have served as the Navy's manager of environmental cleanup for all its ashore installations, a position similar to the one for which I have been nominated at the Department of Energy. I have first hand experience in the Federal sector as an engineer in leadership positions, a manager of environmental programs, and as a contracting officer. Complementing that Governmental experience, I have served as a senior officer in two engineering firms that specialize in environmental cleanup.

I understand that the environmental management challenges of the Department of Energy are formidable, as I have been involved over the past several years with the capital projects in the Environmental Management portfolio. I recognize that the challenges of the nationwide cleanup program are great and I welcome the opportunity to begin working to address them. With that said, it is my view that with proper leadership and management, the professionals who work in this program, both Federal and contractor, can deliver success. We can do this with the use of industry standard practices for project management such as defining projects, with achievable targeted schedules, milestones, and costs. In my view, by reinforcing the application of industry standard practices in this program, we can manage it with better effectiveness and reliability. For example, by using these industry standard practices, we will be able to project future resource needs across the planning horizon with greater credibility. We will be able to better manage toward our targets to improve success in delivering on our commitments. I look forward, if confirmed, to leading this organization I hope the committee will find that my background qualifies me for this position, and has given me the leadership and management tools for the task at hand.

I am committed to safety, and in my view, safety and environmental cleanup are inexorably joined. I believe that the cleanup of our sites cannot be accomplished without superior safety performance in our daily work. Only by operating safely can we achieve the goals and schedules we have set. This is paramount, because the whole purpose of the cleanup of these sites is for the safety and security of our citizens, communities, and Nation. At the same time, I know that I need to learn and understand the strengths and weaknesses of this environmental cleanup program. I know that we have had successes and we have had setbacks, and that the setbacks have resulted in public disappointment and disappointment in Congress. If confirmed to the position of Assistant Secretary, I will take this mantle of responsibility; I will do so with a clear motivation to improve our performance to succeed, to deliver, and to be honest with you and all the stakeholders in the development of expectations and the execution of plans for this program.

I know a number of people throughout the Environmental Management organization I have great respect for them and the challenges they face, and overcome, every day. I look forward, if confirmed, to meeting the many more Federal and contractor employees who are engaged in these efforts, to understand fully how they have set their targets, and how they are managing their programs so that they will meet these targets.

I commit to you, the members of this committee, and the other congressional committees, that if I am confirmed, I will communicate openly with you, the States, and other stakeholders. My entire career has been built on honesty and integrity, and I fully expect to bring an open and forthright approach to all my dealings with the constituents and stakeholders of this program. I intend to devote my full energies and my leadership and management experience to deliver results for the American people.

Mr. Chairman and members of the committee, I will be pleased to answer any questions you may have. Thank you.

Chairman WARNER. Mr. Stanley, before you give your opening remarks, I'd like to say that I and other members of the committee have the highest regard for Powell Moore who served in the position to which the President has nominated you, for many years. He served through some of the most difficult years in which major issues were facing the Department and Congress. Through his skill and understanding of both branches of government, executive and legislative, having served as he did in both with great distinction, I think that we reached the right decisions on all of those questions. I know you served as his deputy for some period of time, and I just wanted to make that observation as you begin your opening remarks.

STATEMENT OF DANIEL R. STANLEY, TO BE ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS

Mr. STANLEY. Thank you, Mr. Chairman.

Powell Moore's been a mentor to me, and I've learned an awful lot. I hope to bring some of that, within my abilities, to this position if I'm confirmed.

Chairman WARNER. I hope you have no reluctance whatsoever to call him and to seek his advice.

Mr. STANLEY. None whatsoever.

I want to thank the President, the Secretary, and this committee for consideration of my nomination. I want to thank Senator Dole for taking his time to be here today. It is because of him that I have spent 16 years in public service, and counting. He was such an inspiration to me as a younger man that all I wanted to do was come to Washington and be like Bob Dole.

I thank Senator Roberts, who is a friend, and by example, also an inspiration.

Simply, I am a product of this body. I understand the responsibilities of this committee, and of the world's greatest deliberative body. I will keep my word, and I will always tell you the truth. The balance of my statement I'd like to provide for the record. Thank you.

[The prepared statement of Mr. Stanley follows:]

PREPARED STATEMENT BY DANIEL R. STANLEY

Mr. Chairman: I want to express deep appreciation to you and to Senator Levin for your consideration of my nomination today. I especially want to thank the President for his trust and confidence in nominating me for this position, and the Secretary of Defense for recommending me. It is a time of war with the lives of so many on the line, this is a period of enormous importance to all of us who love America

and defend her. It is at the same time a tremendous honor and if confirmed I will work diligently to be worthy of this committee's endorsement.

I am especially honored by the kind words of Senator Dole who came here to introduce me today. It is because of him that I have had the privilege of nearly 16 years of public service. By his personal example Bob Dole taught me and reminded the Senate and the whole of America that public service is a noble and honorable pursuit which begins with issues of character as simple as keeping your word. Not sometimes, not usually, but every time. Thank you Senator Dole. I am here today because of you.

I would also like to thank Senator Pat Roberts, another fellow Kansan and a friend for his kind words and for his support and example throughout the years. I am very proud to be associated with these men, these Kansans, these patriots. I am grateful to them, to the members of this committee and to the entire United States Senate, Republicans and Democrats alike, for your commitment to great purpose in service to our country. Thank you for putting America first.

I've witnessed confirmation hearings over many years and note that it is tradition also to thank the families of those called to service. This recognition is appropriate since these families sacrifice so much in supporting our answer to that call. So I take this opportunity to thank my wife, Kay, my daughter, Beth, and my grandchildren, Nick and Jack, who don't get to see their grandfather as much as all of us would like. I also salute my son, 2LT Daniel R. Stanley, Jr., United States Army, for the important work upon which he is about to embark. Of course I want to thank my dear mother, Irene, even though at 86, she still beats me at golf. Those who love and support us make us who we are.

Finally, I would like to reflect briefly on my life in military and public service which began just about 32 years ago when I enlisted in the United States Navy. I've seen the world through the eyes of a young enlisted man and personally borne many of the burdens our enlisted personnel bear today. The Navy gave me opportunity, not just to serve but to grow. I worked my way up through the ranks from Seaman Recruit to eventually become commissioned as an officer. I served as a nuclear technician on U.S.S. *Batfish,* as a division officer, weapons and sonar officer on U.S.S. *Woodrow Wilson,* with the Joint Chiefs of Staff as one of the managers of the Nation's strategic communications network, and numerous assignments in the Navy Reserve. In my brief private sector career I was the director of strategic planning for the McDonnell Douglas Corporation where I developed a 10 year forecast of defense spending and future trends in critical technologies. Not many ever correctly predict what Congress might do in any given year, let alone over a decade, but in retrospect my forecast was remarkably accurate.

Then the call to public service came from the man who introduced me today. I would not have given up a comfortable corporate career and come to Washington for anyone other than Senator Bob Dole. He inspired me as he has so many of our fellow Americans, to believe decency and fair play are possible in government—for the decent and the fair. Seven years on his staff, from 1987–1996, was one of the most remarkable, instructive, and demanding periods of my life. Indeed it was an important time in the history of our Nation and of this most important deliberative body of the world. To watch him first hand, to be any small part of his efforts, and to serve the United States Senate by serving him, has made me a witness to greatness. For his part, Bob Dole only asked that we work as hard as he did. Enough said.

I have had other opportunities worth noting. Governor Bill Graves invited me back home to Kansas to serve in his cabinet. It is instructive to note how different the view of Washington and the world is from what some call "fly over country." Washington is important, it funds things, it even provides some entertainment value to the average folks, but the government at the state and local level is another matter entirely. While jointly serving as the Secretary of Administration, our State's chief administrative officer, being elected to the City Council of our capital city of Topeka, I gained an up-close appreciation of what "accountability" is all about. The people, whether they like government or not, simply want things to work. So, it is in that spirit of getting things done that I come to you. Please know that if confirmed I will do everything in my power, give every effort that I have, to make the liaison between the Department of Defense and Congress work. To do that, I will tell you the truth and keep my word. Not sometimes, not usually, but every time.

In closing, let me reflect on a day in September nearly 4 years ago. I had been invited to return to Washington to serve as Deputy Assistant Secretary of the Army for Manpower and Reserve Affairs. One week after my arrival and having barely settled into a new challenge of service, the high-jacked plane struck the Pentagon just down the hall from my new office. This heinous act of terrorism killed co-workers, friends, and good people I had not yet had the opportunity to meet. It struck

America's soul—killing thousands here and in Pennsylvania and New York. So, this war is personal for me just as it is for tens of thousands of families whose loved ones are deployed in this global war on terrorism. They trust us, and believe that how those in authority comport themselves in this great undertaking do much to decide the future and nature of the world we will leave our children and generations to follow. I know what is in their hearts and minds because I've been one of them.

They are sure of themselves. Part of this job is to make sure they always have reason to be sure of us.

Chairman WARNER. I thank you very much, that is a clear and forthright declaration of your abilities to take on this responsibility, and how you will fulfill those responsibilities, and I thank you.

We'll have a brief round of questions at this time, and I'm going to yield to my colleague as he has other commitments. There's a slight disruption because of the votes and one thing or another, but take all the time you want.

Senator LEVIN. Mr. Chairman, as always, I appreciate your courtesy. You are unequalled in your willingness to accommodate your colleagues, and we're all grateful to you.

I just noticed, I think it was in Bob Dole's introduction, Mr. Stanley, you were a local official, were you, at one time?

Mr. STANLEY. Yes, Senator Levin, I was elected to the Topeka City Council.

Senator LEVIN. As far as I am concerned, that is one of your highest qualifications. I came from the City Council in Detroit. That experience is very valuable.

Just a couple of questions for Ambassador Edelman, and then I'm going to have to leave. On North Korea, is there any reason why we should not be talking to the North Koreans? As much as we dislike their policies and dislike their behavior, and I don't mean just in the context of the multi-party talks, although we ought to talk to them in that context too, but is there any reason why we shouldn't just talk to them bilaterally, if our allies, the South Koreans, and particularly the Japanese, want us to talk to the North Koreans?

Ambassador EDELMAN. Senator, thank you for the question. I think that, in my own experience as a diplomat, I've had a bias towards working with allies and seeking multilateral solutions. It seems to me that the issues that are presented by the potential North Korean nuclear weapons, and the weapons program, are issues of a regional nature, and therefore should be resolved in a regional context. I do think that the Six Party Talks format does provide an opportunity for bilateral discussions. In fact, in earlier sessions of the Six Party Talks, I think there were some bilateral discussions. There's no reason, if the North Koreans don't come back to the table, rather if they do come back to the table, why those kinds of bilateral discussions can't go on within the framework of the Six Party Talks. I would think we would want to have the other concerned parties, who have, I think, the same interest as we do, in not seeing a nuclear weapons capability developed in North Korea, involved in this process.

Senator LEVIN. I agree with that. We want them involved. They are involved, but if they want us to talk bilaterally with the North Koreans, that's their conclusion and advice, why should we not listen to our allies on that? It's not inconsistent with talking multilaterally.

Ambassador EDELMAN. Well, I think there's a danger of allowing the North Koreans to try and divide the various folks who have an interest, and I would prefer to have the concerted efforts of all brought to bear on them, rather than allowing them to divide the various parties.

Senator LEVIN. You made reference to the danger of North Korean nuclear weapons, and I couldn't agree with you more. We have had a new Defense Intelligence Agency (DIA) assessment being prepared. Admiral Jacoby has written to Senator Clinton and myself with an assessment, but we don't have an interagency assessment or estimate of the number of nuclear weapons that the North Koreans have. I'm wondering whether or not, if confirmed, you would request a new national intelligence estimate regarding North Koreas nuclear weapon program?

Ambassador EDELMAN. I haven't actually thought about that, Senator, but I haven't had a chance to get fully briefed up since returning from Turkey on the current Intelligence Community (IC) assessment of where the Koreans actually stand in their nuclear efforts, so I wouldn't want to say now whether an estimate is needed, but certainly we ought to get the best judgment the IC has on exactly where they stand.

Senator LEVIN. Mr. Edelman, as you and our Chairman know, I intend to ask questions of you for the record based on documents which we have been unable to obtain, which have been withheld from me, relative to the operations of the policy office that you have been nominated to. Those documents are highly relevant and germane to the operations of that office, I've given a list of the requested documents that have not yet been provided to our chairman. I would ask that a copy of that list be made part of the record, Mr. Chairman.

Chairman WARNER. Without objection.

[The information referred to follows:]

List of documents requested but not yet provided to Senator Levin by the Department of Defense relating to the work of the Office of Under Secretary of Defense for Policy on Iraq

- 32 documents, consisting of 135 pages, that have not been provided "for reasons of confidentiality interests," including "advisory and deliberative materials and internal legal analyses."

- 13 documents, consisting of 50 pages, that have not been provided "because they relate to potential prosecutions of foreign nationals."

- Documents related to the office of Under Secretary Feith (including, but not limited to, the Office of Special Plans and the Policy Counter-Terrorism Evaluation Group) reviews of, or contributions to, documents produced by other agencies concerning Iraq. (*In an appendix to Secretary Rumsfeld's letter of October 1, 2004, DOD stated that "It would strike a more reasonable balance if Senator Levin would ask the other agencies about any particular documents of theirs that would interest him." However, the documents of interest are DOD documents, not the documents produced by other agencies.*)

- Communications from Under Secretary Feith's office to other specified agencies and offices (CIA, DIA, State Department, National Security Council, Office of the Vice President, or Office of the President) from September 2001 through April 2003, related to the relationship between Iraq and al Qaeda. (*In an appendix to Secretary Rumsfeld's letter of October 1, 2004, DOD stated that this request is "unreasonably burdensome.")*

- In light of recently received documents, there may be additional documents that are responsive to Senator Levin's requests.

Senator LEVIN. There are a number of reasons why we are entitled to those documents, including our general oversight responsibilities, but one of them has to do with the confirmation process. I have been waiting now since November 2003 for many of these documents. They have been identified. The list has been given to the Department of Defense as to what those documents are—many of those documents have already been identified, and they are in. They are marked so they know exactly what they are. They have them in their possession—other documents would have required some searching relative to a specific issue which we have asked that those documents be provided relating to. We shouldn't have to wait this long, but we have. All I can say is I am going to do everything I can to get a hold of those documents, so that I can ask you questions that those documents raise about the operations of the office to which you have been nominated. I can't ask those questions now. I don't have those documents. I have some documents, but not all the documents which are relevant. We are going to make a determined effort to obtain those documents so we can ask you the questions. I have no idea what your answers will be. I don't want to pre-judge or in any way assume your answers will be other than adequate or assuring or whatever. I don't want to, in any way, suggest that there is anything in those documents that you

are unwilling to comment on, and indeed, satisfactorily comment on. There is nothing in those documents that relate to your activities. It relates to the activities of an office to which you have been nominated, and I have an essential obligation, if not a right, to know what your thoughts are about the way in which that office has been operating relative to a number of issues. Mr. Chairman, you've been very much aware of this, and trying to be helpful, and I appreciate that. I do use everything, every tool I can possibly use to get documents so I can ask relevant questions. I just want to put everybody on notice, including you, and I think everybody is already on notice, but in case there is anybody within the sound of my voice who isn't, I just wanted to make that clear, and thank the Chair, and ask that be made part of the record.

Chairman WARNER. Without objection, and before we part, Senator Levin, again, you've been very up front with the Chairman and others on this issue. I think the record should reflect that I was present at the meeting, at your request, with the acting Deputy Secretary Gordon England, as, I believe, he gave you some assurance that he's going to personally look into this. So I hope that this matter can be resolved.

Senator LEVIN. I hope so, too. It's not my intention to hold up the nominations, it's my intention to get documents, that's my sole intention. We thank you, Mr. Chairman, for your efforts.

Chairman WARNER. Thank you. All right, gentlemen, I'd like to resume some expanded questioning here.

First, Ambassador Edelman, I'd like to have the record reflect, really the extraordinary portfolio of responsibilities that your office is carrying, and subject to confirmation, that would be your responsibility. In other words, people think of you as responsible for foreign policy but you have a strong voice in missile defense, Special Operation Forces, etc. I think some recitation of that for this record would be helpful.

Ambassador EDELMAN. Senator, thank you. I agree that the responsibilities that are set out not only in chapter 10, but also in the DOD directive for the office of the Under Secretary of Defense for Policy are really quite daunting in the breadth of the responsibilities. It includes by statute, responsibility for assisting the Secretary and drafting guidance for contingency planning for the combatant commanders. It involves export controls and also assuring the ability to combat terrorism by directive; it also encompasses providing the Secretary advice and guidance on all matters of policy before the Department, including budget, forces, and strategy. It includes, obviously, the classic interconnection between foreign policy and defense policy with regard to regional defense relationships. It encompasses the arms control issues and nuclear force posture; it includes now, by statute, homeland defense, and as you mentioned through the Goldwater-Nichols legislation the Special Operations and Low Intensity Conflict responsibilities. So the range of responsibility is enormous, and quite honestly, if confirmed, I think it will be a humbling, challenging set of responsibilities to meet every day.

Chairman WARNER. As I've come to know you through these years, you're up to it. I will express a high degree of confidence in the Senate confirmation process, and I think we as citizens are for-

tunate that you and your family are willing to take on this extraordinary responsibility in these extraordinary times. We're fortunate that your career is now bringing you into a somewhat quasi-political environment. I'm confident you've been there before, that you'll guide the Department through, and make those decisions and recommendations to the Secretary which you feel are in the best interest of the Nation, despite politics, to the extent it might somehow be involved. I have the privilege of having known the Secretary since we were—comparatively speaking—young men, both working for President Nixon. That goes back a long way. I thoroughly enjoy working with him. There are challenges. We've had our differences, but by and large, we sit down and we work our way through them. He needs a very strong and experienced individual such as yourself. I have no doubt that you have the backbone and the tenacity to look him in the eye and say, "Good Secretary, I think this course of action is not the best," and suggest an alternative to him. He's receptive to that. He's receptive because I would never want him to list all of his responsibilities.

Having served in that Department, having served under three Secretaries of Defense, and having worked with each since that period of time, it's an extraordinary, awesome, all-encompassing job. He needs strength in his subordinates, and you will provide that.

I was going to cover your career, but I think Senator Levin covered that thoroughly. I would like to have your reaction to the status of Iran. That took a turn of events here, their ostensibly free election, although we won't get into that, that's past. That's going to be a challenge to deal with this new individual. I'd like to have your views in particular as it relates to the serious question of his early pronouncements to go full bore on whatever nuclear options he seems to have. I think he's still using rhetoric for power. It's difficult to understand, given the enormity of their natural resources for energy, but nevertheless, I'd like to have the record reflect your views.

Ambassador EDELMAN. Thank you very much, Senator, both for the question and your expression of confidence, which I really appreciate very much. As an aside I have, throughout my foreign service career, in a variety of different positions in a variety of different parts of the government, always told my bosses what I thought, for better or for worse, and I intend to continue doing that if confirmed.

On the question of Iran, I'm not sure that the election 8 years ago of a reformist president and his re-election made much difference in the Iranian drive to develop a nuclear weapon. I'm not sure this election was, as you say, a totally free and fair election, because if unelected groups can make determinations about who's eligible to run, who can run, it's not a free and fair election as we would consider it to be.

I think the election itself was driven not by this issue, by some internal domestic Iranian issues. I don't think it changes the fundamental facts that we face, which is an Iranian program which, as you pointed out, is couched in terms of nuclear power, but doesn't make a whole lot of sense for a country sitting on as much oil and gas as Iran sits on.

I think the best approach we can take is to try to find a diplomatic solution to this, as the President has said, to support the European Union 3 (EU–3). I think the President had some discussions with Chancellor Schroeder earlier this week which addressed this question about urging the European Union—French, Germans, and Brits—to continue to pursue in a very clear way the objective of getting a complete freeze of Iran's uranium enrichment program, and to their weapons program. I think we ought to do everything we can to try and support them to get that outcome. We also need to bear in mind, at some point—I don't think we're there yet—what other steps we take if they can't succeed. As I said, I don't think we're at that point yet, but at some point, the question obviously presents itself of whether to go to the United Nations Security Council and seek sanctions.

Chairman WARNER. This election may provide an impetus for exploration of other options. I'll leave that to the President. I think thus far, the President's approach has been quite satisfactory from my perspective on this, but I'd just make an observation. You don't have to reply to it, but throughout the years, Israel has shown remarkable determination and courage, to survive in that region and be an island of democracy, which the whole world respects. This issue of the nuclear course of action that Iran takes could complicate their own formulation of how best to protect themselves, and I think, protect the region. We'll watch that issue very closely as we go along.

I'd like to turn to Turkey. I used to attend and conduct our daily briefings throughout the military operations in this second conflict that we've had in the Gulf. I remember the utter astonishment that we experienced here in the Senate when a valued ally, that Turkey has been through these years, put certain impediments to our carefully laid out and thought through plans for the conflict, particularly with reference to the 4th Infantry Division. It has left in this Senator, and I think in other Senators, a concern about the role of Turkey as a strong partner in trying to bring about the collective goals of the coalition of nations for Iraq. I think it's important that we receive your views. I commend Secretary Rumsfeld. I had mentioned it several times publicly myself—without any specific consultation with him, or discussions with him—he brought up that the turn of events that we've experienced after the fall of Baghdad and the insurgency might have been quite different if that 4th Infantry Division had been able to disembark as planned in the Mediterranean and come down through that region in company with the other military actions of the coalition forces. Maybe we would not have experienced the level of terrorism that we have in certain regions in the path of that planned operation of the 4th Infantry Division which then, of course, had to go all the way around through the Suez Canal and down and come in through the ports of the Gulf region. A regrettable chapter. I'd like to have your views.

Ambassador EDELMAN. I certainly agree, Senator. It was regrettable that we didn't get the vote on March 1. I think it was a huge disappointment, obviously, to all of us in the U.S. Government. I was actually not yet Ambassador to Turkey at the time of the March 1 vote, but for all of us who had been working on the issues

and on the U.S.-Turkish relationship, it was an enormous disappointment.

I think in fairness it's worth pointing out that we have had very good cooperation with Turkey on a variety of other issues since the March 1 vote, and I think the Turks do share with us the same objectives of a stable, politically unified Iraq, with its territorial integrity intact. I think over time they have reoriented their policies a little bit more in the direction that is constant with our own, which is to say not reflecting purely their concerns about the Kurdish population in the North, but looking at the country in a broader frame of reference, and the need to work with a lot of other elements. The things that they have done, first of all, helped maintain the ground line of communication to our forces through the Habur Gate, for which a tremendous amount of the sustainment material for our forces flows. They've provided overflight rights, of course, and have allowed us to use Incirlik Air Base both for refueling missions——

Chairman WARNER. Yes, they've made very valuable contributions to the pre-invasion of our forces, coalition forces, into Iraq, and, for which we have consistently expressed here in Congress and elsewhere, our gratitude to Turkey for allowing the use of Incirlik, and overflight rights. I recognize that there is a problem. The Turkish Prime Minister visited the United States. I was privileged to join the leadership in meeting with him, and he expressed his concern, and I think our President likewise expressed our concern as a nation with such threats as they have had from these infiltrators. You bring to bear a great deal of knowledge on that situation, and I'm sure you'll watch it carefully. I'll put another more expanded question into the record on that problem.

I think it's remarkable that at NATO, we have one of the finest men we've ever had in General Jones as the commander there. He keeps the Senate, and I'm sure the House also, but he keeps us informed in a time-sensitive manner of all the decisions. He makes every effort to visit with the members of this committee and other Senators when he's back here in the area to bring us up-to-date, and in his most recent visit, we discussed at length, the International Security Assistance Force, currently led by NATO. He acknowledged with a sense of pride and respect, that, with a French General in charge, they've done a good job of enforcing the peace and security in the Kabul area. As expanded, with a limited number of provincial reconstruction teams in some of the Northern areas, at Sector One and Sector Two—we talked about it with General Pace—are you comfortable with the pace at which NATO is moving towards expanding? In the future, perhaps further into Sector Three, and then the extent to which the U.S. and other forces work on Sector Four, they will have overall responsibility, and the NATO Commander then, becomes the principal military commander if all four quadrants come in in that region. Would that be correct?

Ambassador EDELMAN. I have actually not had a chance to look in detail at these developments.

Chairman WARNER. Let's withdraw that as a question. It's more of an observation.

Ambassador EDELMAN. I was going to say, I am aware that General Jones and the NATO Secretary General are concerned that we are not getting enough support from the other allies in deploying the Provincial Reconstruction Teams (PRTs), and I think we do need to work on that.

Chairman WARNER. If the new Secretary General, who is indeed an impressive individual, and I—like other members of the committee—have known a succession of them. Lord Robertson was extraordinary, as his predecessor, but he's a man of strong commitments and will. He's working on trying to get a level of participation by a range of NATO countries, given they have these regrettable governmental options that restrict the manner in which those forces can be used in some way. I do hope this overall program of eventual participation in all of the sectors will come to pass, and I trust that you will have a heavy involvement in that.

Ambassador EDELMAN. Certainly, because I think extending the ability of the government in Kabul to have its reach go beyond the city and into the various provinces are important. The PRTs are a crucial element in that, and the more we can get them out there, the better off we'll all be.

Chairman WARNER. The drug trade problem is a concern here in the Senate. At the moment, steps are being taken to try and realistically deal with that situation. The quantity of drugs emanating from Afghanistan has increased exponentially over the past 18 months, and this can't be permitted. It's really undermining so much of the good work, and some of it in the Balkan area, which you're familiar with, that is how the drugs proceed to traverse the geography and work their way primarily into Europe.

Mr. Stanley, you've gotten a marvelous sendoff here by my colleague Pat Roberts, and my dearly beloved former colleague, Senator Dole. Again, we're fortunate that you and your family have stepped up to take on this challenge. You've undoubtedly listened to what I observed with regard to the Secretary of Defense in discussing with Ambassador Edelman his credentials, and I see in you the same set of credentials to be a firm and staunch working partner to the Secretary. He's highly dependent on you to interface and work with Congress and, as your predecessor would tell you, it's a challenge, but it's one that we have to meet and make work successfully. You too have the courage, do you not—I'd like to have it on the record—to look him in the eye and say you feel that some thoughts he might have the direction the Department is moving in is not in the best interest of the Department and perhaps the country, wouldn't you? You can assure me of that?

Mr. STANLEY. Without question, Senator.

Chairman WARNER. All right, I can accept that.

A former Assistant Secretary of Defense for Legislative Affairs testified a few years ago that he had 40 individuals on his staff, and that by his estimate there were 300 to 400 persons throughout DOD performing legislative functions. You've indicated that your staff is down to 32, but that the total number of personnel throughout DOD engaged in efforts ranges from 400 to 600. How are you going to deal with that problem?

Mr. STANLEY. Mr. Chairman, clearly we have a Legislative Affairs insurgency ongoing in the Department of Defense, and you

can appreciate that those battles are protracted. However, it is my intent that if confirmed, I will take up a proposal, which has been requested by the Secretary and the Deputy Secretary, on how to reorganize Legislative Affairs in a manner that is more cohesive. It meets the title 10 specifications; it says the Assistant Secretary of Defense for Legislative Affairs is the point of contact, the central point and coordinating function for the Department of Defense. We will organize in this, in a rational manner—not to stifle—but to provide this committee and Congress with the kind of service that you deserve and should expect.

Chairman WARNER. Through the years that I've had the opportunity to work with the various post-Active-Duty individuals who are given the legislative responsibility by the military departments. I think we've experienced very able individuals, successively appointed by the military secretaries, with the concurrence of the Secretary of Defense.

You've noted that the post-fellowship utilization of military officers who have been assigned as legislative fellows has been something that needs to be examined. It's important that they look upon this assignment as not—in any way—a deterrent for further recognition and more challenging posts in the military services when they return from these assignments. By legislation and DOD regulations, however, it is required that officers be assigned to billets that will make good use of their experiences on Capitol Hill. I just hope that you will take under your personal cognizance that program. There have been some great individuals—I'll cite one who I've had some familiarity with, and that's John McCain's father, who was in the Legislative Affairs post and survived it during the very difficult early days of Vietnam. He went on to be Commander in Chief of all U.S. Forces in the Pacific (CINCPAC), and with great skill and empathy he managed those responsibilities during a very critical time of the Vietnam War.

I remember on my trips to Vietnam always stopping at his home and discussing with him the plans that he was implementing during that conflict, and as I exited, I would stop and share with him my observation when I was returning back to the Pentagon. But that's just one example.

I'll mention another individual—when I was Secretary of the Navy I had the services of a Brigadier General in the Marine Corps named Don Hittle. He was a veteran of the Iwo Jima campaign, and had a lifelong career in the Marines. I was taught a great deal by him of the important role of the uniformed officers who are assigned duty working with the Congress of the United States and the dangers of doing so. I'd like to have your reassurance on that.

Mr. STANLEY. You certainly have my assurances, Mr. Chairman, and I'd just briefly reflect that I believe General Jones is also a product of that program.

Chairman WARNER. Oh, I remember him well. He came here as a major, and actually got promoted, and there he is today. I'm glad you brought that up as an example.

Mr. STANLEY. The Legislative Fellowship Program offers our officers a tremendously broadening experience, and I also believe as fewer and fewer Members of Congress come to these positions without military experience themselves, that it is a two-way street, and

that we should use the experience of our men and women in uniform to present first-hand what life in the military is all about in order to build a mutual understanding. That Fellowship Program, I believe, is extremely important to both the executive and the legislative branch, to bridge the gaps in understanding.

Chairman WARNER. When I came to the Senate 27 years ago, I think close to 80 percent of the Senate had at one time or another, served in uniform. Today, that figure, combined for House and Senate, is somewhere around 30 percent or below. In no way should that represent or impair on members in quickly learning about the military, nor on their desire to be an integral part of the work of the committees of Congress, principally our committee and the appropriators in taking care of the men and women of the Armed Forces. I draw on some modest experience I had in the military—yes, it has been helpful, and it's given me an insight—and I've often said that the military did more for me than I ever did for them when I was in uniform. We're all trying to do payback now for the magnificent support those of us that served have gained by that military service, but others on this committee are very strong in their learning about the military. They very quickly, I think, gained the ability to make decisions equally in every respect to myself and others. Do watch that very carefully. I think the fellows and the liaison officers play a vital role. We're fortunate that when we take our trips to visit the military overseas that they accompany us and work with us. Those trips couldn't really achieve their measure of importance without their active participation. Thank you, sir.

Now, Mr. Rispoli, I was so impressed when you came through the office that I really don't need to put a lot of questions to you. You are eminently qualified to take on this responsibility and are very anxious to do so.

I'd ask this. This year the Department of Energy (DOE) will spend approximately $7 billion on environmental cleanup of former DOE sites. That is a significant amount of money. It's needed to return those sites to areas that are compatible with the highest of standards that were required to enable our population to live in the proximity of those areas, and perhaps in most instances to use these sites for other purposes unrelated to the military.

The cleanup effort is a tremendously complex undertaking, and many of the toughest challenges remain. In your career, you have directed environmental cleanup programs for the Navy and developed unique expertise in the management of large civil works projects, you have had a distinguished career yourself as a naval officer. You're very modest about that, some 20 plus years.

In your view, what approaches and techniques are most likely to assure the success in an environmental cleanup program?

Mr. RISPOLI. Chairman Warner, thank you for that question, it's a very challenging program. Its size is very large; the technical complexity is probably unrivaled in this Nation. I'm told by experts that we have some of the most technically complex projects to clean up in the entire world. Safety is always important; it's a very vital issue, both for the workers and for the communities that will eventually, as you mentioned, retain use of many of these sites. I think that the area of focus that I would look at in addition to dealing

with those, is the management approach. My management style has been proven through the years. I believe that you have to have corporate processes, if you will, in other words, yes, projects are different, challenges are different, but you have to have some corporate standard that you use as you go through this process. We're fortunate today in that we have wonderful electronic tools to help us keep track of things like cost, plans, schedules, things of this nature—and then you need the people who have the expertise, the desire, the zeal, and the knowledge to be able to execute those plans and targets. I don't know many of the people yet in the organization, although I've been in the Department of Energy for 5 years. I've focused on certain areas of the work, but I'm very confident that with the high caliber of people, with the application of processes, corporate processes, and taking advantage of technology, always mindful of safety and commitments to the public, to the regulators, to this body and Congress, that we can succeed.

Chairman WARNER. I would hope that early on you might take the initiative to reach out to the various environmental organizations which have a special interest and a special expertise in your complicated areas, and not wait until a problem is brought to you by them or others. See if you can't begin to establish a rapport and a relationship that will enable you to work effectively with them. Certainly, I've had my differences in the past, but I've gained, overall, a respect for the individuals who take it upon themselves to serve in an executive capacity or other capacity in these organizations for the betterment of Earth and protection of our health that is so important to our society. I hope you'll do a reach-out program early on, if only to invite them in and have a cup of coffee, and discuss it a little bit.

Mr. RISPOLI. Mr. Chairman, thank you for that observation. In my career, especially in environmental work, I've become very accustomed to working with senior Environmental Protection Agency (EPA) officials, State regulators as well as non-governmental organizations that are the stakeholders for their communities. I must tell you that I believe if you're honest, open, and you can convince the people in the stakeholder community that you really are making a difference and making things happen, that you can keep that good rapport, so yes sir, I would intend to proactively learn about those people, learn where they are and meet with them. Thank you.

Chairman WARNER. Thank you very much. We've had an excellent hearing, gentleman, and I thank your families, again, for their participation. I look forward to the early confirmation of all three of you. Thank you.

[Whereupon, at 1:55 p.m., the committee adjourned.]

[Prepared questions submitted to Gen. Peter Pace, USMC, by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. You previously have answered the committee's policy questions on the reforms brought about by the Goldwater-Nichols Act (GNA) in connection with your

nominations to be Commander, U.S. Southern Command, and Vice Chairman of the Joint Chiefs of Staff (JCS).

Has your view of the importance, implementation, and practice of these reforms changed since you testified before the committee at your most recent confirmation hearing on July 24, 2003?

Answer. My fundamental view of Goldwater-Nichols legislation remains unchanged. Goldwater-Nichols has institutionalized joint warfighting in today's generation of soldiers, sailors, airmen, and marines—our force is joint—thinks joint—and fights joint. Your Armed Forces continue to prepare for complex future operations that require knowledgeable, innovative and decisive leaders, capable of succeeding in a fluid and often-chaotic environment. Educating and empowering the joint force remains a priority.

Question. You previously have indicated in response to questions about the need for changes to Goldwater-Nichols, that the Joint Staff has sought to identify methods that would allow the Chairman of the JCS and the Vice Chairman of the JCS to carry out their duties under title 10, United States Code, more effectively and efficiently. The committee has received testimony from Secretary England, General Jones, and Admiral Clark that changes relating to the acquisition process under Goldwater-Nichols may be necessary.

What are your current views about the need for additional modifications of Goldwater-Nichols in light of recently identified problems in the Air Force acquisition process, ongoing transformation, and JCS efforts to identify necessary modifications?

Answer. Goldwater-Nichols continues to effectively shape and integrate unified action within the Armed Forces to meet the strategic objectives outlined by the President in his National Security Strategy. Goldwater-Nichols still provides relevant guidance to all our Departmental processes, and provides us the flexibility to continue to look at innovative ways to improve our business practices. While a review and possible changes to our acquisition processes are warranted, I believe what is most worth exploring is application of a "Goldwater-Nichols like" framework across the United States Government (USG), to maximize integration and effective use of interagency resources.

DUTIES

Question. Based on your experience as a combatant commander and as Vice Chairman of the JCS, what recommendations, if any, do you have for changes in the duties and functions of sections 152 through 155 of title 10, United States Code, relating to the Chairman and Vice Chairman of the Joint Chiefs of Staff, and the organization and operation of the Joint Staff?

Answer. I have one recommendation. If the Homeland Security Council is going to remain separate from the National Security Council, I recommend the CJCS be designated as a statutory advisor to the Homeland Security Council. The Armed Forces play a vital role in homeland defense, and the Chairman should be included formally as principle military advisor to the Homeland Security Council.

RELATIONSHIPS

Question. Section 151(b) of title 10, United States Code, provides that the Chairman of the JCS is the principal military adviser to the President, the National Security Council, and the Secretary of Defense. Other sections of law and traditional practice establish important relationships between the Chairman and other officials.

Please identify any changes in the relationships the Chairman and JCS have experienced with the following officials since your last confirmation hearing:

The Secretary of Defense.

Answer. I have not noticed any changes in the relationship of the Chairman of the Joint Chiefs of Staff and the Secretary of Defense since my last confirmation hearing.

Question. The Deputy Secretary of Defense.

Answer. I have not noticed any changes in the relationship of the Chairman of the Joint Chiefs of Staff and the Deputy Secretary of Defense since my last confirmation hearing.

Question. The Under Secretaries of Defense.

Answer. I have not noticed any changes in the relationship of the Chairman of the Joint Chiefs of Staff and the Under Secretaries of Defense since my last confirmation hearing.

Question. The Assistant Secretaries of Defense.

Answer. I have not noticed any changes in the relationship of the Chairman of the Joint Chiefs of Staff and the Assistant Secretaries of Defense since my last confirmation hearing.

Question. The Vice Chairman of the Joint Chiefs of Staff.

Answer. I have not noticed any changes in the relationship of the Chairman of the Joint Chiefs of Staff and my current position since my last confirmation hearing.

Question. The Secretaries of the Military Departments.

Answer. I have not noticed any changes in the relationship of the Chairman of the Joint Chiefs of Staff and the Secretaries of the Military Departments since my last confirmation hearing.

Question. The Chiefs of Staff of the Services.

Answer. I have not noticed any changes in the relationship of the Chairman of the Joint Chiefs of Staff and the Chiefs of Staff of the Services since my last confirmation hearing.

Question. The Combatant Commanders.

Answer. I have not noticed any changes in the relationship of the Chairman of the Joint Chiefs of Staff and the combatant commanders since my last confirmation hearing.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that you would confront if confirmed as Chairman of the Joint Chiefs of Staff?

Answer. There are several challenges that confront the Armed Forces as we fight today's war and prepare for tomorrow's. We will continue our efforts to win the war on terror and to provide a stable, secure environment in Iraq and Afghanistan inside of which their sovereign governments can develop and mature. We will continue to transform the Armed Forces, taking advantage of the lessons learned over the past 3 years, as we develop a military capable of rapid adaptation to meet our future challenges. We are in the process of completing a comprehensive review of our Armed Forces in the Quadrennial Defense Review with the aim of developing the future Joint Force that has the right people with the right capabilities to meet the challenges of the 21st century.

The foundation of our success in the Armed Forces is our people—and our focus will remain on recruiting, training and developing our best and brightest to continue to deliver to the American people the finest fighting force in the world. We must ensure we take care of these incredible soldiers, sailors, airmen, marines, and their families by ensuring we have effective programs to support their professional, physical, and financial well-being.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. Currently the Department is conducting the Quadrennial Defense Review directed in Title 10. The Secretary has organized this effort to include both civilian and military leadership analyzing six focus areas. Through this review, I will work with the Secretary and make recommendations regarding the appropriate capabilities, policies and resources needed to continue to transform the Armed Forces to meet current and future security challenges.

PRIORITIES

Question. In his responses to the committee's advance policy questions in July 2003, General Myers indicated that his priorities included continued focus on winning the war on terrorism, improving joint warfighting, and transforming our Nation's military to face the dangers of the 21st century while taking care of the men and women serving in the Armed Forces.

How would you describe progress to date in attaining these goals?

Answer. We continue to make steady gains in these three areas. Our war on terrorism efforts, both at home and abroad, have been successful. While we still face significant challenges, our forces have performed superbly in defending the homeland and conducting offensive counterterrorism operations to defeat threats closest to their source. We have made major strides in transforming the force, from readiness forecasting, mobilization procedures, and force management, to adapting whole new ways of organizing, equipping, and training our forces like the Army's modular combat brigade concept. Likewise, the commitment to our people has enhanced their benefits and maintained high morale in an otherwise very busy force. These successful efforts, and many others, continue to transform our forces and enhance our joint warfighting capabilities.

Question. If confirmed, what would be your priorities as Chairman?

Answer. Having had the opportunity to serve as Vice Chairman under Dick Myers, I believe his focus these past 4 years has been spot on—appropriate and in the best interests of our Nation and our Armed Forces. My priorities will continue to focus on winning the war on terrorism, improving joint warfighting, and continuing the transformation of our Nation's military. We will focus on five themes: (1) execute a comprehensive strategy to undermine and defeat extremists, (2) strengthen our capability to prevent conflict, (3) increase speed of adaptation of the force and the interagency process, (4) shape and size our joint force to meet the challenges of the future, and (5) continue to pursue quality of life initiatives.

TRANSFORMATION

Question. You previously have stressed the objective in transformation of achieving a new "mind set" within DOD and developing a generation of warfighters who are accomplished in their service culture and strengths and equally comfortable applying that knowledge in the joint arena.

Please describe the progress that the Department, including the JCS and the Joint Staff, has made in transforming the Armed Forces.

Answer. We've made progress in the transformation of many concepts and programs, to include: intelligence reform and information sharing in global war on terrorism; Network Centric Operations and the Global Information Grid that will provide the backbone systems for global end-to-end communications for DOD; efficient and effective integration of various USG agencies in the Joint Interagency Coordination Groups of our combatant commands; new tools and ideas for future warfighting as a result of joint experimentation, to include the way we plan, preposition, and mobilize our current force; and finally, improvements in our processes and the interaction of our organizations—cultural transformation. General Schoomaker offers a tremendous example of transforming our "mind set." By simply reorganizing the same Army assets into Brigade size units, he has created greater capacity, in a more agile, flexible force.

Question. If confirmed, what would be your goals regarding transformation in the future?

Answer. We will examine the near-, mid-, and long-term capabilities the Department will require to remain the world's greatest fighting force. We will use joint concepts and experimentation to help us make the best decisions we can to solve today's issues while also continuing to transform so we maintain our joint warfighting capabilities into the future. We will continue to aggressively work on our cultural transformation—looking at our current assets in new ways to solve the challenges that will face us in the future.

Question. Do you believe the Joint Staff should play a larger role in transformation? If so, in what ways?

Answer. The requirement to transform our forces will remain one of my top priorities. We are a Nation at war, and one of our greatest challenges is to transform while protecting the U.S. from direct attack; fighting the global war on terror; and reducing the potential for future conflict. If confirmed, I will do my best to ensure we continue to invest heavily in transformation, both intellectually and materially. It is a difficult undertaking, especially in time of war; but it must be done.

AFGHANISTAN

Question. What is your assessment of the long-term prospects for Afghan military forces to effectively provide a secure environment for a democratically elected government to function?

Answer. The long-term prospects for Afghan security forces are excellent. To date there are approximately 42,000 trained Afghan National Police and 24,000 Afghan National Army soldiers. Currently the Afghan security forces are conducting patrols side by side with our coalition forces and performing well. Starting this fall units will undergo Unit Readiness exercises to measure capability to operate independently from coalition forces. The process of handing over security responsibilities is a deliberate one, involving incremental steps of training, small unit operations, and ever-increasing responsibilities being transferred to the Afghan National Army and Afghan National Police.

Question. What, if any, types of military assistance would you recommend in addition to current efforts?

Answer. Our commanders on the ground continually assess their requirements and we intend to provide the forces that they need. Military assistance will come from U.S. and coalition forces, which in this case includes NATO.

The fiscal year 2005 Supplemental Afghan Freedom Support Appropriations Act provides appropriate funding to support our current military efforts in Afghanistan.

The Afghanistan Security Forces Fund included in that Act provides funding to help stand up national level security forces in Afghanistan. Our current efforts in that regard are going extremely well. However, as we consider ways to accelerate training efforts of the Afghan National Army and assist the Afghan police, we may need additional funds to support that accelerated effort.

Question. What is the current division of labor between U.S., coalition partners, and the Government of Afghanistan in overall counterdrug efforts, particularly with regard to identifying drug traffickers, destroying drug labs, interdicting drugs and drug-related imports and exports, and destroying opium fields?

Answer. Our goal is an Afghanistan properly controlled by the Afghan Government, not outside forces. So it is good that the counterdrug effort is handled principally as a law enforcement effort of the Government of Afghanistan. The United Kingdom is the lead coalition nation in assisting the Afghan Government. The role of U.S. forces and our coalition partners in this effort has been to provide the Afghans the training, intelligence, and logistics support necessary to execute their counterdrug missions.

Specifically, coalition forces have provided Close Air Support/Medical Evacuation, intelligence, planning and airlift on an as available basis. The Afghan government's Central Poppy Eradication Force, based in Kabul, is responsible for the destruction of opium fields.

Question. How would you assess the effectiveness of this division of labor, and what, if any, changes would you recommend?

Answer. The division of labor is appropriate and the coalition's participation should continue to be in a supporting role as counternarcotics is a law enforcement matter. The challenges to the counterdrug effort include insufficient numbers of trained Police and counterdrug forces, corrupt local officials, insufficient legal and judicial infrastructure, and Alternative Livelihood efforts that have not yet yielded the desired results.

STATUS OF THE ARMED FORCES

Question. Ongoing operations in Iraq, Afghanistan, and worldwide in the global war on terrorism have placed great demands on active and Reserve military personnel and their families.

In your view, how is the overall morale of forces at the present time, particularly with regard to those units and individuals who have been deployed for extended periods of time and are facing the prospect of redeployment to combat zones?

Answer. The morale of our forces continues to be strong, especially in our deployed units. I have observed this first hand. Our marines, soldiers, sailors, and airmen, both active and Reserve components, recognize that while they are in a demanding fight, their efforts are having a profound, positive impact on some very troubled areas of the world. They see both the direct effect they are having on protecting America and the good they are doing for people abroad. These effects upon them are clearly reflected in their willingness to reenlist at historically high rates.

I am also extremely proud of our military families, who bear the burden of keeping the household running, balancing the day-to-day details with the constant concern of their loved ones serving in harm's way. Their courage and sacrifice equal that of our warriors in uniform, and they deserve our continued gratitude and support. Reenlistment is very much a family decision, and again our reenlistment rates show that our families are equally committed.

Question. If confirmed, what plans would you implement to address the stress that high operational tempo under combat conditions places on our forces and their families?

Answer. The operational tempo of U.S. forces during the 3 plus years since September 11, 2001, has been significant. My task is to assist the Secretary of Defense in making every effort to achieve the most efficient use of our forces and to manage those forces within acceptable levels of stress. Accordingly, we developed with the Secretary 47 critical tasks to reduce the stress of the force that apply lessons learned from the global war on terrorism; expand focused joint training; coordinate technical interoperability with coalition forces; and reorganize force capabilities into a modular structure supported by a minimum logistical footprint. The Department will monitor, measure, analyze and exploit each of these areas for specific opportunities to reduce stress on the force for both the active and Reserve components.

Dr. Chu has the lead for the Department on this very important endeavor and each of the Services and the Joint Staff are playing a vital role. If confirmed I look forward to working with Dr. Chu and the Joint Chiefs to reduce relieve stress on our forces and their families.

JOINT OFFICER MANAGEMENT

Question. Statutory standards for joint officer management and joint professional military education have increasingly been the subject of proposals for change that would afford greater latitude to the Joint Staff and the services in the management of officers. In section 531 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, the Secretary of Defense is required to develop a strategic plan for joint officer management and joint professional military education that would link future requirements for active and Reserve military personnel who are trained and educated in joint matters to the resources required to develop those officers in terms of manpower, formal education, practical experience, and other requirements.

What do you consider to be the principal problems that should be addressed by the strategic plan and, if confirmed, what objectives would you hope to achieve?

Answer. Since the enactment of GNA in 1986, we have made great strides in the joint arena. However, the current world environment and the enemies we face on today's battlefield are radically different than those of 20 years ago. GNA was based on our assessment of the Cold War environment and the Department's limited experience in true joint operations. Today's military is actively and decisively engaged in joint operations to an extent we never imagined. We have embraced joint operations and continue to adapt to fighting jointly.

The Joint Staff is assisting Dr. David Chu, USD (P&R), in developing a strategic plan for joint total force development that will be directly linked to the overall missions and goals of the department. This new strategic plan will fully define the specific capabilities and competencies required of our officers, senior civilians, field grade Reserve component officers, and senior noncommissioned officers. Additionally, the plan will address the resources, education, training, assignments and career progression requirements needed to perform and succeed in a joint environment.

Question. What do you consider to be the primary strengths and weaknesses of the current requirements for joint professional military education with respect to qualification as a joint specialty officer?

Answer. The primary strength of the current system is that it produces outstanding, qualified joint specialists who perform at the highest organizational levels in critical joint positions. The major drawbacks are "chokepoints" within officer career paths that reduce the opportunity of gaining joint experience and create a need for prerequisite waivers. These chokepoints have constrained opportunities for officers and have impacted organizations and missions.

Broader and more equitable standards for defining what constitutes a "fully qualified" joint officer are required. The CJCS' new vision of Joint Officer Development envisions multiple avenues for officers to attain joint qualified officer (JQO) status, such as obtaining both JPME and Joint Individual training from both resident and non-resident paths, as well as counting experiences gained during service on a Joint Task Force or in Service billets that have inherently joint aspects. For example, an officer in the G3 of the 18th Airborne Corps, who is in combat operations with a Joint or coalition force, could generate joint credit from that assignment if it is found that most of his work is in joint matters and that he further displays "joint competence" in the performance of his duties.

The multiple paths to the JQO designation as well as service responsibilities to track, monitor and record Joint experience, will provide relief to the currently encumbered manpower systems and reduce the ad hoc "work-arounds" regarding assignments and tour-lengths. This broader definition of a joint qualified officer will provide increased flexibility in the system and more effectively produce the joint specialists needed.

Question. What is your assessment of the appropriate balance between education and experience in achieving qualification as a joint specialty officer?

Answer. Based on individual strengths and talents, one proscriptive approach of x amount of education and y amount of training may not best serve our needs to joint officer development. I believe that our system must be flexible enough to provide selected officers a tailored mix of joint education, training and assignment opportunities they need to gain the experience and achieve the competency-level an organization requires to effectively fill critical joint positions.

REBALANCING FORCES

Question. In a memorandum of July 9, 2003, the Secretary of Defense directed action by the Services, the Joint Staff, and the Office of the Secretary of Defense aimed at achieving better balance in the capabilities of the active and Reserve components. The Secretary noted that the Department "needs to promote judicious and

prudent use of the Reserve components with force rebalancing initiatives that reduce strain through the efficient application of manpower and technological solution based on a disciplined force requirements process."

What progress has been made in achieving the Secretary's vision?

Answer. The Secretary's vision encompassed three principal objectives: rebalance the Active and Reserve Forces to reduce the need for involuntary mobilization of the Guard and Reserve; establish a more rigorous process for reviewing joint requirements, which ensures that force structure is designed appropriately and requests for forces are validated promptly to provide timely notice of mobilization; and make the mobilization and demobilization process more efficient.

The Department continually assesses its force structure and rebalances within and between the Active and Reserve components to move forces from low demand to high demand specialties with the desired result of improved readiness and deployability. These rebalancing efforts will shift forces to critical specialties such as Civil Affairs, Military Police, Special Forces, Psychological Operations, and Intelligence while divesting Cold War structure to provide a more capable and lethal force to fight the global war on terrorism.

We have instituted a new process for assignment, allocation and apportionment of U.S. military forces to the combatant commands. The Global Force Management Process provides comprehensive insight into the global availability of U.S. military forces and helps us match requirements with available forces. Sourcing solutions are developed and then approved at a quarterly Global Force Management Board designed to ensure the best options are selected to achieve desired effects.

Additionally, the lessons learned during Operation Iraqi Freedom concerning Reserve mobilization and demobilization have been put into action. Specific recommendations were made, each with potential follow-on actions, to enhance the capability of the Department to mobilize and deploy Reserve Forces. The Department has rewritten policies that have been included in the Global Force Management process. As part of this process, every Reserve deployment is reviewed for an effective alternative source of manpower—civilian, contractor, or volunteer.

Question. What do you consider to be the biggest continuing obstacles to achieving the goals that the Secretary of Defense has set forth in his memorandum?

Answer. The biggest challenge to achieving the Secretary's goals is determining the appropriate balance between the Active and Reserve components while maintaining sufficient warfighting capability. To that end, rebalancing of the force is an ongoing activity within the Department. The Department is continually assessing its force structure and rebalancing within, and between, the Active and Reserve components with the expressed purpose of improving readiness and deployability.

IRAQ INSURGENCY

Question. We have all been concerned about the recent rise in violence in Iraq, particularly with regard to suicide bombers. Our current strategy is to continue to train, equip, and assist the Iraqi security forces in their efforts to be able to take responsibility for internal security in Iraq.

What progress has been made in training Iraqi security forces?

Answer. Iraqi security forces (ISF) are making steady progress. In May 2003 there were no ISF. In July 2004 there were 6 newly formed Regular Army battalions in training and over 32,000 trained police. In June of this year, there are over 100 combat battalions in the Iraqi Defense and Interior ministries and over 60,600 trained and equipped police. Despite horrific terrorist attacks directed at the ISF, security force development maintains its forward momentum: large numbers of recruits are volunteering and being trained; the supply system is equipping them; and the infrastructure is maturing to house and support these units.

Question. How would you assess the current capabilities of the Iraqi security forces?

Answer. Most Iraqi combat battalions are capable of planning, executing, and sustaining counterinsurgency operations with coalition support or in conjunction with coalition units. All are on track for eventual independent operations and, while working toward that end, all units are in the fight. Regular police and border forces continue to struggle in high threat areas; however, we are working to strengthen links to coalition forces to enhance their capabilities.

Question. What system has been developed for assessing those capabilities?

Answer. The process for measuring MOD Iraqi security forces capability looks at six areas of readiness. They are: Personnel, Command and Control, Training, Equipping, Sustainment, and Leadership. Using these measurements, battalion size units are assessed on a readiness rating of Level 1–4. At the top end of readiness, a Level 1 unit is fully capable of planning, executing, and sustaining independent

counterinsurgency operations. At the lower end, a Level 4 unit is just forming and/or incapable of conducting counterinsurgency operations. Iraqi commanders and coalition forces will jointly report these assessments with parallel reporting up the chain to Multi-National Corps-Iraq and the Iraqi Joint Headquarters/Iraqi Army Headquarters. Minister of Interior (MOI) Special Police Battalions use the same assessment system. Measuring the capability of other MOI forces is challenging due to the vast number of local police stations and border enforcement guard posts throughout Iraq. Multinational Forces-Iraq (MNF–I) is finalizing the process for assessing the provincial police stations along areas of readiness similar to the Ministry of Defense forces. We expect the first iteration of readiness reporting using this new process for MOI forces to be completed at the end of July 2005.

Question. With U.S. assistance, the Iraqis are developing combat and police units to conduct a variety of missions, including local security, external defense, Reserve contingency operations, and counterinsurgency.

What requirement has been established for the number of battalion-size units of Iraqi security forces to be organized, trained, and equipped specifically for counterinsurgency missions?

Answer. The current authorized number of combat battalions for the ISF is 143. These forces include 112 battalions in the Iraqi Army, 3 battalions of Special Operations Forces within the Ministry of Defense, and 28 battalions of Special Police Forces in the Ministry of Interior. We anticipate the sovereign government of Iraq to, over time, modify the size of their security forces based on internal and external threats.

Question. How many battalions are currently capable of conducting counterinsurgency operations with and without coalition assistance, respectively?

Answer. The majority of Iraqi combat battalions are already planning, executing, and sustaining counterinsurgency operations with coalition support or in conjunction with coalition units. I have provided a separate, classified graphic that shows the specific number of battalions currently in each category.

Question. At the current pace of training and equipping, when do you anticipate the Iraqis will be ready to assume primary responsibility for security in Iraq?

Answer. CENTCOM and MNF–I regularly assess the capability of the ISF and their ability to assume primary responsibility for security in Iraq. The pace of transition from U.S. forces to Iraqi security forces will be driven by the capability of the Iraqi forces, the level of insurgent activity, and the ability of the Iraqi government to provide essential services and infrastructure in the areas of security, governance, economic development, and communications. Iraqi security forces are gaining valuable combat experience and continue to make progress toward taking the lead in the counterinsurgency fight. As conditions warrant, MNF–I will progressively transition the counterinsurgency mission to capable Iraqi security forces at the local, regional, and national levels, and assign coalition forces to supporting roles with a less visible presence.

TREATMENT OF DETAINEES

Question. The Constitution, laws, and treaty obligations of the United States prohibit the torture or cruel, inhuman, or degrading treatment or punishment of persons held in U.S. custody.

What steps, if any, do you believe the Joint Staff should take to ensure the humane treatment of detainees in DOD custody and to ensure that such detainees are not subjected to torture or cruel, inhuman, or degrading treatment?

Answer. The United States Government will treat all detainees humanely and in accordance with applicable international and domestic law. Soldiers, sailors, airmen, and marines are trained to treat all detainees humanely from the moment they are captured—without exception. The Joint Staff, in coordination with and support to the combatant commands, constantly evaluates and assesses DOD policies to ensure the appropriate treatment of all persons in DOD custody.

To date, U.S. forces have detained approximately 70,000 individuals in the prosecution of the global war on terrorism. These efforts have successfully prevented many of the most dangerous people on Earth from committing further terrorist acts or criminal activities. Despite thorough training and policies that clearly prohibit the maltreatment of detainees, a small number of individuals have violated the law. Those actions are totally unacceptable, and the United States has suffered a direct and severe impact strategically as a result of them.

Humane treatment is the standard, and deviation from this standard will not be tolerated. Credible information regarding detainee abuse has been and will continue to be investigated, and individuals will be held accountable if abuse is substantiated. The Joint Staff's role in this effort, in coordination with OSD and the inter-

agency, is to ensure that national level policies and procedures are in place that will continue to provide clear guidance to the combatant commanders and the component commands on the applicable standards.

OPERATIONAL TEMPO

Question. The U.S. has approximately 138,000 troops deployed in Iraq and another 15,000 deployed in Afghanistan, in addition to our other overseas commitments in Korea, Japan, Europe, and elsewhere. Sustainment of these large-scale deployments has put strains on the force, particularly ground forces, and has required the extensive use of Reserve component elements.

For how long is the current level of deployments sustainable?

Answer. The Armed Forces of our Nation will sustain whatever level of operation is required. Thanks to the members of this committee and the support of Congress, we have the force structure we need to meet the needs of the Nation.

This is not to say we are accomplishing our many missions, both at home and abroad, without challenges. We have a process, the Global Force Management System, by which we seek to assign the right forces at the right time to meet the requirements of our combatant commanders, within acceptable risks.

One of my most important duties is to convey to the civilian leadership of our Nation what the risks are, and provide my best military recommendations to mitigate such risks.

Question. What initiatives are underway or being considered to increase the level of coalition military participation in Iraq and Afghanistan?

Answer. The primary vehicle we are using to increase coalition participation in Afghanistan is expansion of the NATO and International Security Assistance Force initiatives. Over the past several months, the Italians assumed control of the formerly U.S.-led Provisional Reconstruction Team (PRT) at Herat. As International Security Assistance Force expands to the south, the Canadians and U.K. will bring in a significant number of troops to assume control of two PRTs and conduct security operations. Through frequent mil-to-mil talks with our allies, we continually identify areas in which coalition forces can provide greater assistance. Through our State Department we make formal requests to other governments.

Question. Under what conditions can U.S. troop levels in Iraq and Afghanistan be reduced?

Answer. U.S. troop levels can be reduced when Afghan security forces are capable of operating independently, when NATO/ISAF expansion is complete, and when the insurgency is reduced to a level manageable by Afghan security forces. The conditions for U.S. troop reductions in Iraq will be driven by the capability of the Iraqi forces, the level of insurgent activity, and the ability of the Iraqi government to provide essential services and infrastructure in the areas of security, governance, economic development, and communications. In each case, troop reductions in Afghanistan and Iraq will be event-driven, not based on timelines.

Question. The Marine Corps currently conducts 7-month deployments to Iraq and Afghanistan, while the Army conducts 12-month deployments.

What are the operational reasons for this difference?

Answer. The Service Rotation Policies are based upon the Service Chiefs' assessments of how they can best execute their Title 10 responsibilities to organize, train and equip the force. The Marine Corps requested that they be allowed to meet their deployment requirements and still maintain as close to their normal 6-month deployments as possible. It is the Marine Corps' view that the 7-month deployments allow them to meet the CENTCOM requirements, and to maintain a high state of readiness in worldwide deploying and deployed units.

Question. What changes, if any, would you recommend to the approach taken by either Service?

Answer. I do not anticipate any changes. The Service Rotation Policies are based upon the Service Chiefs' assessments of how they can best execute their Title 10 responsibilities to organize, train and equip the force. These policies are the product of significant amounts of time and effort by the Service Staffs. With these policies each Service is bearing its fair share of the requirements based upon their core competencies.

U.S. FORCES IN KOREA

Question. In April 2005, the Government of the Republic of Korea (ROK) announced it would cut back by 8.9 percent on its financial contribution to the U.S. military presence in that nation, citing U.S. plans to reduce the number of its deployed troops. As a result, the number of locally hired South Korean workers has been reduced by United States Forces Korea (USFK).

In your view, do the planned reductions in the number of U.S. troops in South Korea and the funding response by the ROK place in jeopardy the goals of the Korea Land Partnership Plan, specifically, relocation of Army headquarters from Seoul to Camp Humphrey and other locations south of the capital?

Answer. No. The moves within Korea will continue on schedule. USFK is adjusting for the reduction in the Korean financial contribution, and it will not affect the Land Partnership Plan. Relocation of the Army headquarters from Yongsan is funded separately from the ROK financial contribution to the U.S. military presence.

Question. Increases in pay for U.S. soldiers stationed in the ROK as a result of the Army's use of assignment incentive pay and higher overseas cost-of-living allowance have made extended tours of duty in Korea more attractive.

Question. Do you support increased numbers of accompanied tours for U.S. military personnel assigned duty in the ROK?

Answer. Yes. We are moving toward the reorganization of 95 installations across the peninsula into 12 "enclaves" that will provide for more centralized planning, execution, and coordination of our valuable resources. After the construction of these new facilities, we anticipate that 25 percent of the U.S. troops serving in South Korea will be able to bring their families with them, compared with the current level of 10 percent. This new opportunity will not only enhance mission capability but will improve the quality of life for troops assigned to the Korean peninsula.

GLOBAL FORCE MANAGEMENT SYSTEM

Question. The Department of Defense has instituted a new process for allocating U.S. military forces among and between the U.S. combatant commands.

Why has the Global Force Management System been instituted, how does it achieve the goal of efficiently allocating forces, and how is it different from past practice?

Answer. The Global Force Management process provides a structured means to allocate forces from a global, rather than a regional perspective. This process provides the strategic flexibility needed to address emerging as well as rotational troop requirements while constantly assessing general risks. It provides a more comprehensive capability to accurately assess the impact of risks of proposed changes in force assignment.

INTEGRATED GLOBAL PRESENCE AND BASING STRATEGY

Question. The President announced plans in August 2004 to implement an Integrated Global Presence and Basing Strategy (IGPBS) to emphasize the expeditionary posture of U.S. forces overseas. This strategy will result in the redeployment of tens of thousands of U.S. troops to the United States.

As a result of IGPBS, what adjustments to mobility assets and force modernization investments will be required to continue to meet the operational requirements of the combatant commanders?

Answer. The transition from the Cold War's containment strategy to a new international security environment has produced formidable challenges. The new global posture strategy promotes the expansion of allied roles and encourages new partnerships. The strategy relies on a tailored force construct to engage in regional security, which ultimately prevents war.

Transformation initiatives utilizing lighter platforms, such as the Stryker, U.S. Army modularity, and network-centric operations, augmented with prepositioned equipment, should greatly ease the stresses placed on our mobility lift requirements. Our ongoing study of mobility requirements will give us a better understanding of future requirements.

The new strategy will allow the U.S. to "transform in stride" while taking better advantage of technology and innovative warfighting concepts, improving our ability to meet our alliance commitments and global responsibilities.

STABILITY AND SUPPORT OPERATIONS

Question. Operations in Iraq and Afghanistan have underscored the importance of planning and training for post-conflict stability operations. Increased emphasis has been placed on stability and support operations in DOD planning and guidance in order to achieve the goal of full integration across all DOD activities.

What is your assessment of the Department's current emphasis on planning for post-conflict scenarios?

Answer. The Department has placed considerable emphasis on post-conflict planning. The most critical step in improving our post-conflict planning is the establishment and integration of a counterpart civilian planning capability. Therefore:

- We strongly support the establishment of the office of the Coordinator for Reconstruction and Stabilization (S/CRS) within the Department of State.
- We have assisted S/CRS in building their own planning processes while integrating them into our own deliberate and crisis planning processes, here in Washington and with the combatant commanders.
- We have worked with S/CRS to integrate stabilization and reconstruction operations into our Combatant Commander's Operational Plans and Theater Exercises.

We are developing a DOD directive concerning stability operations. We envision a policy where stability operations are a core capability—one U.S. military forces should be prepared to undertake. As such, stability operations will have the attention and priority comparable to other combat operations.

S/CRS is participating in the ongoing Quadrennial Defense Review, which emphasizes the need for post-conflict planning as we reassess our force structure requirements, to ensure we have the right mix of forces for the right missions, including stabilization and reconstruction operations.

Question. What role should the Joint Staff play in the area of post-conflict planning and the conduct of stability and support operations?

Answer. The Joint Staff is a key member of the various interagency committees and working groups that develop plans and policies. Importantly, the Joint Staff facilitates coordination between the governmental agencies, such as S/CRS, and the combatant commanders and their staffs.

Question. In your view, what is the appropriate relationship between DOD and other Federal agencies in the planning and conduct of stability and support operations in a post-conflict environment?

Answer. I believe stabilization and reconstruction operations need to become core competencies of all departments of our government. Our experiences in Afghanistan, Iraq, and elsewhere have made it clear that interagency and international "jointness" are important, and can be crucial, to success.

It is essential to maintain clear accountability and responsibility for any mission. Therefore, the military is accustomed to designating lead and supporting responsibilities during contingencies.

DOD should be the lead agency while combat operations are ongoing. However, once combat operations have ceased, and stabilization and reconstruction operations are underway, there will be a time when another agency such the Department of State takes the policy lead in a stabilization and reconstruction operation with DOD in a supporting role.

S/CRS and the other government agencies, including DOD, have put considerable thought and effort into how they would exercise command and control during stabilization and reconstruction operations. In particular, S/CRS has formulated three echelons of deployable teams to plug in with our combatant commanders, Joint Task Force Commanders, and then down to the division or brigade level. These teams would be key to the transition to another agency's control once combat operations are complete.

The military chain of command would remain in place, even under another agency's command and control. If a Joint Task Force or combatant commander felt he could not comply with direction from his civilian counterpart, he could always bring that matter up through the chain of command, up to and including the Secretary of Defense. Similarly, the civilian in charge could take issues up to the Secretary of State. At that point, the Secretaries could resolve the matter.

Question. What lessons do you believe the Department has learned from the experience of planning and training for post-conflict operations in Iraq and Afghanistan?

Answer. The experiences of our forces in Iraq, Afghanistan and other contingencies have taught us several key lessons. They include:

(1) A focused, integrated U.S. Government approach to stabilization and reconstruction operations is essential to bring all the Nation's elements of power to bear in a contingency.

(2) Such an integrated approach requires that our civilian and military planning be fully coordinated, both here in Washington and with the combatant commanders.

(3) We need a strong, standing civilian management capacity to ensure personnel, programs, and resources for stabilization and reconstruction operations are coordinated.

(4) That civilian management must have a surge capacity to rapidly mobilize and deploy personnel prior to or during a contingency.

(5) Building and maintaining the civilian capacity to plan, mobilize, deploy, and execute stabilization and reconstruction operations requires a robust interagency training and exercise effort.

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Question. At her confirmation hearing in January 2005, Secretary of State Rice expressed the administration's strong support for the U.N. Convention on the Law of the Sea. Officials of the Department of Defense, including the Chief of Naval Operations, have advocated for accession to the Convention.

Do you support U.S. accession to the United Nations Convention on the Law of the Sea?

Answer. Yes. The Convention has useful provisions regarding freedom of navigation.

Question. How would you answer the critics of the Convention who assert that accession is not in the national security interests of the United States?

Answer. On balance, the Convention would serve the national security interests of the United States.

CHINESE MILITARY

Question. In early June 2005, Secretary Rumsfeld criticized China's military buildup, noting that China's investment in missiles and modern military technology posed a risk not only to Taiwan and American interests, but also to nations across Asia.

What do you believe are the objectives of the Chinese military modernization program?

Answer. Chinese leaders judge they must modernize to protect their vital national interests.

Question. What do you believe are the Chinese global political-military objectives and specifically its objectives regarding Taiwan and the Asia-Pacific region?

Answer. The Chinese have developed worldwide economic and commercial interests and presence. Thus, they also seek to be consequential in all decisions involving international security issues, especially in the Asia-Pacific Region.

Their stated objective for Taiwan is that Taiwan is part of the Chinese homeland and, as shown by the law enacted earlier this year, they cannot permit an independent Taiwan.

Question. How do you believe the United States should respond to the Chinese military modernization program?

Answer. U.S.-China relations should be considered within the larger context of bilateral and multilateral relations of the region. Much of the peace and stability in Asia has been built on U.S. presence and our strong and enduring alliances with Japan, Australia, South Korea, Thailand and the Philippines. We will continue to work with our allies and friends to ensure that the Asia-Pacific region remains a stable environment for continued peaceful development.

China's concentrated deployments of missiles and conventional weapons near Taiwan are a cause for concern, and the passage of anti-secession legislation authorizing the use of non-peaceful means is destabilizing. We must continue to communicate U.S. resolve to maintain peace and stability in the Asia-Pacific region, and urge PRC restraint in cross-Strait relations. At the same time we should continue development of a stable and constructive military relationship with China that contributes to cooperation in overall bilateral relations.

Question. U.S. military-to-military relations with the Chinese have been described by defense officials as "modest."

What changes, if any, do you believe that DOD should make in the quality or quantity of military-to-military relations with China, and why?

Answer. It is important for us to continue to develop constructive and stable military relations with China to allow for better understanding between our two nations. While generally satisfied with continued positive developments in U.S.-China military-to-military relations, I would like to see greater transparency, which serves to reduce suspicions and lower the risk of miscalculation between our two militaries. Additionally, our military-to-military relations would benefit from the expansion of our military education exchanges, especially cadet and student exchanges between our academies and senior service colleges. As we strive to achieve this goal, our interactions will continue to be guided by the National Defense Authorization Act (NDAA) for Fiscal Year 2000.

FUTURE OF NATO

Question. Over the past several years, NATO has experienced great changes. NATO has enlarged with the addition of seven new members from Eastern Europe and the Baltics, and has taken on an ambitious stabilization mission in Afghanistan, as well as a training mission in Iraq.

In your view, what are the greatest opportunities and challenges that you foresee for NATO over the next 5 years?

Answer. The opportunities available to NATO over the next 5 years are significant. I predict that the Alliance will complete their expansion plans for Afghanistan, leading to a unified military command; transition the Kosovo mission to a smaller, more responsive force; and enlarge NATO support of the training mission for the Government of Iraq.

NATO is also advancing democracy and defense reform in Europe, Central Asia and the broader Middle East region while developing closer cooperation with the Nations in those regions on issues such as counterterrorism and counterproliferation.

The greatest challenge for NATO is to finish the transformation process started in 2002 when the work to develop an expeditionary force was begun. While NATO has been successful in creating a new military command structure and deploying effective forces, we now need to turn the Alliance's attention on reforming the budget process, streamlining management functions, and developing new modalities for funding operations.

Question. Do you envision further enlargement of NATO within the next 5 years?

Answer. Further enlargement of the Alliance is a decision for the President and the other 25 Allied Heads of State and Government.

Question. What progress are the NATO member nations, particularly the new member nations, making with respect to transforming their militaries, acquiring advanced capabilities, and enhancing their interoperability with the U.S. and other NATO member nations?

Answer. The progress, especially in regards to the new members, is mixed. While all members of the Alliance agree on the need to modernize, acquire advanced capabilities, and enhance interoperability, most nations face a very austere budgetary climate marked with years of underinvestment. We continue to press our allies to make the changes needed to bring their nations in line with NATO investment targets.

EUROPEAN SECURITY AND DEFENSE POLICY

Question. A potential challenge facing the U.S. and NATO in the months and years ahead is the European Union's (EU) implementation of its European Security and Defense Policy (ESDP), that is, an EU capability to conduct military operations in response to international crises in cases where NATO as a whole is not engaged. Many in Congress have expressed concern that ESDP could emerge as a competitor, rather than a complement, to the NATO Alliance.

Do you share these concerns? What steps do you believe that the United States and NATO must take to ensure that ESDP is implemented in a way that strengthens the Alliance?

Answer. I support a close cooperative relationship between the EU and NATO. The Berlin Plus agreement should be implemented to support EU-led operations. Proposals that duplicate existing NATO structures are unhelpful. In this time of limited defense resources we should recognize and build on the strategic partnership between the EU and NATO.

COLOMBIA

Question. U.S. military personnel have been involved in the training and equipping of Colombian military forces involved in counter-narcoterrorism operations. U.S. military personnel, however, do not participate in or accompany Colombian counterdrug or counterinsurgency forces on field operations in Colombia.

What changes, if any, would you recommend for the role of the U.S. military in Colombia?

Answer. The most appropriate role for the U.S. military is to continue to address systemic deficiencies in the training and employment of the Colombian armed forces. Under the leadership of President Uribe, Colombia has made important strides towards defeating the narcoterrorists. There is no question that the Government of Colombia and the Colombian Armed Forces have primary responsibility for bringing security and the rule-of-law to their sovereign nation.

The Colombian security forces and state intelligence services are best suited to sift through the complex maze of local allegiances. They are also best equipped to leverage the cooperation of local communities.

Question. What is your assessment of the progress achieved by the Colombian armed forces in confronting the threat of narcoterrorism?

Answer. The Colombian armed forces have progressed well over the last few years. U.S. training and equipment have contributed significantly to this progress. The Colombian military's (COLMIL) Plan Patriota offensive, the largest in the Nation's history, continues to pressure FARC in its base areas. The COLMIL has captured key nodes and dominates mobility corridors, denying FARC access to support and population. A number of FARC, ELN, and AUC high value targets have been killed or captured. Colombian police are now present in all 1,098 municipalities. Colombia's 2005 defense budget is 7 percent higher than 2004 and 13.3 percent higher than 2003. In 2005, 16,000 more troops will be recruited, for a total increase of 95,000 since President Uribe took office. Finally, units of the United Self-Defense Groups of Colombia (AUC) are currently negotiating demobilization with the GOC, with as many as 9,000 personnel to be demobilized by the end of year.

This is all good cause for tempered optimism. The COLMIL has made significant progress fighting narcoterrorists, but it still has a long way to go. The GOC needs to restore government services to the countryside. While the COLMIL is more "forward-leaning" than ever, their mettle will be tested in future offensive operations. Despite COLMIL successes, the FARC is not close to being defeated. Only sustained efforts against them will eventually win the peace.

EXCESS INFRASTRUCTURE

Question. How high a priority do you place on the closure of excess Department of Defense installations and why?

Answer. Closure of excess installations deserves very high priority. We must convert excess capacity into warfighting capability and enhance our ability to operate as a joint team.

Question. How do you respond to arguments that initiation of a new round of base realignment and closure should be postponed until operations in Iraq and Afghanistan have concluded and the requirements of the global war on terrorism come into better focus?

Answer. The department's footprint is in need of change and adjustment. The current arrangements, designed for the Cold War, must give way to new demands of the war on terrorism and other evolving challenges in the world. We face an unconventional enemy that is dispersed throughout the world, has no territory to defend, no permanent bases to safeguard, and is constantly adapting. We must constantly adapt as well. Closure of excess installations frees up resources to apply to the war on terror and transformation.

HEALTH CARE BENEFITS

Question. In April 2005, the Under Secretary of Defense for Personnel and Readiness and the Assistant Secretary of Defense for Health Affairs testified that health benefits are "out of step" with trends in health care and may not be sustainable for the long term. Expansion of TRICARE coverage and rising health care costs nationwide have contributed to the prediction that health care will grow to 10 to 12 percent of the DOD's outlays in the next 10 years.

What recommendations, if any, would you offer to address the rapidly escalating cost of personnel benefits?

Answer. I support the Department's efforts to find efficiencies in the current system and to pursue cost effective methods for Health Care delivery in the future. I believe the Department's performance-based budgeting initiative and restructuring of cost-effective pharmacy programs will help to gain those efficiencies. However, as we pursue these cost-cutting measures, we should proceed with caution and ensure that the reductions are not made at the expense of our troops, their families, and retirees who deserve the best health care system possible.

Question. If confirmed, what role would you anticipate playing in any shaping or rethinking of health care benefits for military personnel?

Answer. We are focusing our current efforts on improvements for our Reserve Component members and their families who will continue to be instrumental in fighting the global war on terrorism. I thank you for the legislation that was passed in NDAAs 2004 and 2005 and believe that the 2006 budget initiatives will go a long way in making the health care system fair and equitable to both our Active and Reserve component servicemembers. If confirmed, I look forward to continuing our ef-

forts with Congress and the Department of Defense to ensure military personnel can serve their nation with the knowledge that their health care benefits are secure.

Question. How would you assess the impact of such benefits and changes on recruitment and retention of military personnel?

Answer. When we discuss benefits associated with military service, it is my view that a reasonable-cost health care system is an important cornerstone of the entire compensation package that we offer. The current recruiting environment presents us challenges, and although our current retention numbers are strong—we can't take that for granted. Our health care benefits package favorably impacts our ability to attract recruits and retain a quality force.

SEXUAL ASSAULT IN THE MILITARY

Question. In response to a congressional requirement for formulation of a comprehensive policy related to sexual assaults in the Armed Forces, the Secretary of Defense has promulgated guidance aimed at more effectively preventing sexual assaults, investigating incidents of sexual assault, and responding to the needs of victims of sexual assault.

What role, if any, has the Joint Staff played in monitoring progress within the military services and the combatant command's areas of responsibility in order to ensure enforcement of a "zero tolerance" policy relating to sexual assaults?

Answer. We continue to work closely with the Joint Task Force Sexual Assault Prevention and Response (JTFSAPR) team and the Services as DOD develops policy, procedures, and regulatory guidance. This ensures that the policy is executable in the joint and multinational operational environment.

The Joint Staff provides a monthly report to the JTFSAPR on Service progress in completing investigations of sexual assaults that occur in the U.S. Central Command area of operations. We are also providing assistance to combatant commanders during the development of their internal procedures; serving as a liaison staff to address Service policy issues that might impact a commander's ability to conduct investigations; and providing support to victims in the joint environment.

PERMANENT FORWARD DEPLOYMENT OF NAVAL FORCES

Question. For many years, a carrier strike group and an expeditionary strike group have been permanently forward deployed in Japan.

How important, in your judgment, is the permanent forward deployment of these two naval forces in the United States Pacific Command's area of responsibility?

Answer. I view the continued forward basing of a carrier strike group and an expeditionary strike group in Japan as extremely important components of our National Security Strategy in the Pacific. Recent events in the Pacific, such as the Tsunami, as well as our ability to rapidly respond to a range of military and humanitarian contingencies emphasize the importance of forward deployed naval forces. Our commitment to the peace and security of the Pacific region, especially to Japan and the Republic of Korea, underscores the continuing relevance of credible and sovereign combat power. The presence of our military forces, and in particular naval forces, in this strategic location provides significant capability, deters aggression, and imparts tangible reassurance to our allies.

JOINT REQUIREMENTS OVERSIGHT COUNCIL

Question. As Vice Chairman, you have served as the Chairman of the Joint Requirements Oversight Council (JROC). Over that time, as the services' transformation initiatives have matured, some have been approved for system development and demonstration even though it appears that certain programs lacked the technical maturity required to transition into system development and demonstration.

How would you assess the effectiveness of the JROC in the acquisition process?

Answer. The JROC has increased its effectiveness over the past few years. We have been operating under the new Joint Capabilities Integration and Development System (JCIDS) process for a relatively short 2 years, and already have seen improvements in support to the joint warfighter through better identification of capability gaps and redundancies. JCIDS is a much more inclusive process. We take advantage of the vast expertise and experience in the acquisition community by engaging them earlier in the process. This helps ensure we are on the right path in providing effective military advice to the acquisition process. As programs mature and approach the next acquisition decision, they come back to the JROC to validate changes. Capability documents are submitted into the JCIDS process and fully vetted by the combatant commanders, the Joint Staff, the Services and the Office of the Secretary of Defense.

Question. Do you believe that the role of the JROC in the acquisition process should be expanded? If not, why not? If so, what areas or roles would you recommend for expansion?

Answer. I do not believe the role of the JROC in the acquisition process should be expanded. The JROC provides appropriate validation and approval of the capabilities and the key performance parameters for any systems designed to provide those capabilities. The Service Acquisition Executives incorporate that joint military advice into their decision process.

Question. In your view, are the requirements of combatant commanders adequately addressed by the JROC?

Answer. The combatant commanders are tightly integrated into the capabilities development process that supports the JROC. Combatant commanders have an open invitation to attend JROC meetings. They participate in writing the Joint Concepts that guide future capabilities development, they comment on capability needs documents being developed by the Services, and they are members in each of the Functional Capabilities Boards that support the JROC. Members of the JROC or the Joint Capabilities Board travel to the combatant commands semi-annually to discuss their issues and other ongoing challenges and initiatives. The combatant commanders have an opportunity to submit their most critical capability needs to the Department through the annual Integrated Priority List (IPL) process. Beginning with the fiscal years 2006–2011 IPL submission, the JROC took ownership of the IPL assessment process and endorsed Functional Capabilities Board-developed courses of action to address IPL needs. IPL inputs have also informed discussions on many of the issues brought to the JROC for review. Close, continual involvement of the combatant commanders will remain a key part of JROC deliberations.

CONTRACTORS ON THE BATTLEFIELD

Question. DOD's maintenance and support functions have been increasingly outsourced resulting in a greater deployment and employment of civilian contractors in combat areas.

What issues have emerged for DOD as a result of an increased number of contractors on the battlefield?

Answer. Contractors provide invaluable services in support of military and reconstruction operations worldwide. Our challenge is how to balance the increased capabilities brought by contractors with the added challenges of integrating contractors into operational planning, maintaining visibility and accountability, and providing appropriate government support to ensure continuation of essential services.

Question. What steps do you believe the Department should take to address these issues?

Answer. We are helping to develop comprehensive DOD policy on contractors that is expected to be released in the coming weeks. The policy captures lessons from recent operations and addresses the contractor challenges from the planning phase to the actual employment across the spectrum of military operations. The policy addresses all issues raised by Congress in Section 1205 of the National Defense Authorization Act for Fiscal Year 2005: integrating contractors into operational planning; maintaining overall visibility of contractor personnel and contract capability in a database; deploying and redeploying contractors; providing force protection to contractor personnel; contractor security services; and other government support requirements including protective equipment, medical and mortuary coverage. After approval, DOD will implement the policy in doctrine, training, and appropriate contracts.

Question. The Congressional Budget Office has concluded that U.S. forces could save money in peacetime and increase operational control in wartime by utilizing contractors with sponsored Reserve affiliation. Some of our allies have already experimented with this approach.

What is your view of the feasibility of a sponsored Reserve approach to provide logistics support for deployed forces?

Answer. The Department is examining a variety of force structure initiatives including the sponsored Reserve concept being explored by some of our coalition partners. We are watching an ongoing Air Force initiative to explore the concept and examine the operational effectiveness and potential changes required in U.S. law and policy.

INDEPENDENT LEGAL ADVICE

Question. As Vice Chairman of the Joint Chiefs of Staff, you witnessed the working relationship between the Chairman's legal advisor, the Department of Defense

General Counsel, and the Judge Advocates General of the Services in providing legal advice to the Chairman.

What is your view about the responsibility of the Chairman's legal advisor to provide independent legal advice to you, other members of the Joint Chiefs of Staff, and to the Joint Staff?

Answer. As noted previously, title 10, section 151(b) makes the CJCS the principal military adviser to the President, the National Security Council, and the SECDEF. If confirmed, I will take very seriously my responsibility to provide independent military advice to each of those individuals or entities. Title 10 also provides for an independently organized Joint Staff, operated under the authority, direction and control of the Chairman, to support the Chairman in fulfillment of his statutory duties. I believe it is absolutely essential that the Joint Staff—and in particular the Chairman's Legal Counsel—be exclusively dedicated to support the CJCS in fulfilling his responsibility to provide independent, apolitical, military advice.

Question. What is your view about the responsibility of staff judge advocates within the Services and joint commands to provide independent legal advice to military commanders?

Answer. Similarly, Service and joint commanders have a responsibility to the civilian leadership to provide their independent and candid military advice. Receiving independent legal advice from their respective Staff Judge Advocates is an indispensable aspect of those commanders' ability to effectively fulfill their responsibilities.

INTERAGENCY REFORMS

Question. You have spoken publicly about the need for Goldwater-Nichols-like legislation for the interagency that would involve, for example, requiring service in another department or agency as a condition for advancement to senior executive service (SES) rank and requiring civilian employees to accept temporary assignments to countries, such as Afghanistan and Iraq, in which combat is taking place.

Can you provide more details of your proposal and explain why you believe such legislation would be necessary?

Answer. Goldwater-Nichols was significant legislation that continues to shape and integrate unified action within the Armed Forces. I believe that Goldwater-Nichols legislation serves as a good example for a similar move to jointness in the interagency community. Currently the NSC offers a great process for teeing up issues for decision by the President. Yet once the President makes a decision, the different agencies return to their "stovepipes" to plan and operate with no individual below the President responsible for ensuring that decision/mission is accomplished. While the agencies are collaborative in their efforts, the process is not responsive or agile enough to support the current warfight. The new National Counter Terrorism Center is potentially a large step in the right direction.

A Goldwater-Nichols like approach to the interagency would allow all instruments of national power to be effectively integrated to achieve enduring results that exploit the strengths of our government. Just as the military did following Goldwater-Nichols, the interagency can greatly benefit from cross-pollination of agencies—a requirement to do a tour in an agency other than your own would form greater trust and understanding between the various agencies. This "joint" requirement could be a prerequisite to senior level promotions in the civil service career paths, properly grandfathered for those who came in under different rules.

Another qualifier for senior promotion could be an agreement to accept orders to wherever needed for a set period of time (6 months to 1 year.) Currently, there is little rapidly deployable capacity outside the Armed Forces. Other agencies rely on volunteers to fill critical billets overseas. Arguably, sometimes the best qualified are not the ones who volunteer. To further complicate the matter, volunteers often stay for a short period of time, which offers little continuity and overall understanding of the mission in complex environments like Iraq.

Today dedicated civil servants, foreign service officers and military professionals are working together through the strength of their own dedication and personal commitment to excellence. We need to institutionalize and professionalize a wider range of National Security personnel throughout the government similar to the way that Goldwater-Nichols developed a cadre of professional joint officers in the Armed Forces. Initiatives for the interagency could include mechanisms to strengthen integration and trust at the strategic, operational and tactical levels, create more responsiveness within the supporting agencies, and build operational capacity in non-DOD agencies.

Any proposal to reform our interagency process will involve a number of other changes, to include professional level education, and the requirement to increase the civilian work force enough to allow the "overhead" for out-of-agency tours, schools,

and other requirements. It is important to devote intellectual resources to continued dialogue on this topic.

WOMEN IN COMBAT

Question. The issue of the appropriate role of women in the Armed Forces is a matter of continuing interest to Congress and the American public.

What is your assessment of the performance of women in the armed forces, particularly given the combat experiences of our military, since the last major review of the assignment policy for women in 1994?

Answer. Today, more than 333,000 women serve in the U.S. Armed Forces around the world and they are performing magnificently and with distinction. From crewmembers, technicians and commanders, to pilots, and military police, women will continue to play a critical role in the defense of our Nation as officer and enlisted functional experts in a variety of specialties.

Question. Given the nature of combat in Iraq and Afghanistan and the Army's ongoing effort to reorganize to become a more modular, flexible, combat force, is the time right to conduct a comprehensive review of the policy, regulations, and law pertaining to the assignment of women in the Armed Forces?

Answer. I support the current DOD assignment policy for women and therefore do not believe a comprehensive study of policy, regulations and law is necessary.

Question. Does the Department of Defense have sufficient flexibility under current law to make changes to the assignment policy for women when needed?

Answer. Current law provides adequate flexibility to make changes to DOD assignment policy for women. The law recognizes that DOD and the Services will need to constantly assess the role of women and the dynamics of the constantly changing battlefield. The law and DOD policy also allows the Services to impose additional restrictions based on Service unique mission requirements.

Question. Do you believe any changes in the current policy are needed?

Answer. The current DOD policy recognizes that women are an integral part of our Armed Forces and provides the flexibility needed to address changes to the operational environment; no policy changes are needed at this time.

BALLISTIC MISSILE DEFENSE

Question. As a result of Program Budget Decision 753, funding for the Missile Defense Agency was reduced by $5 billion over years fiscal year 2006 to 2011. In restructuring the missile defense program, the Director of the Missile Defense Agency sought to strike a balance between developing and fielding near-term capabilities and continuing the development of more advanced capabilities for the longer term. The Committees on Armed Services of the House and Senate, while supportive of administration missile defense efforts, have made it clear in their respective versions of the National Defense Authorization Act for Fiscal Year 2006 that priority should be given to more rigorous testing and fielding of near-term operational capabilities over future block research and developmental efforts.

What is your assessment of the Missile Defense Agency's current balance between near-term fielding and future development of missile defense capabilities?

Answer. The Missile Defense Agency (MDA) program provides the right balance between near-term fielding and future development. As MDA proves systems in testing, near-term capabilities are enhanced and fielded to the warfighter. This early fielding of elements will address the near-term threat while continuing the steady improvements needed to keep pace as that threat evolves.

Question. Is MDA's approach consistent with the nature of the ballistic missile threat as you understand it, or should more priority be given to fielding near-term operational capabilities?

Answer. I believe the MDA program has been structured appropriately to address the near-term threat while continuing the steady improvements needed to keep pace as that threat evolves.

Question. The Independent Review Team chartered by the Director of the Missile Defense Agency to review the Ground-based Midcourse Defense testing program found that the BMD program needs to make test and mission success the primary objective.

Do you agree with this recommendation?

Answer. The Independent Review Team is correct that test and mission success must be a primary program objective. I am confident that MDA will appropriately implement the recommendations to improve flight mission performance and reliability.

Question. Do you believe the Missile Defense Agency has in place a plan for operationally realistic testing—consistent with the recommendations of the Independent

Review Team—that will provide an appropriate level of confidence over time that the ballistic missile defense system will work reliably under operational conditions?

Answer. I am confident that the MDA will appropriately implement the recommendations of the Independent Review Team to improve flight mission performance and reliability. The Director of Operational Test and Evaluation (DOT&E) and MDA are partnering on the test and evaluation master plan to add operational realism to developmental testing and ensure the tests are as realistic as possible.

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, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Chairman of the Joint Chiefs of Staff?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN WARNER

IED COUNTERMEASURE RESEARCH AND DEVELOPMENT PROCESS

1. Senator WARNER. General Pace, the acting Deputy Secretary of Defense recently issued a directive granting full authority and responsibility to the Joint Improvised Explosive (IED) Device Defeat Task Force to lead the Department's efforts in fighting the IED threat. Are you satisfied with the Department's process for addressing the combatant commander's requirements for the fielding of IED countermeasures?

General PACE. I am satisfied with the process but we should continue to press for speed of delivery inside that process. For example, we are awaiting the counter-radio-controlled electronic warfare (CREW) system program managers' delivery schedule for increased jammer production on 15 July. Once their analysis is complete, we can aggressively pursue getting these systems in the field.

2. Senator WARNER. General Pace, if not, what else can be done to get this critical capability to the warfighters?

General PACE. This requires sustained attention by all involved to include our quick notification to Congress of any funding support requirements.

QUESTIONS SUBMITTED BY SENATOR JOHN MCCAIN

IRAQ

3. Senator MCCAIN. General Pace, a fundamental element of counterinsurgency strategy is to secure a base and expand from there. I am concerned that we are clearing insurgent sanctuaries, only to draw down our presence from those areas over time—giving the insurgents the opportunity to return to the sanctuaries. I continue to be concerned that this strategy requires us to retake ground over and over. Would you comment on our strategy?

General PACE. Your concerns are valid. We should not retake ground. We should turn over former sanctuaries to Iraqi security forces (ISF). This strategy of turning over to the ISF has been well received by the Iraqi Government and the Iraqi people. Iraqi citizens are reporting insurgent presence and activity at unprecedented levels, especially to their own security forces. We must continue to turn over territory previously occupied by Coalition Forces to the ISF.

4. Senator MCCAIN. General Pace, it seems to me that instead of sweep and leave, we should clear and stay. Do we have the resources and manpower necessary to do this? If not, shouldn't we get it?

General PACE. The total U.S., coalition, and Iraqi security forces are at present not sufficient to do this everywhere simultaneously. We must press forward with training the Iraqi Army to have sufficient Iraqi forces to do this across the country. Increasingly, the Iraqi security forces remain in control of areas we have helped them clear. This is illustrated exceptionally well in the Haifa Street area in Baghdad. Once one of the most dangerous places in the city, it is now one of the safest and most stable due to the efforts of the Iraqi security forces and the support they are receiving from the Iraqi people.

5. Senator MCCAIN. General Pace, according to a news report, during a 1-week period this month, 19 service men and women were killed by IEDs, this out of 25 total who were killed in Iraq and Afghanistan. That is an extremely high percentage lost to IEDs. We have been at this war for over 3 years. With all your efforts at combating IEDs, what is our hope to eliminate or at least minimize this threat?

General PACE. We continue to combat the threat with a multi-faceted approach. Our tactics, techniques, and procedures have improved significantly over the last 3 years, to detect and avoid the threat, or prevent its detonation. We also rely on our jammers to disrupt the timing of detonation and upon our armor to protect our forces when detonation does occur. Our progress in these endeavors is evidenced over the last 8 months. During that time the number of attacks has increased over 100 percent, while the resultant casualties are down 36 percent. Thanks to protective equipment, over 70 percent of the wounded are returned to duty within 72 hours. Still, this is the most effective enemy weapon and we must continue to seek solutions throughout the entire IED production chain to include eliminating bomb makers, destroying production facilities and materials, identifying and neutralizing IEDs on location, modifying tactics/techniques/procedures, and improving armor protection.

6. Senator MCCAIN. General Pace, do we in Congress need to buy more jammers or any other equipment? Is technology actually capable of effectively combating an IED?

General PACE. It is critical that we have the funding to minimize this threat. As earlier discussed, we anticipate the production and delivery analysis to be complete on 15 July, after which we must aggressively execute the plan. We will promptly notify Congress of any funding requests. I should note however that technology can help us minimize, not eliminate, this threat. Even our main battle tanks are subject to destruction by a large IED.

RECRUITING

7. Senator MCCAIN. General Pace, as a total force, recruitment numbers have been down. The Army has missed their recruitment goals by nearly 8,500. The Marine Corps are still struggling. Guard and Reserve numbers are off by 15,000. What are your plans as Chairman to try and rectify these recruiting difficulties?

General PACE. I am concerned with the recruiting challenges that both the Active and Reserve components face—especially the Army and Marine Corps. I believe the efforts each of the components has executed in recent months (substantially increasing the number of recruiters in the field, enhancing incentive bonuses and refocusing marketing strategies not only on potential recruits—but on the influencers (parents, teachers, etc.) who play an important role in our overall effort) will yield dividends this year. June recruiting successes are encouraging. However, as important as incentives are, this is more about message than money. If confirmed I will focus my efforts to highlight the value of service to country and to ensure we respect that service in the way we manage and employ the force.

8. Senator MCCAIN. General Pace, the National Call to Service Plan authorized in the National Defense Authorization Act of 2003 allows men and women to enlist for a shorter period of time. The Department currently has 2,400 members serving under this plan. Do you believe that you and the Joint Chiefs should speak out more publicly on national service?

General PACE. Yes—as a senior military leader, I have an obligation to mentor and educate young men and women about the value of national service and the benefit it provides to them and to our country. Therefore, I believe that anything the Joint Chiefs and I can do to enhance interest in programs like the National Call

to Service and to influence young Americans to become members of our Armed Forces is worthy of our collective time and effort.

9. Senator MCCAIN. General Pace, in what way do you plan to use this tool to increase the ranks?

General PACE. The National Call to Service Plan is another useful program that we have in our toolkit to generate recruits and I thank you and Congressman Skelton for sponsoring this initiative. As you are aware, the Army recently instituted the plan nationwide and it has already sparked interest. We are encouraged that the shorter enlistment period combined with either the bonus, repayment on qualifying student loans, or entitlement to educational assistance will attract young Americans to serve our Nation and we are expecting to see good results.

OVERSEAS BASING

10. Senator MCCAIN. General Pace, the Overseas Basing Commission yesterday expressed concern that the Department is moving too quickly in its plans to move 70,000 troops stationed abroad back to domestic military installations. What steps has the Department taken in conjunction with the Department of State to ensure that our agreements and treaties with our allies overseas will continue to be met?

General PACE. Our Global Posture initiatives are in line with the President's National Security Strategy and emphasize our national commitment to foster relationships among U.S. allies, partners and friends. The new global posture plan will allow the U.S. to take better advantage of technology and innovative warfighting concepts, improving our ability to meet our alliance commitments and global responsibilities. Global posture emphasizes utilizing continental United States (CONUS)-basing which offers predictability of access and deployability of those forces anywhere in the world. Blended with our improved global capabilities of persistent ISR and strike, we will be able to use the right capabilities at the right time and place. This advantage will assure our allies as we increase their trust and confidence and will dissuade potential enemies. There is no set timetable for implementing our global posture changes. The speed at which these transformations will occur depends on the bilateral and multilateral arrangements we make with affected countries. To that end, representatives of the Departments of Defense and State have been actively involved in consulting with our friends and allies to determine the best way ahead.

11. Senator MCCAIN. General Pace, when these forces return to the United States, what efforts has the Department undertaken to ensure minimal quality of life impact on the service men and women and their families?

General PACE. Quality of life for our military forces and their families was one of the driving factors behind both our posture review and other initiatives being carried out by the Services, such as the Army's modularity and unit rotation concepts and the Navy's Fleet Response Concept. These initiatives will facilitate personnel management, provide flexibility in scheduling, and offer more stability at home. Part of the problem stems from our legacy Cold War posture, which often featured accompanied tours designed in an era of static deployments. Unlike historic patterns, servicemembers now deploy more frequently from their forward stations, more like their CONUS-based counterparts, which has become more of a hardship for families. Accompanying dependents often find themselves separated both from the servicemember overseas, and from their loved ones and extended support networks back in the United States. Additionally, dependents are often unable to work in the local economy due to host-nation restrictions. Global posture changes are expected to have a positive effect on our military forces and families. Rotations of our military forces and capabilities into forward areas will be balanced by more stability at home, with fewer overseas moves, the possibility of longer average tour lengths and less disruption for families. CONUS-based families will also enjoy benefits such as the potential for home-ownership, expanded employment, and education opportunities and proximity to extended families.

12. Senator MCCAIN. General Pace, is our planned base infrastructure actually ready to receive them?

General PACE. The Global Posture changes will be implemented over several years as determined by our negotiations with friends and allies as indicated above. The Integrated Global Posture and Basing Strategy planning informed the BRAC process, and the needs of our troops and their families have been accounted for in the infrastructure plans. Additionally, plans for overseas receiving locations have been

under discussion with host nations to ensure our forces will have the facilities they need upon arrival.

13. Senator MCCAIN. General Pace, do the Secretary of Defense's recommendations account for this influx of troops?

General PACE. Yes. The Integrated Global Posture and Basing Strategy considerations informed the BRAC process throughout planning and development of the Secretary's recommendations.

QUESTIONS SUBMITTED BY SENATOR CARL LEVIN

INSURGENTS

14. Senator LEVIN. General Pace, I was surprised by your statements during today's hearing to the effect that the insurgents are not ideologically driven. Aren't the jihadists crossing the borders into Iraq very much ideologically driven—the ideology being a fanatic extreme belief that the Islamic world must be defended from the destructive culture of the west through the use of terror tactics against civilians?

General PACE. I should have chosen my words more precisely. I should have said the insurgency is, by and large, not ideologically driven. There are three main motivators for insurgents in Iraq. First, the vast majority of insurgent violence is driven by former regime elements who resent losing the power they held in Iraq for 30 years. They cynically wish to reassert their grip on power over the people of Iraq over the long term. Second, a much smaller portion of the insurgency is driven by nationalistic sentiments. This portion is motivated largely by the distress caused by a foreign military occupation of one's country and the unemployment and disruption of services perceived to be caused by that occupation. Finally, the ideological portion of the insurgency, the smallest albeit the most spectacularly destructive and headline grabbing, is composed mostly of foreign religious extremists who have entered Iraq and temporarily allied themselves to some degree with other groups in order to further the jihad in hopes of reestablishing a global Islamic caliphate.

LEVIN/COLLINS LETTER

15. Senator LEVIN. General Pace, at this morning's hearing you declined to comment on the letter that Senator Collins and I sent to the President earlier this week as you didn't have the letter before you and hadn't had time to consider it. I am attaching a copy of that letter and ask that you provide your comment on it for the record.

General PACE. Thank you for the opportunity to comment on the letter. I agree with you on the inadvisability of setting a timetable for troop withdrawals. I also agree with you on the importance of staying on schedule for developing the new constitution, referendum, and elections of the new government. Our commanders report most Iraqis want us to leave Iraq, but that they also qualify when they want that to occur. Some want us to leave when the Iraqi security forces are capable of assuming responsibility for the security of the country, others when the newly elected government is seated, still others when the constitution is produced. We must find an appropriate balance between assuring the Iraqis that they should support the emerging Iraqi government because we will not allow the old regime to re-emerge or jihadists to take over, and making it clear that our military will leave as soon as we can. Any delay to the political schedule increases risk to the security situation.

INTERROGATION ISSUES

16. Senator LEVIN. General Pace, when you and I met last week, I asked you about the failure of the Defense Department to develop an interrogation policy for Afghanistan, which Vice Admiral Church in his report called a "missed opportunity." Yet, the Church report, citing a statement by you [General Pace], describes how in April 2003 the Chairman of the Joint Chiefs of Staff, General Myers, determined that interrogation techniques in use in Afghanistan were "inconsistent" with the more narrowly-tailored policy which Secretary Rumsfeld had just approved that month for Guantanamo. As a result, Chairman Myers sent up a memo to the Secretary of Defense in May 2003 recommending that the same interrogation guidelines be issued for Afghanistan as had been approved for Guantanamo, but Secretary Rumsfeld never responded to the Chairman's recommendation. In a letter you pro-

vided me on Monday of this week, General Pace, you confirmed these events and said that you had "no personal knowledge" of how the Chairman's recommendation was staffed within the Office of the Secretary of Defense. How were interrogation techniques in use in Afghanistan "inconsistent" with those approved by Secretary Rumsfeld for Guantanamo in April 2003?

General PACE. The letter you refer to stated that the Joint Staff received and staffed a USCENTCOM request for approval of specific interrogation techniques for Bagram, Afghanistan; that the CJCS determined the request was inconsistent with guidance provided to USSOUTHCOM; and that the CJCS forwarded a memorandum to the Secretary of Defense recommending that the same guidelines issued to USSOUTHCOM be issued to USCENTCOM. The intent of the CJCS memorandum was to achieve consistency with respect to strategic interrogations of enemy combatants. As you state, I have no personal knowledge regarding the staffing of the request once the OSD staff received it, or any further information on this matter.

17. Senator LEVIN. General Pace, were techniques being used that were more aggressive than those approved for Guantanamo?

General PACE. I understand that a comparison of interrogation techniques is contained in the reports that document the findings of Department of Defense investigations into detainee abuse, interrogations and operations. I do not have personal knowledge upon which to base a comparison of the detailed interrogation techniques that were employed. As stated during my office call with you on 21 June, the Chairman, with my agreement, made a conscious decision to exclude me from direct involvement in substantive discussions and decisionmaking concerning issues pertaining to detainees, including interrogations. This was to ensure, that should an issue on detainees arise, I would be able to provide an unbiased assessment, having been removed from day-to-day discussions.

18. Senator LEVIN. General Pace, do you know if any guidance, either in writing or oral, was provided to Central Command by the Secretary or anyone in the Office of the Secretary of Defense? If so, what was that guidance?

General PACE. I am unaware of any guidance promulgated by either the Secretary or the Office of the Secretary of Defense regarding interrogation techniques for Afghanistan after receipt of the USCENTCOM request.

19. Senator LEVIN. General Pace, if no such guidance was provided, was the result that interrogation policies that were more aggressive than those approved for Guantanamo continued to be used in Afghanistan?

General PACE. Please see my response to question 17.

20. Senator LEVIN. General Pace, as Chairman, how would you handle the situation like this in which the Secretary has failed to respond to one of your recommendations?

General PACE. A close relationship between the Chairman of the Joint Chiefs of Staff and the Secretary of Defense is critical to the proper functioning of the Department as a whole. If confirmed, I will maintain frequent and frank communications with the Secretary regarding all important issues.

IRAQI SECURITY FORCES

21. Senator LEVIN. General Pace, can you provide unclassified information as to how many of the roughly 160,000 members of the Iraqi security forces are capable of taking on the insurgents without assistance from coalition forces?

General PACE. Only a small number of Iraqi security forces are taking on the insurgents and terrorists by themselves. Approximately one-third of their army battalions are capable of planning, executing and sustaining counterinsurgency operations with coalition support. Approximately two-thirds of their army battalions and one half of their police battalions are partially capable of conducting counterinsurgency operations in conjunction with coalition units. Approximately one half of their police battalions are forming and not yet capable of conducting operations. The majority of Iraqi security forces are engaged in operations against the insurgency with varying degrees of cooperation and support from coalition forces. Many of these units have performed superbly in conducting operations against the enemy, and their operational capability is continuing to improve. I have provided a classified graphic of this data in my responses to advance questions.

22. Senator LEVIN. General Pace, can you provide unclassified information with respect to how many Iraqi Army and police battalions are capable of taking on the insurgents without assistance from coalition forces; how many with support of coalition forces; and how many are not capable of taking on the insurgents?

General PACE. Please see my consolidated response at question #21.

QUESTIONS SUBMITTED BY SENATOR MARK DAYTON

COUGAR VEHICLES

23. Senator DAYTON. General Pace, a recent New York Times article states that the Marine Corps recently "settled on the Cougar as a superior vehicle" (to the HMMWV), providing "more than twice" the protection from an explosive device. The article also reported that in 2002, then-Assistant Army Secretary Claude M. Bolton, Jr. wrote to Congress that the decision by the Army to purchase HMMWVs rather than other better armored and more expensive vehicles "is based on budget priorities." Why did the Army and, initially the Marine Corps, choose to buy new HMMWVs, which reportedly provided inferior protection for its occupants, rather than as Congress to fund the purchases of more expensive and better protected vehicles?

General PACE. The Army and Marine Corps have not selected vehicles with "inferior protection" rather than ask Congress to fund purchases of more expensive vehicles. The Army and Marine Corps selected the Up-Armored High Mobility Multiple Purpose Wheeled Vehicle (UAH) because of its mobility, ability to be reconfigured for different uses (cargo/troop transport, weapons carrier, ambulance, and convoy escort), durability, and protection (perimeter, roof and underbody armor). The Army began purchasing the UAH in mid-2003 and is operating over 8,000 in Iraq and Afghanistan. Today we are producing 550 vehicles per month and have a total requirement of over 10,000.

The Cougar, unlike the UAB, is a unique, single-purpose Explosive Ordnance Disposal (EOD) response vehicle that is used by engineer units for their unique mission. Procurement of the Cougar began in April 2004.

24. Senator DAYTON. General Pace, is the article correct that when the Marine Corps completed its initial order of Cougar vehicles in April 2004, it "got only enough money from the Iraq war fund to buy 15 of the 27 Cougars it wanted?" If so, why was the Senate Armed Services Committee being assured that sufficient funds had been appropriated for all necessary armoring and up-armoring acquisitions?

General PACE. The article is incorrect. The Marine Corps requested and received full funding for 12 Cougars from the fiscal year 2005 supplemental. An additional 15 Cougars were funded internally by Marine Corps procurement funds.

25. Senator DAYTON. General Pace, is there anything presently needed by any branch, whether additional funds, acquisition authority, approval for expedited contract procedures, or any other, in order to purchase and acquire the protective vehicles and equipment of the highest quality?

General PACE. I am not aware of any additional funding, authority or expedited contract procedures required to purchase protective vehicles or equipment.

I very much appreciate the funding support of Congress as we prosecute the war on terrorism.

[The nomination reference of Gen. Peter Pace, USMC, follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 25, 2005.

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

The following named officer for appointment as Chairman of the Joint Chiefs of Staff and appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 152:

To be General

Gen. Peter Pace, 7426.

[The biographical sketch of Gen. Peter Pace, USMC, which was transmitted to the committee at the time the nomination was referred, follows:]

RESUMÉ OF CAREER SERVICE OF GEN. PETER PACE, USMC

Date of rank: November 1, 2000.

Date of birth: November 5, 1945.

Date commissioned: June 7, 1967.

MRD: November 1, 2007.

Education/qualifications:

U.S. Naval Academy, BS, 1967.
George Washington University, MS, 1972.
The Basic School, 1968.
Infantry Officers' Advanced Course, 1972.
Marine Corps Command and Staff College, 1980.
National War College, 1986.
Capstone, 1992.
Harvard Program for Senior Executives in National and International Security, 1993.
Harvard Executive Program, 1999.
Infantry Officer.
Joint Specialty Officer.

Language(s): None.

Commands:

Commander, U. S. Marine Corps Forces Atlantic (LtGen: Nov. 97–Aug. 00).
President, Marine Corps University (BGen: June 92–June 93).
Assistant Division Commander, 2d Marine Division (Col/BGen: Feb. 92–June 92).
Commanding Officer, Marine Barracks, Washington, DC (LtCol/Col: July 88–July 91).
Commanding Officer, 2d Battalion, 1st Marines, 1st Marine Division (LtCol: May 83–June 85).
Commanding Officer, Marine Corps Recruiting Station Buffalo, NY (Maj/LtCol: June 80–May 83).

Joint Assignments;

Commander in Chief, U.S. Southern Command (Gen: Sep. 00–Sep. 01).
Director of Operations, J–3, Joint Staff (LtGen: Aug. 96–0ct. 97).
Deputy Commander, Joint Task Force Somalia (BGen: Oct. 93–Jan. 94).
Deputy Commander, U.S. Forces Japan (BGen: July 93–June 94).
Chief, Operations Division; Executive Officer, C/J–3, UNC/CFC/USFK (LtCol: June 86–June 88).

Service Staff Assignments:

Chief of Staff, 2d Marine Division (Col: July 91–Feb. 92).

[The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Gen. Peter Pace, USMC, in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Peter Pace.

2. **Position to which nominated:**
Chairman of the Joint Chiefs of Staff.

3. **Date of nomination:**
25 April 2005.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
5 November 1945; Brooklyn, NY.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Lynne Holden.

7. **Names and ages of children:**
Peter, 28; Tiffany, 26.

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the executive branch.
None.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Marine Corps—Law Enforcement Foundation.
Marine Corps Association.
Military Officers Assocation of America.
Veterans of Foreign Wars.
American Legion.
Marine Corps League.
Honorable Order of Kentucky Colonels.
Naval Academy Alumni Association.
National War College Alumni Association.

11. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the committee by the executive branch.
None.

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

Yes.

13. **Personal views:** Do you agree, when asked before any duly constituted committee of Congress, to give your personal views, even if thos views differ from the administration in power?

Yes.

[The nominee responded to the questions in Parts B–E of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–E are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

PETER PACE.

This 14th day of June 2005.

[The nomination of Gen. Peter Pace, USMC, was reported to the Senate by Chairman Warner on July 13, 2005, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 15, 2005.]

[Prepared questions submitted to ADM Edmund P. Giambastiani, Jr., USN, by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. You previously have answered the committee's policy questions on the reforms brought about by the Goldwater-Nichols Act in connection with your nomination to be Commander, U.S. Joint Forces Command.

Has your view of the importance, implementation, and practice of these reforms changed since you testified before the committee at your most recent confirmation hearing on July 26, 2002?

Answer. No. The Goldwater-Nichols Act was one of the two most transformational events in the Department during my military career, the other being the creation of the All-Volunteer Force. Overall, the Goldwater-Nichols reforms have clearly strengthened the warfighting and operational capabilities of our combatant commands and our Nation. The importance of these reforms has not diminished with time.

Question. Do you foresee the need for modifications of Goldwater-Nichols in light of the changing environment? If so, what areas do you believe it might be appropriate to address in these modifications?

Answer. While we have made great progress in the joint arena since the enactment of Goldwater-Nichols, the current world environment and the challenges we face today are radically different than those of 20 years ago. We therefore need to build on the successes of Goldwater-Nichols. One area I believe has ample room for improvement is Joint Command and Control. I feel we may need a single agency/activity focused on joint acquisition and programming that answers to the combatant commanders' joint requirements and has specific Joint authority to resource these developments. I have provided this input to the Center for Strategic and International Studies "Beyond Goldwater-Nichols Project" as a basis for building on the Goldwater-Nichols legacy.

DUTIES

Question. What recommendations, if any, do you have for changes in the duties and functions of the Vice Chairman of the Joint Chiefs of Staff as set forth in section 154 of title 10, United States Code, and in regulations of the Department of Defense pertaining to functions of the Vice Chairman of the Joint Chiefs of Staff?

Answer. None at this time.

Question. Based on your experience as Commander, U.S. Joint Forces Command, and Supreme Allied Commander Transformation, what recommendations, if any, do you have for changes in chapter 6 of title 10, United States Code, as it pertains to the powers and duties of combatant commanders generally, and specifically regarding section 167a and the acquisition authority of U.S. Joint Forces Command?

Answer. The section you mention deals specifically with the congressionally-granted Limited Acquisition Authority (LAA). I support any legislation that allows us to more quickly provide the combatant commanders with needed capabilities—especially in areas as important as Joint Command and Control, Communications and Intelligence. This statute is due to expire in fiscal year 2006. I urge Congress to extend this authority and consider tying appropriate resources to the authority in order to make it fully effective.

RELATIONSHIPS

Question. Please describe your understanding of the relationship of the Vice Chairman of the Joint Chiefs of Staff to the following officials:

The Secretary of Defense.

Answer. As a member of the Joint Chiefs of Staff, the Vice Chairman performs the duties prescribed for him and other such duties as may be prescribed by the Chairman with the approval of the Secretary of Defense.

Additionally, in the absence or disability of the Chairman, the Vice Chairman acts as the Chairman and performs the duties of the Chairman until a successor is appointed or until the absence or disability ceases. These duties include serving as the principal military adviser to the Secretary of Defense, the National Security Council, and the President.

As a member of the Joint Chiefs of Staff, the Vice Chairman may submit advice or opinions to the Chairman in disagreement with, or in addition to, the advice presented by the Chairman to the President, the National Security Council or the Secretary of Defense. The Chairman submits such opinion or advice at the same time he delivers his own.

The Vice Chairman, as a member of the Joint Chiefs of Staff, may also individually or collectively, in his capacity as a military adviser, provide the Secretary of Defense advice upon the Secretary's request.

Question. The Deputy Secretary of Defense.

Answer. Under existing directives, the Deputy Secretary of Defense has been delegated full power and authority to act for the Secretary of Defense on any matters upon which the Secretary is authorized to act. As such, the relationship of the Vice Chairman with the Deputy Secretary is similar to that with the Secretary.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The Vice Chairman performs the duties prescribed for him as a member of the Joint Chiefs of Staff and such other duties as prescribed by the Chairman with the approval of the Secretary of Defense. When there is a vacancy in the office of Chairman, or during the absence or disability of the Chairman, the Vice Chairman acts as Chairman and performs the duties of the Chairman until a successor is appointed or the absence or disability ceases. If confirmed, I look forward to building a close and effective working relationship with the next Chairman.

Question. The Under Secretaries of Defense.

Answer. Title 10, United States Code, and current Department of Defense (DOD) directives establish the Under Secretaries of Defense as the principal staff assistants and advisers to the Secretary regarding matters related to their functional areas. Within their areas, Under Secretaries exercise policy and oversight functions. They may issue instructions and directive type memoranda that implement policy approved by the Secretary. These instructions and directives are applicable to all DOD components. In carrying out their responsibilities, and when directed by the President and Secretary of Defense, communications from the Under Secretaries to commanders of the unified and specified commands are transmitted through the Chairman of the Joint Chiefs of Staff.

Question. The Assistant Secretaries of Defense.

Answer. With the exception of the Assistant Secretaries of Defense for Public Affairs, Legislative Affairs, Intelligence Oversight, and for Networks & Information Integration, all Assistant Secretaries of Defense are subordinate to one of the Under

Secretaries of Defense. In carrying out their responsibilities, and when directed by the President and Secretary of Defense, communications from the Under Secretaries to commanders of the unified and specified commands are transmitted through the Chairman of the Joint Chiefs of Staff. If confirmed, I will work closely with the Assistant Secretaries in a manner similar to that described above for the Under Secretaries.

Question. The Secretaries of the Military Departments.

Answer. Title 10, United States Code, Section 165 provides that, subject to the authority, direction and control of the Secretary of Defense, and subject to the authority of the combatant commanders, the Secretaries of Military Departments are responsible for administration and support of forces that are assigned to unified and specified commands.

The Chairman, or Vice Chairman when directed or when acting as the Chairman, advises the Secretary of Defense on the extent to which program recommendations and budget proposals of the military departments conform with priorities in strategic plans and with the priorities established for requirements of the combatant commands.

Of particular interest is that since 2003, the Under Secretary of the Air Force acts as the Executive Agent for Space Program procurement, which is especially important to the Vice Chairman in the role as Chairman of the Joint Requirements Oversight Council. Although this authority temporarily resides with the Under Secretary of Defense for Acquisition while awaiting confirmation of a new Under Secretary of the Air Force, if confirmed, I recognize the importance of working closely with this senior official on vitally important space programs.

Question. The Chiefs of Staff of the Services.

Answer. As a result of the Goldwater-Nichols Act, the Service Chiefs are no longer involved in the operational chain of command. However, this does not diminish their importance with respect to Title 10 responsibilities, and among other things, they serve two significant roles. First and foremost, they are responsible for the organization, training, and equipping of their respective Services. Without the full support and cooperation of the Service Chiefs, no combatant commander can be ensured of the preparedness of his assigned forces for missions directed by the Secretary of Defense and the President.

Second, as members of the Joint Chiefs of Staff, the Chiefs are advisers to the Chairman and the Secretary of Defense as the senior uniformed leaders of their respective Services. In this function, they play a critically important role in shaping military advice and transforming our joint capabilities. If confirmed, I will work closely with the Service Chiefs and their Vice Chiefs to fulfill warfighting and operational requirements.

Question. The combatant commanders.

Answer. The combatant commanders fight our wars and conduct military operations around the world. By law, and to the extent directed by the Secretary of Defense, the Chairman serves as spokesman for the combatant commanders and is charged with overseeing their activities. He provides a vital link between the combatant commanders and other elements of the Department of Defense, and as directed by the President, may serve as the means of communication between the combatant commanders and the President or Secretary of Defense. When the Vice Chairman is performing the Chairman's duties in the latter's absence, he relates to the combatant commanders as if he were the Chairman.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that you would face if confirmed as Vice Chairman of the Joint Chiefs of Staff?

Answer. I see four overarching challenges. First, we must successfully fight the global war on terrorism. A concerted effort within this first challenge needs to be focused on harnessing our Nation's vast capabilities to combat Improvised Explosive Devices (IEDs). These "weapons of mass precision" are not only claiming the lives of our young men and women in current operations, but will likely be employed against our forces and our partners in the years to come. Second, we must continue transforming our joint force for the future while deeply engaged in an ongoing global war on terrorism campaign and in Operations Enduring Freedom and Iraqi Freedom. Third, we need to work to adapt and further align requirements and acquisition processes for the 21st century. Finally, we need to work to institutionalize a joint organize, train, and equip role in the Department of Defense.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I will work to ensure that the global war on terror is coherently prosecuted and is appropriately resourced. I will also assist the Chairman in working with the Secretary of Defense, the Service Chiefs, and the combatant commanders to ensure we use concept development, experimentation and lessons learned from ongoing operations to transform our joint capabilities. Along these lines, I will work to improve the linkage between our requirements process and our acquisitions processes. Finally, I will work with the Services, Congress, and the Office of the Secretary of Defense to ensure all available resources are devoted towards combating IEDs. Our soldiers, sailors, airmen, and marines deserve nothing less.

TRANSFORMATION

Question. In your view, what progress have OSD, the Joint Staff, and U.S. Joint Forces Command made in transforming the Armed Forces?

Answer. Working together, the DOD has made significant progress in transforming how we fight and operate, how we work with partners and how we conduct the business side of national defense. I will speak to the progress in military transformation that I have the most experience with as Commander, U.S. Joint Forces Command.

First of all, we have established the right authorities and resources to empower the agents of joint transformation within the Department of Defense. The President's Unified Command Plans of 2002 and 2004, the Transformation Planning Guidance and other direction by the Secretary and Deputy Secretary of Defense have provided Joint Forces Command with the authorities necessary to help lead the U.S. military transformation endeavor. In addition, Congress has provided significant new resources that have allowed Joint Forces Command to execute these authorities rapidly and effectively.

In several key areas, significant transformation progress has been made.

- We have significantly expanded the scope of joint concept development and experimentation, working with the Services, combatant commanders, and allies. Every major DOD wargame since May 2003 has been run as a Joint game cosponsored by a Service and Joint Forces Command, working on a common set of issues within a common joint context. This has resulted in the further development of the "common joint context" which further informs all Joint and Service concept development work. This is the first key step in producing capabilities that are "born joint," and as resulted in four Joint Operating Concepts: Major Combat Operations, Homeland Defense, Strategic Deterrence, and Stability Operations.
- We have created a robust, dynamic, and real-time lessons learned capability which provides immediate support for the combatant commanders and insights into capability gaps which need immediate action. Based on our lessons learned work to date, we have submitted a number of packages of change recommendations to immediately address capability shortfalls.
- We have focused joint training on preparing the Joint Task Force Commander and his staff to execute real world joint operations, with a special emphasis on mission rehearsal exercises for commanders preparing for command in Operations Enduring Freedom and Iraqi Freedom. Additionally, we are assisting in the training of the majority of Joint Task Forces around the world and conduct staff assist visits to help current joint commanders accomplish their missions. In this effort, the establishment of the Joint National Training Capability (JNTC) has been a significant milestone in training transformation which will provide increased training fidelity, efficiency and ubiquity with reduced overall training cost. A perfect example of this is the recently completed combined exercise called Joint Red Flag/Roving Sands 2005. This exercise was comparable in size and scope to Millennium Challenge 2002. Yet what took 2 years of planning and approximately $250 million for Millennium Challenge 2002 was done in 1 year for about $25 million for Joint Red Flag/Roving Sands 2005. The JNTC program is a great example of leveraging the Services existing investments in training along commercial technology to the benefit of the joint operator.
- We have increased the training of new flag and general officers in an expanded Capstone Joint Operations Module (JOM). In addition we have created new Joint Task Force Headquarters training courses for 2- and 3-star officers and senior enlisted leaders.
- We have worked to significantly improve our processes to source the capability requirements of the combatant commanders. Working closely with the combatant commanders and the Joint Staff to execute Joint Forces Command's Primary Joint Force Provider Mission, we are developing better

tools to track worldwide force availability, gaining better insight into Reserve component readiness, mitigating stress on the force while meeting the needs of Operation Iraqi Freedom and Enduring Freedom and experimenting with new methods of planning and executing Joint Deployments for the future.

• We have continued to work on joint interoperability, with a particular focus on Joint Command and Control. Using our Joint Battle Management Command and Control authorities as directed by Deputy Secretary of Defense, we have worked with the Services and combatant commands to improve all aspects of Joint Command and Control, issued a detailed Roadmap, and are executing our first program—the Deployable Joint Command and Control. We also created the Joint Systems Integration Command (JSIC).

• We have drastically increased our work with allies, most visibly demonstrated by the growth in Foreign Liaison Officers assigned to Joint Forces Command. Just 2 years ago, we had 11 Foreign Liaison Officers from 5 countries, and now there are 55 officers from 33 countries.

In all of our efforts at joint transformation, we are motivated by the manifest need to define and execute a "Joint Organize, Train, and Equip" mission. At Joint Forces Command, we have focused this mission on organizing, training and equipping the Joint Task Force Headquarters to meet the operational needs of the regional combatant commanders. This unifying theme to our many efforts has paid significant dividends in joint transformation.

Question. Do you believe the Joint Staff should play a larger role in transformation? If so, in what ways?

Answer. The Joint Staff plays an important role is assisting the Chairman in formulating advice on transformation.

Question. What progress has been made in devising performance metrics for joint experimentation and transformation?

Answer. Transformation is a process—not an end-state. If we had a defined and static end-state, performance "metrics" would be an appropriate term to describe a means to measure our progress toward that end-state. Because our vision of how we want to operate in the future is constantly evolving as we learn more through experimentation, exercises and operations, we can measure only our relative performance against previous standards of collaboration and cultural adaptation. Therefore we apply what analysts call measures of performance.

In our quest to move from coordinated operations among Service forces to coherently integrated and interdependent operations among multinational Service and interagency forces, the measures of performance we've derived naturally focus on the ability to achieve collaboration and a unified effort in the planning, execution, and assessment of operations. We use experimentation to accelerate and advance the process of transformation. We create a vision of how we want to operate, derive concepts to achieve that vision, refine those concepts (and the vision) through experimentation and lessons derived from real-world operations and exercises, link the capabilities described in the concepts to the research, development, test and evaluation process, develop and acquire the capabilities. Fundamental to this transformation effort is adapting the culture of all the participants to support the vision. In all these measures of increasing collaboration and adapting cultures, we have advanced considerably in the last 3 years, though we still have much work to do.

Question. If confirmed, what would be your future goals regarding transformation in the future?

Answer. The first—and overriding—goal is to continue transforming our Armed Forces while the Nation is at war. I believe the best time to undertake transformation is when you are engaged in challenging operations.

Along these lines, my primary goal will be to ensure that the lessons we learn in operations, experiments and concept development work are translated into rational resource and requirement decisions. Three key joint processes need to be aligned for this to happen:

- The Joint Concept Development and Experimentation process
- The Joint Capabilities Integration and Development System
- The Planning, Programming, Budgeting, and Execution System

When we align these processes and make them as agile and responsive as possible, we will be able to translate lessons learned and operating concepts into an acquisition strategy, which is a key priority of the Department of Defense.

JOINT OFFICER MANAGEMENT

Question. Statutory standards for joint officer management and joint professional military education have increasingly been the subject of administration proposals for change that would afford greater latitude to the Joint Staff and the Services in the management of officers. Pursuant to section 531 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, the Secretary of Defense is required to develop a strategic plan for joint officer management and joint professional military education that would link future requirements for active and Reserve military personnel who are trained and educated in joint matters to the resources required to develop those officers in terms of manpower, formal education, practical experience, and other requirements.

What do you consider to be the primary strengths and weaknesses of the current requirements for joint professional military education with respect to qualification as a joint specialty officer?

Answer. While the intent of the JOM portion of the Goldwater-Nichols Act remains valid, the process for certifying Joint Specialty Officers (JSOs) should reflect the changes in the way our military conducts joint operations. The strength of the current system is that it produces officers with a solid level of education, training, and joint staff experience to be certified as joint specialty experts. However, there are two main areas that we need to improve: providing credit for all relevant joint operational experience—especially in operational Joint Task Force headquarters—and developing a system to track this cumulative experience across the officer corps.

Question. What is your assessment of the appropriate balance between education and experience in achieving qualification as a joint specialty officer?

Answer. In my opinion, there are three components to developing a Joint Specialty Officer: education, training, and experience. While the education and training components are reasonably well developed, we currently do not provide the appropriate joint credit for officers serving on operational Joint Task Force Headquarters. This real-world joint operational experience—the most valuable kind of joint experience in my view—reinforces education and training with practical application of learned skills, thus more fully preparing officers to lead and manage in the joint environment.

Question. What is your personal view of the operational value and importance, in terms of performance, of officers achieving qualification as joint specialty officers?

Answer. In my view, there are two kinds of joint experience—joint staff experience and joint operational experience. Obviously both of these types of experience are relevant to qualification as joint specialty officers, but I believe nothing can replace joint operational experience. I think we need to provide joint credit for operational joint experience and develop a system to track officers with this type of experience. The value of qualified joint specialty officers has been further reinforced for me while serving as Commander, Joint Forces Command and Supreme Allied Commander, Transformation.

Question. What changes, if any, would you recommend in the development, education, management, assignment, and qualifying processes for officers in a transformed and fully joint U.S. military?

Answer. We must focus on producing leaders who are fully qualified, inherently joint officers, critical thinkers, and most importantly, skilled war fighters and operators. We have made significant process in this area, especially with our senior leaders. We have expanded the Capstone training program for our new flag/general officers and we created Pinnacle and Keystone to train our senior flag/general officers and enlisted personnel on how to command and operate within an operational Joint Task Force. Next step is to create a system to track operational joint experience and more easily provide joint duty credit for those officers who serve on an operational Joint Task Force.

TRAINING OF SENIOR LEADERS IN JOINT OPERATIONS

Question. U.S. Joint Forces Command has taken several initiatives to train senior leaders how to operate in joint environments. Capstone and Pinnacle are intensive courses that provide general and flag officers with an understanding of what is expected of them as joint task force commanders and what it takes to make a joint task force work effectively. Keystone provides senior enlisted leaders with an understanding of their role in joint operations.

How has Capstone changed since its inception, and what currently are its principal strengths and weaknesses?

Answer. As Commander, U.S. Joint Forces Command, I am only responsible for the JOM portion of the Capstone, Pinnacle, and Keystone programs. As an integral part of each of these courses, Joint Forces Command's Joint Warfighting Center re-

ceives extensive feedback from each attendee and uses that to improve the content of each course. Also, each and every program course is adjusted to reflect 3 items: the current best practices in the field, recent joint lessons learned (observed), and emerging joint concepts. Overall, I am very satisfied with these three programs in training our senior leaders for joint operations.

When I attended Capstone just over a decade ago, the U.S. Joint Forces Command portion was primarily an introductory program for new flag and general officers to demonstrate service-specific capabilities, focusing primarily on weapons systems. It lasted about 4 hours. Today, the Joint Warfighting Center hosts a 4-day Joint Operations Module as part of the Capstone program. We have completely changed the focus to how to operate successfully in a Joint Task Force operating in an Allied, coalition and interagency environment. The emphasis is now on how to command and control a joint task force headquarters in the 21st century.

I believe the Joint Operations Module portion of Capstone has four main strengths. First is the senior mentor program headed by Gary Luck, General U.S. Army (retired), whom I consider a "national treasure." He maintains a cadre of hand-picked former 3- and 4-star officers and Ambassadors who provide exceptional mentorship to the Capstone fellows in small group settings. Second, our Joint Warfighting Center brings current, practical knowledge of command and control issues at the Joint Task Force (JTF) and Functional Component level, and links in Video Teleconferences with current JTF commanders serving in operational commands. These JTF commanders always lead a frank and open discussion with the fellows that is consistently rated as one of the most helpful portions of Capstone. Third, the Joint Warfighting Center does an excellent job of incorporating the results of the most current 'lessons learned' process into the Joint Operations Module. Finally, the personal relationships developed between the fellows themselves have consistently proven their utility during joint operations.

Capstone has been improved by increasing the attendance from other government agencies. Today's joint operations are increasingly conducted in an interagency and multinational environment, and additional interaction with individuals with these backgrounds is required.

Question. How would you assess the training provided at Pinnacle, and what recommendations for improving this course would you offer?

Answer. As with Capstone, U.S. Joint Forces Command is responsible for the Joint Operations Module portion of Pinnacle. So far, we have hosted two Joint Operations Modules at Joint Forces Command and in both courses, I spent 3½ of the 4 days of the Joint Operations Module with the participants. Based on my personal experience, Pinnacle is fulfilling its purpose. We knew we were missing something in preparing our flag and general officers to command a joint task force headquarters and Pinnacle has filled that gap.

Finally, and in order to continue to improve Pinnacle, we need to establish a comprehensive assessment of the program centered on feedback from former graduates approximately 1 year after they completed the training—and incorporate this feedback into the curriculum.

Question. In your view, are the Services effectively utilizing the senior enlisted personnel who attend the Keystone course, and what improvements to this course, if any, are needed?

Answer. My Command Senior Enlisted Leader, CSM Mark Ripka, U.S. Army, has been very involved with the design, implementation and conduct of the Keystone program. His initial assessment of the placement of Keystone graduates indicates the Services are utilizing the graduates effectively. The Keystone program was designed to mirror Capstone and we have held true to that goal. The senior enlisted personnel that attend Keystone receive almost the identical curriculum as their Capstone counterparts. Overall, I am satisfied with the progress of Keystone. The only issue outstanding is to ensure that National Defense University is fully funded for the entire 10-day Keystone program.

JOINT REQUIREMENTS OVERSIGHT COUNCIL

Question. If confirmed as the Vice Chairman of the Joint Chiefs of Staff, you would be the chairman of the Joint Requirements Oversight Council (JROC). The Joint Requirements Oversight Council has the responsibility to validate Service requirements. As the Services transformation initiatives have matured, some have been approved for system development and demonstration (SDD) even though it appears that some programs lacked the technical maturity the programs require to transition into SDD.

How would you assess the effectiveness of the JROC in the DOD acquisition process?

Answer. I believe the JROC's participation in the Defense Department acquisition process has improved, particularly as a result of the evolving changes in the JROC and acquisition processes over the past few years. In my view, however, more can be done to improve the alignment and interaction between the requirements generation and acquisition process. We can also work to make our acquisition processes more agile and responsive to emerging requirements from the combatant commanders.

Question. What is your vision for the role and priorities of the JROC?

Answer. The JROC plays an important role in helping ensure that major programs are "born joint." Since its inception, the JROC has driven "jointness" into military requirements generation, defense acquisition programs, and the Chairman's programmatic advice and recommendations. In 2000, the Chairman initiated efforts to enhance JROC influence in requirements integration through development of joint operational concepts, integrating joint experimentation efforts, and adding a focus on future joint warfighting requirements—while still addressing combatant commander's current priorities. A lot has been accomplished; but much more needs to be done. There needs to be a better linkage between the requirements generation and the acquisition processes. We need to work hard to turn our joint operating concepts into an acquisition strategy. We need to be able to respond in an agile fashion to emerging requirements from our combatant commanders. If confirmed, I look forward to further examination of how this process can be improved, and to ensuring all statuary and reporting requirements relating to the JROC are met.

Question. What changes, if any, would you recommend in the membership of the JROC?

Answer. I would like to reserve judgment on specific changes pending confirmation and an opportunity to further review the Joint Requirements Oversight Council organization, process, and function.

Question. Do you believe the current JROC process has been able to adjust satisfactorily to a capabilities-based, vice threat-based, approach in determining requirements?

Answer. The JROC has taken several steps to make the JROC process focused on delivering capabilities that are strategy driven and "born-joint." On the positive side, I can tell you from personal experience that the results of joint experimentation and joint lessons learned are beginning to influence our concepts of operations and our acquisitions, especially in the joint command and control arena. However, we need to improve the link between the Joint Capabilities and Integration Development System (JCIDS) and the Joint Concept Development and Experimentation process. Aligning and integrated these processes will allow our collaboratively derived, capabilities-based joint operating concepts to drive our acquisition strategy. I also believe we need to do even more work to ensure the interoperability of systems in our legacy force is enhanced.

Question. Do you believe that quantity of items required is appropriately addressed in the JROC process, so that the capability delivered by the item is present in appropriate numbers?

Answer. I do not know, but if confirmed, I will study this issue and respond.

JOINT FORCES COMMAND LIMITED ACQUISITION AUTHORITY

Question. The National Defense Authorization Act for Fiscal Year 2004 provided the Joint Forces Command (JFCOM) commander with the authority to develop and acquire equipment for battle management command, control, communications, and intelligence and any other equipment that JFCOM determines necessary for facilitating the use of joint forces in military operations or enhancing the interoperability of equipment used by the various components of joint forces. The authority limits spending to $10 million for research and development and $50 million for procurement, and, unless renewed, will expire on September 30, 2006.

What is your assessment of the efficacy of this limited acquisition authority for JFCOM?

Answer. LAA has proven to be a useful and flexible tool for U.S. Joint Forces Command (USJFCOM) in support of other combatant commands. Based on warfighting shortfalls validated by combatant commanders, it has allowed us to field mature technologies quickly. This equipment, available in industry today, directly improves areas such as Joint Battle Management Command and Control, Intelligence, Communications, operations of joint forces, and the interoperability of joint force components. LAA allows us to get the new or improved capability to the warfighters in the regional combatant commands more rapidly than the normal DOD acquisition process.

Since 2004 USJFCOM's implementation of LAA in support of combatant commands has been used to fund/provide several improvements to the joint warfighter:

- The Joint Precision Air Drop System 2000 pound capability allows precision delivery of logistic support to forces in remote operating areas or behind enemy lines. Expected delivery—July 2005.
- The Change Detection Work Station (CDWS) is a capability to map and detect Improvised Explosive Devices along troop/convoy routes. CDWS deployed to U.S. Central Command in January 2005.
- The Joint Task Force Commander Executive Command and Control Capability (JTF CDR EC2) is an information technology solution that provides connectivity to a Commander while remotely located from the headquarters element. Four of these systems were delivered to CENTCOM/EUCOM Combined Joint Task Forces (CJTF) in fiscal year 2004 and a fifth is under development for delivery to CJTF–76 later this year.
- Joint Translator/Forwarder/Joint Blue Force Tracker/Rapid Attack Info Dissemination Execution Relay—Joint Translator Forward is a universal translator/data forwarder for disparate data sources/data links; Joint Blue Force Situational Awareness provides blue force system integration; Rapid Attack Info Dissemination Execution Relay provides Time Sensitive Target attack data/authorization to multiple aircraft en route targets. This capability is currently in development under Limited Acquisition Authority for fielding in fiscal year 2005 and fiscal year 2006.

USJFCOM is also evaluating five additional capabilities for fielding under Limited Acquisition Authority.

- Joint Extended Collaborative Environment—would expand the ability of units and commanders to plan and remain connected en route to the mission area
- Command and Control On The Move—access to all headquarters Communications, Intelligence & Command and Control systems while on the move.
- Simultaneous, two-way voice translation between American English and Arabic dialects.
- Data Mining and Digital Translation Technology to improve the mission capability of intelligence collection from open source information.

Question. Do you believe this authority should be extended beyond September 30, 2006? If so, what changes, if any, would you recommend to improve the authority?

Answer. Yes. I believe that extension of LAA beyond fiscal year 2006 will continue to provide needed capabilities to the regional combatant commanders; especially in command and control functions, communications, intelligence, operations, and interoperability. I strongly urge Congress to extend the authority.

While Limited Acquisition Authority projects are bringing some much-needed improvements to the joint warfighter, the LAA is not without significant challenges. Finding adequate resources to support LAA projects is often more challenging than defining, developing or fielding the capability. While these authorities have provided opportunities to partner with Services and Defense Agencies to field these tools, developing funding agreements takes time, slowing the development and delivery of capabilities to the troops—the very problem that LAA was designed to address.

The ability to sustain/maintain these projects during transition to programs of record or replacement also continues to present challenges. If the Limited Acquisition Authority were to expire as scheduled on 30 September 2006, we would lose an excellent—and rapidly improving—method to provide emerging capabilities to our combatant commanders with no replacement program on the horizon.

Limited Acquisition Authority can be improved by adding appropriated funding commensurate to the authority and by allowing the use of Operation and Maintenance (O&M) funds for sustainment of LAA-acquired capabilities until transition to an existing program of record, absorption of the sustainment into the recipient's O&M budget, or termination of the requirement for each specific capability.

Question. Do you believe similar acquisition authority should be extended to other combatant commands, and, if so, which commands and why?

Answer. I support any process or authority that will accelerate getting warfighting capabilities into the hands of the joint warfighter. Limited Acquisition Authority was delegated to USJFCOM as a test case to determine if DOD could, for specific joint requirements, acquire capabilities outside the normal acquisition process. In my opinion, this experiment has been a success. Our experience has shown that the current LAA statute, while narrowly defined, should be extended beyond fiscal year 2006 and should also be resourced to both deliver a capability and sustain it once in place.

I would like to reserve judgment on extension of this authority to other combatant commands pending consultation with the combatant commanders and pending further experience from Joint Forces Command with Limited Acquisition Authority.

DEFENSE SCIENCE AND TECHNOLOGY PROGRAMS

Question. The Department's Science and Technology (S&T) programs are designed to support defense transformation goals and objectives. These programs should ensure that warfighters of today and tomorrow have superior and affordable technology to support their missions and to give them revolutionary war-winning capabilities.

Do you believe there is an adequate investment in innovative defense science to develop the capabilities the Department will need in 2020?

Answer. I believe so. In my capacity as Commander, U.S. Joint Forces Command, I have been satisfied with the investment resources at my disposal to find innovative solutions to Joint problems. I cannot speak to the Department of Defense's investment resources, though I expect to be involved in this issue should I be confirmed as Vice Chairman of the Joint Chiefs of Staff.

Question. Do you believe the Department's investment strategy for science and technology is correctly balanced between near-term and long-term needs?

Answer. In my capacity as Commander, U.S. Joint Forces Command, I have not been involved in the department's overall investment strategy for science and technology. I would like to Reserve judgment until I have time to study this issue.

TECHNOLOGY TRANSITION

Question. The DOD efforts to quickly transition technologies to the warfighter have yielded important results in the last few years. Challenges remain to institutionalizing the transition of new technologies into existing programs of record and major weapons systems and platforms.

What are your views on the success of the Department's technology transition programs in spiraling emerging technologies into use to confront evolving threats and to meet warfighter needs?

Answer. The Technology Transition Initiative, Quick Reaction Fund, and Advanced Concept Technology Demonstrations have each had limited success. Each has provided new technology to the warfighter but generally only those programs with technologies that have Service buy-in and Service priority have transitioned into programs of record. We need to do a better job identifying the importance of technologies that contribute to the Joint Warfighter and determining how these can be better transitioned into programs of record. However on a limited basis, we have used Chairman's Initiative Funds (CIF) to satisfy near-term technology insertions. We have also used LAA which was delegated to Joint Forces Command as an experiment to determine if DOD could, for specific, joint requirements, acquire capabilities outside the normal acquisition process. In my opinion, this experiment has been a success.

Question. What more can be done to transition critical technologies quickly to warfighters?

Answer. At the most general level, the acquisition system needs to be more responsive to emerging combatant commanders' requirements. Some newly established programs are beginning to show promise in alleviating this problem—such as the Chairman's Initiative Fund, the Joint Rapid Acquisition Cell, and Limited Acquisition Authority—but there is ample room for improvement.

One possibility is to consider increasing the CIF resources. Additionally, my experience with LAA has taught me to believe that the current LAA statute, while narrowly defined, should be extended beyond fiscal year 2006 and should also be expanded to include resources to both deliver capability and sustain it once in place.

Further, the recently created Joint Rapid Acquisition Cell should be given the necessary set of waivers and exemptions from regulations that impede responsive acquisition. Most importantly, rapid acquisition processes need to be endorsed and put on a firm financial basis similar to Limited Acquisition Authority. Urgent requirements will be met much faster if they can be resourced without taking funds from existing programs. Both of these processes would meet the most urgent requirements of the joint warfighter while guaranteeing the most efficient use of public funds.

END STRENGTH OF ACTIVE DUTY FORCES

Question. In light of the manpower demands of Operations Enduring Freedom and Iraqi Freedom, what level of Active-Duty personnel (by Service) do you believe is required for current and anticipated missions?

Answer. I have not conducted an analysis of force levels (by Service). However, based on the request-for-forces (RFF) from the regional combatant commanders sourced through U.S. Joint Forces Command, we have sufficient forces to meet current and anticipated missions with varying degrees of risk.

Question. How do you assess the progress made to date by the services in finding ways to reduce the numbers of military personnel performing support functions that can better be performed by civilian employees or contractors?

Answer. The Services and defense agencies continue to make good progress in identifying functions requiring military skills, and those jobs that might be performed by civilian defense employees or defense contractors. Approximately 45,000 military-to-civilian conversions are planned. These conversions will free up military billets and help to reduce stress on the force.

Question. What manpower savings can be achieved through reductions in overseas presence, application of technology, and changes in roles and missions?

Answer. I believe the department will realize significant manpower and fiscal savings as it continues to reduce overseas troop presence and transforms to a Total Force that is focused on refined missions and core competencies. These issues will be refined with the results of the Quadrennial Defense Review, the Base Realignment and Closure Commission, and further progress in Overseas Basing Initiatives. Since these reviews are still progressing, I do not have any projections on manpower savings at this point in time.

RECRUITING AND RETENTION

Question. The ability of the Armed Forces to recruit highly qualified young men and women and to retain experienced, highly motivated commissioned and non-commissioned officers is influenced by many factors, and is critical to the success of the All Volunteer Force. While retention in all the services has remained strong, recruiting data in 2005 have shown increasing difficulty for the Army, Army Reserve, Army National Guard, Marine Corps, Marine Corps Reserve, and Naval Reserve in meeting monthly recruiting goals.

What do you consider to be the most important elements of successful recruiting?

Answer. As a former Navy recruiter, I think the following elements are common to any successful recruiting program: tapping the reservoir of patriotism by providing the opportunity to serve the Nation; offering the chance to serve in a proud and respected profession; possessing a properly resourced cadre of highly motivated and trained recruiters; having complete access to the recruiting pool; offering a competitive compensation and benefits package; and providing the opportunity to achieve skills, education, and experience.

Question. What recommendations, if any, do you have to improve recruiting for the ground forces?

Answer. Successful recruiting is a result of finding the proper mix of successful recruiting elements. The Army and Marine Corps have good recruiting programs and dedicated recruiters performing the mission. Each of the ground force components is increasing the number of recruiters in the field; they have and are further enhancing their incentive bonuses for new recruits; they have increased their advertising budget; and, they have focused their marketing strategy not only on potential recruits but also on the influencers (parents, teachers, etc.) who play an important role in any decision to pursue a military career. These new initiatives and incentives plus increases in the number of recruiters and advertising budget will bring improved results.

Question. What is your assessment of the value of so called "blue to green" recruiting programs which aim to facilitate transfer of sailors and airmen to the ground forces?

Answer. The "Blue to Green" program is a win/win situation. As the Navy and Air Force continue their rightsizing programs, "blue to green" not only offers the Army qualified and experienced professionals, it provides those trained and experienced servicemembers an opportunity to continue their careers. The real value of programs like this is that we retain trained professionals, avoiding the cost of recruiting, attrition and training their reliefs. This program, although the numbers are small, is a force multiplier.

Question. What do you consider to be the most important components in the success of all the services in retaining experienced junior officers, petty officers, and noncommissioned officers?

Answer. Our military has been successful because of its tradition of service, its strong leadership at all levels and its support by the Nation. There is also an old saying in the military that "you recruit an individual, but you retain a family." I find this to be true. Therefore, the most important components of retaining our pro-

fessional force are: (1) Feeling that the Nation values your service and your family's sacrifice, (2) Strong leadership and mentorship, (3) Personal/professional development opportunities, (4) Opportunities to lead and grow at every level throughout their careers, and (5) Competitive compensation, benefits and incentive packages that rewards their service and provides a good quality of life for their families.

Question. In your opinion, what impact is the current recruiting environment likely to have on our ability to sustain an All-Volunteer Force?

Answer. We are committed to the enormous return on investment that our Nation receives through an All-Volunteer Force. The All-Volunteer Force is an order of magnitude better than the system I lived in as a young officer. We simply must continue to make the All-Volunteer Force work. Although we are currently facing short-term recruiting challenges, I believe we have the knowledge and ability to successfully manage this problem. We are aggressively addressing this issue by increasing the number of recruiters in the field, enhancing incentive programs, increasing advertising budgets, and re-focusing our marketing strategy.

JOINT REQUIREMENTS

Question. With the establishment of U.S. Joint Forces Command, it was envisioned that the Commander, U.S. Joint Forces Command, would represent and advocate for requirements and interests of combatant commander in the overall defense requirements and acquisition process.

Has U.S. Joint Forces Command been able to satisfactorily represent the requirements and needs of combatant commanders to the Joint Requirements Oversight Council and the military services?

Answer. As Commander, U.S. Joint Forces Command I, and senior members of my staff have had excellent interaction with the Joint Requirements Oversight Council and the Joint Chiefs of Staff, when required, in the exercise of my responsibilities under Title 10 U.S. Code and the President's Unified Command Plan. If confirmed, I look forward to continue working with all those involved to make the system even more responsive to near-term combatant commander needs.

Question. Are combatant commanders able to identify critical joint warfighting requirements and quickly acquire needed capabilities?

Answer. The combatant commanders are often able to identify joint warfighting requirements and capability gaps. However, their ability to quickly acquire needed capabilities is less than optimal. The Joint Requirements Oversight Council process is designed to impact mid- to far-term capabilities and funding (3 years and beyond). The process has less flexibility to respond to emerging requirements within the Planning, Programming, Budgeting, and Execution (PPBE) process in the near-term budget years (1–2 years). Currently, there are limited pools of funding available to address this systemic problem. Therefore, combatant commanders still have difficulty rapidly acquiring some capabilities. If confirmed, I look forward to exploring ways to improve the combatant commanders' ability to quickly acquire needed capabilities.

Question. What suggestions, if any, do you have for improving the requirements and acquisition process to ensure that combatant commanders are able to quickly acquire needed joint warfighting capabilities?

Answer. In my view, we must "operationalize" the JROC and acquisition processes to respond with agility when immediate and pressing needs are presented and validated. Currently, the JCIDS is designed to impact mid- to far-term capabilities and funding (3 years and beyond). The process has less flexibility to quickly respond to emerging requirements within the PPBE process in the near-term budget years (1–2 years).

A variety of ad hoc measures have been used to address this challenge. Congress has helped by providing new authorities such as LAA. One near-term solution is to dedicate appropriate resources—tied to Limited Acquisition Authority—in order to have funds available to ensure combatant commanders are able to quickly acquire joint warfighting capabilities. In the long-term, the JCIDS process needs to change to fall more in line with the demands and pace of today's operations. If confirmed, I look forward to helping to develop a systemic way to address these concerns in the future.

RELIANCE ON RESERVE COMPONENT

Question. The men and women of the Reserve component have performed superbly in meeting the diverse challenges of the global war on terrorism. Such a heavy use of the Reserve components, however could have potential adverse effects on recruiting, retention, and morale of continuing mobilization of Guard and Reserve personnel.

What is your assessment of the impact of continuing Guard and Reserve deployments on the readiness and attractiveness of service in the Guard and Reserve?

Answer. The men and women of our Active and Reserve Force are performing superbly in the global war on terrorism. However, the prolonged demand on certain capabilities resident in the Guard and Reserve is a serious concern, and we are working hard to deal with this issue. Of note, the highest retention percentages in the Reserve components come from units that have deployed for Operation Enduring Freedom and Operation Iraqi Freedom—clearly, these servicemembers understand the importance of their service and are volunteering again to continue to serve their country. We must continue to ensure our personnel receive strong support from their civilian employers, provide support for their families, and we must also continue to closely monitor recruiting and retention.

To decrease demand on the Reserve component, the Department has several initiatives underway which help alleviate additional burden on the Guard and Reserve including: (1) rebalancing of forces, (2) modularization for a better deployment rotation base, (3) new training and certification procedures for our Army Guard and Reserves prior to mobilization to maximize their utility while minimizing their total time away from home, and (4) temporary increases in the Active component.

An important point to re-emphasize is that the impact on the Guard and Reserve varies significantly from unit to unit and among the different specialties/capabilities in the Guard and Reserve.

Question. What missions do you consider appropriate for permanent assignment to the Reserve component?

Answer. The Quadrennial Defense Review (QDR) is currently examining the roles and missions of the Services and their Reserve components. This assessment will produce recommendations regarding which capabilities should reside in the Active and Reserve components. These recommendations will also address how those capabilities should be apportioned and resourced between the components. In addition to the QDR, each Service is conducting their own assessment to balance the capabilities between respective components. I would like to reserve final judgment on this question until after having the opportunity to review the results of these assessments.

SECURITY COOPERATION

Question. One of the central pillars of our recent national security strategy has been security cooperation as a means of building relationships around the world. Military-to-military contacts, Joint Combined Exchange Training exercises, combatant commander exercises, humanitarian demining operations, and similar activities are used to achieve this goal.

If confirmed, would you support such continued engagement activities of the U.S. military?

Answer. Yes. I strongly support these types of engagements. As Commander, U.S. Joint Forces Command, I have aggressively sought to expand our interaction with Allies and partners. Foreign Liaison Officers (FLO) have grown from 11 officers representing 5 countries in 2003 to 55 Foreign Liaison Officers representing 33 countries today, with more officers and nations on the way. U.S. Joint Forces Command has a vigorous multinational concept development and experimentation program. My experience as a NATO Strategic Commander further reinforces in my mind the value of these programs. Security Cooperation activities exchanges, exercises, and operations are essential, and if confirmed, I will continue to emphasize the need to foster these international relationships to improve regional and global security while developing our defense partnerships for the future.

Question. In your view, how do these activities contribute to U.S. national security?

Answer. U.S. Forces participating in training, exercises and education programs with our international partners develop trust and confidence within the international community. Engagements such as these also improve coalition interoperability and support transformation. Cumulatively, these actions reduce the potential for conflict and encourage other nations to participate in cooperative efforts to ensure peace and stability. My personal experience suggests that the personal relationships developed through these engagements build a level of trust and confidence between U.S. officers and their allied and coalition partners that would not exist otherwise. The ability to pick up the phone and talk to your allied or coalition partner from a position of respect and trust based on previous shared experiences is an invaluable contribution to our national security.

STABILITY AND SUPPORT OPERATIONS

Question. Operations in Iraq and Afghanistan have underscored the importance of planning and training for post-conflict stability and support operations. Increased emphasis has been placed on stability and support operations in DOD planning and guidance in order to achieve the goal of full integration across all DOD activities.

What is your assessment of the Department's current emphasis on planning for post-conflict scenarios?

Answer. The Department has invested considerable emphasis on post-conflict planning. Of the four Joint Operating Concepts (JOC) approved by the Secretary of Defense, one of the two primarily authored by Joint Forces Command is dedicated to Stability Operations. I believe the most critical step in improving our post-conflict planning is the establishment and integration with a counterpart civilian planning capability in an interagency forum. I have strongly supported the establishment and the strengthening of the Office for the Coordinator for Reconstruction and Stabilization (S/CRS) within the Department of State. I know the Department of Defense has assisted S/CRS in building their own planning processes as well as integrate them into the Defense Department's deliberate and crisis planning processes. These efforts, in Washington as well as with the combatant commanders, have worked to integrate stabilization and reconstruction operations into our operational plans and theater exercises. U.S. Joint Forces Command, in particular, has provided expertise to S/CRS and has partnered with it in concept development and experimentation events to develop their planning capacity and help elaborate their operational concepts.

I know the department is developing a directive concerning stability operations which will help integrate stability, security, transition, and reconstruction operations into our overall campaign planning efforts. The ongoing Quadrennial Defense Review, in which S/CRS is participating, is just one way we are reassessing our requirements to ensure we have the right mix of forces for the right missions, including security, stability, reconstruction and transition operations.

Question. What role should the Joint Staff play in implementing any new directives in the area of post-conflict planning and the conduct of stability and support operations?

Answer. The Joint Staff plays an important role on various interagency committees and working groups that develop plans and policies that impact stability and support operations. The Joint Staff should help facilitate coordination between governmental agencies, such as the Office of the Coordinator for Reconstruction and Stabilization (S/CRS), and the combatant commanders and their staffs.

Question. In your view, what is the appropriate relationship between DOD and other Federal agencies in the planning and conduct of stability and support operations in a post-conflict environment?

Answer. Security, stability, transition, and reconstruction operations require the coherent application of diplomatic, information, military and economic power. Clearly, the military has a role to play in conjunction with partners inside the U.S. Government as well as allies, international organizations, and nongovernmental organizations. The proper relationship between the DOD and other Federal agencies in planning and executing these operations vary with conditions on the ground. Several principles need to be considered and I have found several concepts helpful in thinking through this problem. First, the command and control arrangements need to be clear and understood by all parties. Second, the pragmatic application of the supported and supporting commander concept and the Lead Federal Agency concept can be helpful. Finally, any relationship between DOD and other Federal agencies will require leaders who understand the capabilities each agency can bring to bear. For this reason, U.S. Joint Forces Command has incorporated interagency topics and participants—as both fellows and presenters—in the Capstone and Pinnacle courses designed to prepare flag and general officers to lead Joint Task Forces in the execution of security, stability, transition and reconstruction operations.

Question. What lessons do you believe the Department has learned from the experience of planning and training for post-conflict operations in Iraq and Afghanistan?

Answer. U.S. Joint Forces Command has undertaken a robust and dynamic lessons learned mission to actively work on the lessons—at the joint operational level—from our ongoing operations. This has resulted in an extremely rich set of insights, observations and analyses. We have provided many of these products to Congress in previous testimony and briefings to congressional staff members. I believe detailed briefings such as these would be useful to provide the necessary context and detail which these issues require.

Based on my experience at Joint Forces Command, we have learned several key lessons about security, stability, transition and reconstruction operations. First, the

value of detailed, adaptive and collaborative planning is essential. Our successes were enabled by detailed planning; our shortcomings usually occurred in areas where planning efforts or expertise was lacking. Second, our military commanders need money they can immediately spend as much—or more—than they need bullets and guns as a key tool to jump start reconstruction efforts. Third, we need to ensure the right balance of capabilities (such as Civil Affairs units) between Active and Reserve components because their immediate engagement and long-term sustainment are critical. Fourth, collaborating with allies is essential and requires considerable effort. Fifth, our ability to communicate with the civilian population—the center of gravity in these operations—needs to be enabled with linguists, communications, media, and an effective strategic communications capability. These are some of the many lessons we have learned, and are acting on, in our execution of stability, security, transition, and reconstruction operations. I would offer more detailed briefings as requested by Congress.

DELIVERY OF LEGAL SERVICES

Question. The global war on terrorism has placed extraordinary demands upon commanders and their legal advisers to rapidly respond to complex legal issues at a time when the number of military judge advocates on Active Duty has been substantially reduced. Providing qualified, fully trained legal advisers to commanders of combatant commands and joint task forces presents serious challenges to DOD and the Services.

What steps, if any, has U.S. Joint Forces Command taken to ensure legal advisers are available to combatant commanders and commanders of joint task forces?

Answer. As the Primary Joint Force Provider, as designated by the Secretary of Defense in his Global Force Management Guidance of 4 May 2005, U.S. Joint Forces Command is working to ensure that Joint Task Force headquarters are designed to include appropriate judge advocate support to the Joint Task Force commander; that the staff is properly trained for their mission; and that each Joint Task Force, as it is stood up, is properly manned. My Staff Judge Advocate is working with the combatant commands, my component commanders, the Service Judge Advocates General, and the Joint Staff to ensure this important capability is appropriately resourced.

As a matter of general practice to date, legal advisers to combatant commanders and to joint task forces have been provided by the Services, through each Service's office of the judge advocate general. U.S. Joint Forces Command had no direct role in that process. In fact, the responsibility is assigned by law under Article 6 of the Uniform Code of Military Justice to each service Judge Advocate General, and for marines, to the Commandant of the Marine Corps. Under that statute, "The assignment for duty of judge advocates of the Army, Navy, Air Force, and Coast Guard shall be made upon recommendation of the Judge Advocate General of the armed force of which they are members. The assignment for duty of judge advocates of the Marine Corps shall be made by direction of the Commandant of the Marine Corps." Under this statutory construct, assignment of judge advocates, even to joint force headquarters, remains a service responsibility.

Question. What is your view of the need for the legal adviser to the Chairman to provide independent legal advice to the Chairman and Vice Chairman of the Joint Chiefs of Staff?

Answer. Title 10, section 151(b), makes the Chairman of the Joint Chiefs of Staff (CJCS) the principal military adviser to the President, the National Security Council, and the Secretary of Defense. I take very seriously the responsibility of the Chairman and the Vice Chairman, in the Chairman's absence, to provide independent military advice to each of those individuals or entities. Title 10 also provides for an independently organized Joint Staff, operated under the authority, direction and control of the Chairman, to support the Chairman in fulfillment of his statutory duties. I believe it is essential that the Chairman's Legal Counsel—manned by an experienced military judge advocate and staff—be exclusively dedicated to support the Chairman and Vice Chairman in fulfilling their statutory responsibilities.

Question. What is your view of the need for the Judge Advocates General of the Services to provide independent legal advice to the Chiefs of Staff?

Answer. The duty of the service Judge Advocates General and of the Staff Judge Advocate to the Commandant of the Marine Corps to provide independent legal advice to the Chiefs of Staff appears to me to be established by law (title 10, at sections 3037, 5046, 5148. and 8037) and I am in full agreement with this statutory requirement.

Question. What is your view of the responsibility of staff judge advocates within the Services and joint commands to provide independent legal advice to military commanders?

Answer. My view is that staff judge advocates should, as established by law, communicate directly with military commanders, and provide their best professional, independent judgment and advice.

NATO TRANSFORMATION

Question. In your role as Supreme Allied Commander Transformation, you have acted as NATO's "forcing agent for change." In your responses to the advance policy questions forwarded by the committee in June 2003, you stated your priorities for Allied Command Transformation, including, among others, the development of Joint Warfighting Center/Joint Training Center functionality and ensuring that the Command is properly resourced and manned. You have stated elsewhere that additional authorities are needed from NATO for you to execute your mission and achieve long term success.

What success did you achieve in meeting the goals you established for Allied Command Transformation 2 years ago?

Answer. While we continue to build to Full Operational Capability (FOC) by 30 June 2006, we have made significant advances in joint training, defence planning, concept development and experimentation, and strategy. We stood up the Joint Warfare Center (JWC) in Stavanger, Norway, inaugurated the Joint Force Training Center in Bydgoszcz, Poland and refocused the Joint Analysis and Lessons Learned Centre in Lisbon, Portugal on support to NATO operations around the world.

In the delivery of products to the Alliance, ACT has a solid record of achievement:

- With 60 percent manning, the JWC and its subordinate Joint Force Training Center provided joint battle staff training to NATO's Joint Forces Commands and conducted mission rehearsal exercises for the three successive International Security Assistance Force (ISAF) headquarters staffs, supported certification of the NATO Response Force (NRF) and provided training to key Iraqi Leaders in support of the NATO Training Mission Iraq. This has improved NATO's mission performance by training Commanders and their Staffs, enabling them to deal with situations they will actually find in today's operational environment.
- In Defence Planning, ACT developed Military Assessments for 24 nations, assessing for the first time nations' progress on transformational goals. This month we completed the Defence Requirements Review 2005, the most comprehensive ever.
- Together with Allied Command Operations (ACO), ACT delivered the Bi-Strategic Command Strategic Vision in August 2004, laying the foundation for NATO's future concepts and capabilities development. Other major conceptual goals were met with the delivery of the 'Intelligence Transformation Advice NATO' and the NATO Networked Enabled Capability (NNEC) Foundation document.
- In experimentation, ACT's program is in full stride with an array of experiments ranging from political-military level decision making to multinational and interagency engagements.
- In development of the NATO Response Force (NRF), ACT has sponsored two exercise-seminars for prospective NRF commanders where the operational challenges the NRF will face have been explored. Additionally, ACT is working with Allied Command Operations to develop training and certification standards for NRF headquarters and assigned units.
- ACT is beginning to tackle security, stability, transition, and reconstruction operations. The ACT Seminar 2005, for NATO ambassadors and military representatives, was dedicated to this theme, as were symposia cosponsored with Old Dominion University and the Royal United Services Institute. The insights from these events will inform ACT efforts to deliver improved capabilities in this area to NATO.
- ACT also established a growing number of valuable partnerships with Partner Nations, Industry, an expanding Centers-of-Excellence Network, academia, International Organizations and Non-Governmental Organizations. ACT has also been working closely with the U.S. Joint Forces Command to leverage their knowledge and Lessons Learned.

On the resources side, ACT's manning levels are generally on track to Full Operational Capability. While NATO has recurring funding challenges, ACT has an adequate level of funding to execute its mission, with some risk if support for unplanned contingency operations is required.

In the light of changing requirements and emerging demands over the last 2 years, ACT has met its goals and has established a proven track record.

Question. What is your assessment today of the progress of NATO's transformation and of Allied Command Transformation's success in leading that effort?

Answer. In light of the military transformation efforts underway in almost all NATO nations, Alliance transformation is progressing well. Major challenges such as increasing the usability and deployability of NATO's forces are being seriously pursued. The Alliance is implementing the most significant command structure change in nearly 50 years, including two new Strategic Commands, Allied Command Operations and Allied Command Transformation. An in-depth review of NATO agencies is being led by the Deputy Secretary General. The military committee is engaged in an extensive functional review of its organization and its supporting International Military Staff. Finally, the Secretary General has launched an overarching NATO Review, led by distinguished diplomats, to propose reforms in NATO headquarters organizations and procedures.

Over the last 2 years, ACT has played a significant role in the Alliance's military transformation. Through concept development, Defense Planning and Capability Development efforts, operational level battle staff training and a broad array of complementary efforts, ACT is establishing itself as the hub of military transformation in the Alliance. Additionally, ACT responded to emerging operational demands such as NATO Training Mission-Iraq by providing key support to Allied Command Operations. A clear demonstration of ACT's leading role has been the request of several Nations for ACT to review their national Defence Plans and Reform efforts. These ACT reviews were very successful and much appreciated.

ACT is also now leading the effort to longer term NATO and national capability development. However, capability development is particularly challenging when most allies are not meeting NATO's defense spending goal of 2 percent of Gross Domestic Product.

With full support by NATO's Secretary-General and Allied Command Operations, these achievements have laid a solid foundation for ACT's future in leading the alliance's military transformation effort.

Question. What authorities and resources are lacking that you consider most necessary for NATO's transformation success?

Answer. In my Terms of Reference as Supreme Allied Commander Transformation (ACT) and in the NATO documents establishing the new NATO Command Structure, Allied Command Transformation has the authorities it needs to undertake its mission of military transformation. To be fully successful, of course, ACT's proposals need to be adopted by the Nations in the various decisionmaking bodies of the alliance. As a result, ACT is contributing to the Secretary General's NATO Review and to the Functional Review of the International Military Staff.

On the resources side, sufficient manning to achieve FOC by 30 June 2006 remains a principal concern. ACT is broadly on track in this area and we are working closely with the Nations to achieve this key milestone.

Additionally, the authority to deploy ACT Staff fully in line with the Command's mission and tasks is crucial. National caveats limiting the deployability of NATO assigned Staff Officers need to be eliminated to ensure ACT mission accomplishment.

Equally challenging is the establishment of an accurate baseline budget, necessary to fund a still developing command with new—and often unique—roles and responsibilities. ACT's resource needs have yet to solidify in the short to medium term as the organization continues to evolve with an ever-growing demand for its transformational products. In my view, funding levels to date meet about 90 percent of the level of ambition envisioned for ACT.

Question. What do you view as the critical priorities for NATO transformation efforts in the future?

Answer. The NATO Response Force (NRF) is NATO's principal operational organization for military transformation. Many nations contribute significantly to this force, based on a concept agreed by all NATO nations during the Prague Summit. This new force is on the road to Full Operational Capability by October 2006 as a high-readiness, fully joint expeditionary force, capable of executing missions across the military spectrum. A key priority is to actually employ this new NATO capability. Only by actually employing the NRF will the alliance will be able to develop national and NATO capabilities through experimentation, lessons learned, and real world deployment and sustainment. This will not only reenergize the NRF, but will also enhance the alliance's credibility and capability.

NATO headquarters reform is the second key enabler for continuing NATO transformation. The new NATO command structure, with two new Strategic Commands and the subordinate command structures, have undergone profound changes. Fur-

ther NATO transformation requires the alliance to streamline its political and military structures, as well as its funding, resourcing, and decisionmaking processes. The heads of State and Government have recognized this imperative task at the Istanbul Summit and have directed the Secretary General to undertake a wide-ranging NATO review.

TRAINING

Question. In your current position as the Commander of Joint Forces Command (JFCOM), you are responsible for the joint training of our military forces.

Based on your experience, do you believe that the Department of Defense has the resources and base structure needed to properly train our Armed Forces?

Answer. From my perspective as Commander, U.S. Joint Forces Command, we are in good overall shape with respect to the joint training mission. We are working towards Full Operational Capability (FOC) for our Joint National Training Capability (JNTC) in 2009, which ties all our Service ranges together so that units can train in a common joint environment while still accomplishing their Service-required training. However, building out the JNTC is a significant challenge, and we are still at the beginning stages. A major hurdle we will face over the coming years is resourcing the training centers required for emerging types of joint operations such as information operations, urban operations, and security, stability transition and reconstruction operations.

There will always be challenges with keeping training ranges and capabilities up to date. The Department has placed significant focus on encroachment over the past several years and has challenges in maintenance and modernization at many of the major training centers.

Question. If not, what additional resources and/or base structure are needed?

Answer. Fully funding joint training as submitted in the President's budget for the last 2 years will help allow the Department of Defense to keep its training resources up to par.

Question. Do you believe that the Department's 2005 base closure recommendations preserve an adequate base structure to support future training needs?

Answer. Yes, however significant encroachment issues remain. While new weapons-systems capabilities will require infrastructure investment and innovative approaches to training and exercising given their performance characteristics. So, although I think training capability fared very well in BRAC, there are significant challenges ahead which would have existed even in the absence of BRAC.

NUCLEAR WEAPONS COUNCIL

Question. If confirmed as Vice Chairman of the Joint Chiefs of Staff, you will serve as a member of the Nuclear Weapons Council.

What would your priorities be for the Nuclear Weapons Council?

Answer. I have spent the last 3 years working with our conventional forces. However, as a former nuclear submarine commander and as a commander of a nuclear Task Force Commander with U.S. Strategic Command in the late 1990s, I am familiar with the principles of nuclear weapons command and control, safety, and security. If confirmed, I will work hard to get smarter on the Nuclear Weapons Council and its responsibilities.

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, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Vice Chairman of the Joint Chiefs of Staff?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTION SUBMITTED BY SENATOR JOHN MCCAIN

JOINT REQUIREMENTS OVERSIGHT COUNCIL

1. Senator MCCAIN. Admiral Giambastiani, the Vice Chairman of the Joint Chiefs of Staff is the Chairman of the Joint Requirements Oversight Council (JROC). Reports have described the Boeing 767 tanker deal as the most corrupt acquisition deal in more than 35 years. A key finding in the Department of Defense (DOD) Inspector General (IG) report was that the JROC process failed to recognize that an Air Force officer (LTCOL Lepanta) lied to the JROC (a $30 billion misrepresentation) on whether the tanker operational requirements document (ORD) was tailored to the Boeing 767. This officer's action makes a mockery of the Joint requirements process and highlights the importance of the JROC process to be above reproach. Is this knowledge troubling to you and what steps are you prepared to take to ensure that this does not happen again?

Admiral GIAMBASTIANI. The Boeing 767 tanker leasing misrepresentation issue, or any misrepresentations of program information, is of great concern to me. In this case, more alarming than the delay in fielding a suitable tanker replacement platform is the erosion of trust and confidence resulting from the manner in which this acquisition program was handled.

Following the Boeing 767 tanker deal, revisions to the Chairman's Instructions governing the Joint Capabilities Integration and Development System (JCIDS) were made that should help prevent similar situations from being repeated. The latest version of the instruction specifies the migration of programs from a Joint Capabilities Document to an Initial Capabilities Document, Capability Development Document, and Capability Production Document. Imbedded in this process are Functional Needs Analysis, Functional Solutions Analysis, Joint Doctrine, organizational, training, material, leadership, personnel and facilities (DOTMLPF) Change Recommendations, and significantly an Analysis of Alternatives. This revised process, with multiple analyses and reviews, entails much greater oversight and visibility into program issues and would have either averted or uncovered the Boeing 767 tanker leasing misrepresentations brought to light by the DOD Inspector General. My previous experience tells me that in particular, an analysis of alternatives in this portion of the process is a must.

If confirmed as Vice Chairman, I will insist on adherence to established procedures to ensure the validity of data being presented to decisionmakers. Additionally, ensuring independent cost analyses are conducted and available, like the traditional reports from the Cost Analysis Improvement Group (CAIG), are absolutely essential to ensure the integrity and confidence of the process and prevent malfeasance. Finally, I also believe further acquisition reforms may be necessary. If confirmed, I look forward to pursuing efforts in this area as well as pledging to provide the necessary oversight to ensure the Joint Forces are adequately and appropriately equipped to meet the threats that face our Nation while protecting the concerns of the taxpayers. Trust and confidence in this process, in order to produce the best programs for our Nation, is absolutely mandatory.

QUESTIONS SUBMITTED BY SENATOR CARL LEVIN

INSURGENTS

2. Senator LEVIN. Admiral Giambastiani, I was surprised by your statements during today's hearing to the effect that the insurgents are not ideologically driven. Aren't the jihadists crossing the borders into Iraq very much ideologically driven—the ideology being a fanatic extreme belief that the Islamic world must be defended from the destructive culture of the west through the use of terror tactics against civilians?

Admiral GIAMBASTIANI. The insurgency in Iraq is a complex dynamic. It is, by and large, not ideologically driven with a common theme or purpose. Today, there are three main motivators for insurgents in Iraq in addition to smaller and peripheral activity. First, the vast majority of insurgent violence is driven by former regime elements that resent losing the power they held in Iraq for 30 years and cynically wish to reassert their grip on power. Second, a much smaller portion of the insurgency is driven by nationalistic sentiments motivated largely by the distress caused by a foreign military presence and the unemployment and disruption of services perceived to be caused by that presence. Finally, the smallest portion of the three main elements of the insurgency, and the most spectacularly destructive and visible, is

composed mostly of foreign religious extremists, who have entered Iraq and temporarily allied themselves to some degree with other groups in order to further the jihad against western values in hopes of reestablishing a global Islamic caliphate. This third portion, the jihadists, is very clearly ideologically driven as you point out.

Although not part of the insurgent groups listed above, criminal activity also adds to the overall level of violence and kidnappings in Iraq.

ACTIVE DUTY END STRENGTH LEVELS

3. Senator LEVIN. Admiral Giambastiani, in your response to the advance written question on whether our active end strength is sufficient, you responded that "we have sufficient forces to meet current and anticipated missions with varying degrees of risk". But you did not go on to characterize that risk. In your view, if we maintain the Army at a permanent level of 482,000, is that risk low, moderate, or high? Is that risk acceptable?

Admiral GIAMBASTIANI. With an Army permanent level of 482,400, and the temporary authorities we have in place to increase end strength over that limit, we have sufficient forces to accomplish our missions in Iraq and Afghanistan with acceptable risk. The varying degrees of risk I referred to are situationally dependent, principally on other contingency operations. We continually assess risk and use various measures to mitigate that risk as appropriate—there is no one set risk level.

With regard to assessing those varying levels of risk, we use a variety of analytical processes, including a key one I have had significant experience with at Joint Forces Command (JFCOM), the Joint Quarterly Readiness Review (JQRR). The JQRR provides a macro assessment of our ability to operate across the spectrum of war and an assessment of projected readiness to execute the National Military Strategy. I can also unequivocally tell you the JQRR does not just focus on past or even current readiness. The JQRR assesses future readiness for the next 12 months against a series of specific contingencies. JFCOM and its Army, Navy, Air Force, and Marine Corps components actively use this report to develop strategies to mitigate future readiness risks, both in Iraq and Afghanistan and in regard to other potential contingencies. I have personally participated in every JFCOM JQRR since October 2002 and feel confident that our overall joint warfighting capabilities—including capability contributions from all of the Services—are able to meet the requirements of Operations Iraqi and Enduring Freedom and potential future contingencies.

The Chairman is required to assess risk annually, and General Myers recently provided his 2005 classified assessment. There is no one set risk level in these assessments; characterizations can run from low to moderate to high and extreme. If a risk is characterized as high or extreme, the Secretary provides a plan for mitigating that risk.

If at any time I found our analysis showed the risk levels to be too high, even with our temporary end strength and risk mitigation measures in place, I would not hesitate to recommend an increase in permanent end strength levels for any Service as appropriate.

[The nomination reference of ADM Edmund P. Giambastiani, Jr., USN, follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 25, 2005.

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

The following named officer for appointment as Vice Chairman of the Joint Chiefs of Staff and appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 154:

To be Admiral

ADM Edmund P. Giambastiani, Jr., 8318.

[The biographical sketch of ADM Edmund P. Giambastiani, Jr., USN, which was transmitted to the committee at the time the nomination was referred, follows:]

TRANSCRIPT OF NAVAL SERVICE FOR ADM EDMUND PETER GIAMBASTIANI, JR., USN

04 MAY 1948	Born in Canastota, New York
29 JUN 1966	Midshipman, U.S. Naval Academy
03 JUN 1970	Ensign
03 SEP 1971	Lieutenant (Junior Grade)
01 JUL 1974	Lieutenant
01 SEP 1978	Lieutenant Commander
01 OCT 1983	Commander
01 SEP 1989	Captain
DEC 1994	Selected for Promotion to Rear Admiral (Lower Half)
01 OCT 1995	Rear Admiral (Lower Half)
01 AUG 1997	Rear Admiral
06 MAY 1998	Designated Vice Admiral while serving in billets commensurate with that grade
01 AUG 1998	Vice Admiral
02 OCT 2002	Admiral, Service continuous to date

Assignments and duties:

	From	To
Naval Reserve Training Center, Whitestone, NY (Executive Officer, Blue and Gold Recruiting Officer) (Temporary Duty)	JUL 1970	OCT 1970
Naval Nuclear Power School, Bainbridge, MD (Duty Under Instruction)	OCT 1970	APR 1971
Nuclear Power Training Unit, Schenectady, NY (Duty Under Instruction)	APR 1971	NOV 1971
Naval Submarine School, Groton, CT (Duty Under Instruction)	NOV 1971	DEC 1971
U.S.S. *Puffer* (SSN 652) (Weapons, Assistant Weapons, Main Propulsion Assistant)	DEC 1971	JUN 1975
Headquarters, Navy Recruiting Command (Program Manager for Nuclear Field & 6 Year Obligor Enlisted Recruiting)	JUN 1975	SEP 1977
Submarine Officers Advanced Course, Groton, CT (Duty Under Instruction)	SEP 1977	MAR 1978
U.S.S. *Francis Scott Key* (SSBN 657) (Blue) (Engineer Officer)	APR 1978	MAY 1981
Naval Reactors, Department of Energy (Duty Under Instruction)	JUL 1981	OCT 1981
Commander, Submarine Force, U.S. Atlantic Fleet (Duty Under Instruction—Prospective Commanding Officer Course)	OCT 1981	DEC 1981
Submarine NR–1 (Prospective Officer in Charge)	JAN 1982	APR 1982
Submarine NR–1 (Officer in Charge)	MAY 1982	APR 1985
Office of the CNO (OP–213C, OPNAV) (Head, Operations Security Section)	APR 1985	SEP 1986
Central Intelligence Agency (Special Assistant to Deputy Director for Intelligence)	MAY 1985	SEP 1986
Commander, Submarine Force, U.S. Pacific Fleet (Duty Under Instruction—Prospective Commanding Officer Course)	SEP 1986	DEC 1986
Naval Reactors, Department of Energy (Duty Under Instruction)	JAN 1987	JAN 1987
U.S.S. *Richard B. Russell* (SSN 687) (Prospective Commanding Officer)	FEB 1987	JUN 1987
U.S.S. *Richard B. Russell* (SSN 687) (Commanding Officer)	JUL 1987	MAY 1990
Naval War College, Newport—CNO Strategic Studies Group (Fellow)	JUL 1990	JUN 1991
Submarine Development Squadron Twelve (Commander)	JUN 1991	JUN 1993
Naval Doctrine Command (N8) (Director, Strategy and Concepts)	JUNE 1993	AUG 1994
U.S. Pacific Fleet (N8)	SEP 1994	FEB 1996

	From	To
(Deputy Chief of Staff for Resources, Warfare Requirements and Assessments)		
Office of the CNO (N87, OPNAV)	FEB 1996	MAY 1998
(Director, Submarine Warfare Division)		
Submarine Force, U.S. Atlantic Fleet (CTF–42/82/144)//Submarine Allied Command, Atlantic//Anti-Submarine and Reconnaissance Forces, Atlantic (CTF–84)	JUN 1998	JUL 2000
(Commander)		
Office of the CNO (N8, OPNAV)	AUG 2000	MAY 2001
(Deputy CNO for Resources, Warfare Requirements, and Assessments)		
Office of the Secretary of Defense	MAY 2001	SEP 2002
(Senior Military Assistant to the Secretary of Defense)		
U.S. Joint Forces Command	OCT 2002	Present
(Commander)		
Allied Command Transformation	JUN 2003	Present
(Supreme Allied Commander)		

Medals and awards:

Defense Distinguished Service Medal
Navy Distinguished Service Medal (w/Four Gold Stars)
Legion of Merit (w/Three Gold Stars)
Meritorious Service Medal (w/Two Gold Stars)
Navy and Marine Corps Commendation Medal (w/One Gold Star)
Joint Meritorious Unit Award
Navy Unit Commendation Ribbon (w/Four Bronze Stars)
Meritorious Unit Commendation Ribbon (w/Four Bronze Stars)
Marksmanship Pistol Ribbon
Navy "E" Ribbon (w/One Wreathed "E" for 8 Awards)
Navy Expeditionary Medal (w/One Bronze Star)
National Defense Service Medal (w/Two Bronze Stars)
Vietnam Service Medal (w/One Bronze Star)
Global War on Terrorism (Service) Medal
Sea Service Deployment Ribbon (w/Three Bronze Stars)
Navy Recruiting Service Ribbon
Expert Rifleman Medal

Pending awards:

French Légion D'Honneur (Legion of Honor)—Presented: 28 February 2005 in Paris, France by General Henri Bentégeat French Chief of Defense—Package with Navy Department Board of Decorations and Medals for acceptance to wear.

Special qualifications/miscellaneous:

Naval Academy Athletic Association Cup, June 1970.
Stewart White Hannah Memorial Trophy, June 1970.
Forrestal Award, June 1970.
Bachelor of Science, U.S. Naval Academy, 1970, w/Leadership Distinction.
Qualified in Submarines, April 1973.
Pacific Fleet Submarine Shiphandling Winner, 1974.
Strategic Deterrent Patrol Pin, June 1978.
Qualified for Command of Submarines, February 1981.
Deep Submergence Insignia, April 1983.
Designated Joint Specialty Officer, 1988.
Honorary Master Chief Petty Officer, June 2000.
Office of the Secretary of Defense Identification Badge, May 2002.
Honorary Doctor of Engineering Technology, Wentworth Institute of Technology, August 2003.
General Douglas MacArthur Meritorious Service Award, Virginia Peninsula Chapter, April 2004.
David Sarnoff Award, The Armed Forces Communications and Electronics Association (AFCEA) International, 31 May 2005.

Personal data:

Wife: Cynthia Ann Johnson of McLean, Virginia.
Son: LT Edmund P. Giambastiani III, U.S. Navy.
Daughter: Ms. Catherine A. Giambastiani, Graduate—School of Law, American University—Central Intelligence Agency (Sep 2005).

Summary of joint duty assignments:

Assignment	Dates	Rank
Deputy Director for Intelligence, Central Intelligence Agency (Special Assistant)	MAY 1985–SEP 1986	CDR
Commander, Task Force 144—U.S. Strategic Command/Commander, Submarine Force, U.S. Atlantic Fleet.	JUN 1998–JUL 2000	VADM
Office of the Secretary of Defense (Senior Military Assistant to the Secretary of Defense)	MAY 2001–SEP 2002	VADM
Commander, U.S. Joint Forces Command	OCT 2002–Present	ADM
Supreme Allied Commander, Transformation	JUN 2003–Present	ADM

[The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by ADM Edmund P. Giambastiani, Jr., USN, in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Admiral Edmund P. Giambastiani, Jr., (Ed).

2. **Position to which nominated:**
Vice Chairman of the Joint Chiefs of Staff.

3. **Date of nomination:**
25 April 2005.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
4 May 1948; Canastota, NY.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Cynthia Ann Giambastiani (maiden name: Johnson).

7. **Names and ages of children:**
LT Edmund Peter Giambastiani III, 27; Catherine Ann Giambastiani, 24.

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the executive branch.
None.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corpora-

tion, company, firm, partnership, or other business enterprise, educational, or other institution.

None.

10. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Life Member - U.S. Naval Academy Alumni Association.
Life Member - U.S. Naval Institute.
Life Member - Naval Submarine League.
Member - The Reserve Officers Association (TROA).
Member - Military Order of the Caraboa.
Member - AARP.
Member - American Radio Relay League (ARRL).
Member - Train Collectors Association.

11. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognition's for outstanding service or achievements other than those listed on the service record extract provided to the committee by the executive branch.

None.

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–E of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–E are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

E.P. GIAMBASTIANI.

This 28th day of April 2005.

[The nomination of ADM Edmund P. Giambastiani, Jr., USN, was reported to the Senate by Chairman Warner on July 13, 2005, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 15, 2005.]

[Prepared questions submitted to Gen. T. Michael Moseley, USAF, by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. Almost two decades have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. You have had an opportunity to observe the implementation and impact of these reforms, particularly in your assignments in the Directorate for Strategic Plans and Policy on the Joint Staff, as Commander, 9th Air Force and U.S. Central Command Air Forces, and as Vice Chief of Staff of the U.S. Air Force.

Do you support full implementation of these defense reforms?

Answer. Absolutely.

Question. What is your view of the extent to which these defense reforms have been implemented, particularly in the U.S. Air Force?

Answer. OIF provides an excellent example of how far the reforms have come. During major combat operations, I had an excellent relationship with Special Operations, ground and sea based forces as the air component commander. I witnessed first hand how the Services shared information and supported one another to create

a whole that was greater than the sum of its parts. Almost everything the Air Force does is done in a joint manner now, and I believe we have effectively changed our culture to thinking in terms of the joint fight.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. Goldwater-Nichols has moved our military from a mindset of deconfliction to a mindset of interdependence. This has enabled the combatant commanders to strike our enemies faster, harder, and save more American lives.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Completely.

Question. Do you believe that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

Answer. I do not have any specific recommendations to amend Goldwater-Nichols. We have been on the right path for the last 20 years. If confirmed, I will work closely with the Secretary of Defense, Secretary of the Air Force, and Congress on any changes that might be needed.

Question. Twenty years ago, the Packard Commission recommended the establishment of a streamlined acquisition organization, under which Program Managers would report to Program Executive Officers, who would report to Service Acquisition Executives and an Under Secretary of Defense for Acquisition. This change established unambiguous authority for acquisition policy and execution and a clear chain of command for program managers. It also removed the service chiefs from the chain of command for acquisition programs.What is your view of the recommendations of the Packard Commission and the manner in which they have been implemented?

Answer. Our Service experience with the Packard Commission recommendations such as removing ambiguous lines of authority for execution and involving operators in early test activities, has been largely favorable. After nearly 20 years of implementation though, it is clear that more remains to be done. In fact, a special study is now underway on behalf of the Department to improve the acquisition system and processes. I look forward to working with the Department and members of Congress to facilitate this most critical effort.

RELATIONSHIPS

Question. Section 8033 of title 10, United States Code, discusses the responsibilities and authority of the Chief of Staff of the Air Force. Section 151 of title 10, United States Code, discusses the composition and functions of the Joint Chiefs of Staff, including the authority of the Chief of Staff of the Air Force, as a member of the Joint Chiefs of Staff, to submit advice and opinions to the President, the National Security Council, or the Secretary of Defense. Other sections of law and traditional practice, also establish important relationships outside the chain of command. Please describe your understanding of the relationship of the Chief of Staff of the Air Force to the following officials:

The Secretary of Defense.

Answer. The Secretary of Defense is the principal assistant to the President in all Department of Defense matters. As a Service Chief and member of the Joint Chiefs of Staff, I will work closely with the other members of the Joint Chiefs to provide the best possible military advice to the Secretary of Defense, particularly with regard to matters of air and space operations, policy, and strategy.

Question. The Secretary of the Air Force.

Answer. The Chief of Staff of the Air Force is directly responsible to the Secretary of the Air Force (SecAF) and performs duties subject to his authority, direction, and control. For the SecAF, the Chief of Staff is responsible for providing properly organized, trained, and equipped forces to support the combatant commanders in their mission accomplishment. He exercises supervision over members and organizations of the Air Force advising the Secretary on plans and recommendations, and acting as agent of Secretary, implements upon approval. I will work very closely with the

Secretary toward this end; continuing the Air Force transformation into an agile expeditionary force, capable of rapidly responding on a global scale, with tailored forces ready to deal with any contingency.

Question. The Under Secretary of the Air Force.

Answer. The Under Secretary of the Air Force and Assistant Secretaries work to ensure implementation of the Secretary's goals for the Air Force of a transformed agile expeditionary force. If confirmed, I will work closely with each of them to reach the Secretary's vision.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. If confirmed, I will work with and through the Chairman in formulating military advice as a member of the JCS by advising him on the capabilities of the Air Force and its preparations to support military operations by combatant commanders. I look forward to performing the Chief of Staff's statutorily assigned duties of providing properly organized, trained, and equipped forces to the combatant commanders to accomplish their mission and providing military advice to the President, National Security Council, and Secretary of Defense on matters within my expertise, as required.

Question. The Vice Chairman of the Joint Chiefs of Staff.

Answer. The Vice Chairman has the same statutory rights and obligations of other members of the Joint Chiefs of Staff. When performing duties as the acting Chairman, the Vice Chairman's relationship with the combatant commanders is exactly the same as that of the Chairman. If confirmed, I will assist the Vice Chairman to execute duties prescribed in statute and otherwise directed by the Chairman or Secretary of Defense. I will advise the Vice Chairman on the capabilities and future requirements of the Air Force.

Question. The Chiefs of the other Services.

Answer. Our Armed Forces can only be truly effective in service to this great Nation if we work closely, capitalizing on our individual strengths and complementing our capabilities. If confirmed, I am committed to cooperating with the Chiefs of our other services to enhance mutually beneficial relationships as we carry out our responsibilities as members of the Joint Chiefs of Staff. I will seek and encourage synchronization of service capabilities to better produce joint interoperability and other joint warfighting capabilities in support of the effects desired by our combatant commanders.

Question. The Commander, U.S. Transportation Command (TRANSCOM).

Answer. As we provide the preponderance of airlift, the Air Force supplies critical support to TRANSCOM. If confirmed, I'll work with the Commander of TRANSCOM to improve our ability to accomplish these tasks.

Question. The Commander, U.S. Strategic Command (STRATCOM).

Answer. Given the critical role space plays in the U.S. nuclear deterrent, the Air Force must work seamlessly with STRATCOM. If confirmed, I will keep the STRATCOM Commander constantly apprised of the readiness of the air and space forces required to support STRATCOM operations.

Question. The other combatant commanders.

Answer. I will ensure that the Air Force is properly organized and providing the combatant commanders with the right equipment and fully trained people to execute their missions. I believe a forthright dialogue with the combatant commanders is the way to achieve this goal.

Question. The General Counsel of the Air Force.

Answer. I respect and value the important role the General Counsel plays within Air Force headquarters. Under the direction of the Secretary, and along with the Under Secretary and Assistant Secretaries, the General Counsel assists the Secretary as he seeks to lead our Service. I will look to the General Counsel for guidance and counsel, particularly in the realm of policymaking, and in those areas where the General Counsel possesses unique competencies, and on matters where the Secretary directs the General Counsel's personal involvement because those matters are of interest to the Secretary.

Question. The Judge Advocate General of the Air Force.

Answer. I respect and value the counsel I have received, and if confirmed, would continue to receive from the Judge Advocate General. The Judge Advocate General is one of the key advisors' to any Chief of Staff, and I would rely on the Judge Advocate General as the senior attorney on the Air Staff and as the senior military lawyer advising Air Force Headquarters. As both a professional military officer, and as an attorney, the Judge Advocate General of the Air Force offers an invaluable perspective of the law for senior decision makers. I will endeavor to maintain the close working relationship the Chief of Staff has historically enjoyed with the Judge Advocate General, particularly in the extremely vital military justice and operational law arenas.

Question. The Superintendent of the U.S. Air Force Academy.

Answer. The United States Air Force Academy is an invaluable institution that continues to attract the brightest young men and women from across our Nation and develop them into Air Force leaders. If confirmed, I will work closely with the Superintendent to address the challenges currently facing the Academy, ensure the successful implementation of the Agenda for Change, and promote the Academy's continued commitment to excellence and fulfillment of its mission.

Question. What is your understanding of the duties and functions of the Chief of Staff of the Air Force?

Answer. The Chief of Staff of the Air Force fulfills many duties and functions. As a member of the Joint Chiefs of Staff, he is a military adviser to the President, the National Security Council, and the Secretary of the Defense. The Chief of Staff is also directly responsible to the Secretary of the Air Force, providing plans, recommendations, and advice to the Secretary, implementing policy, overseeing the Air Staff and other members and organizations of the Air Force, participating on the Armed Service Policy Council, and performing other duties as prescribed by the Secretary. For the Secretary, the Chief of Staff is responsible for providing properly organized, trained, and equipped forces to support the combatant commanders in their mission accomplishment.

Question. Assuming you are confirmed, what duties and functions do you expect that the acting Secretary of the Air Force would prescribe for you?

Answer. If confirmed, I expect that the acting Secretary of the Air Force will prescribe duties to ensure the continued transformation of the Air Force into an agile expeditionary force and an integrated total force.

Question. What changes, if any, would you recommend to section 8034 of title 10, United States Code, relating to the Air Staff and its composition and functions?

Answer. Based on my experience as the Vice Chief of Staff, I do not believe changes are necessary to section 8032 of title 10, United States Code. [Note: Section 8034 describes the position and duties of the Vice Chief of Staff]

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Chief of Staff of the Air Force?

Answer. No.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Chief of Staff of the Air Force?

Answer. The top three tasks facing the next Chief of Staff are: 1) further refining and improving our Joint Warfighting skills, 2) to continue strengthening our greatest asset—our people, and 3) recapitalizing our aging fleet so that we can meet the COCOM's needs.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. Each challenge involves its own set of unique requirements, needs, and stakeholders. I will need to collaborate with the Office of the Secretary of Defense, the Joint Staff, the combatant commanders, the Senate and House Armed Services Committees, and the various Integrated Process Teams. With their help, we can develop the best and most feasible plans to keep the U.S. Air Force ready for tomorrow.

Question. What do you consider to be the most serious problems in the performance of the functions of the Chief of Staff of the Air Force?

Answer. The most serious problem facing our Air Force is prosecuting the War on Terrorism today while at the same time preparing to fight tomorrow. This is an especially difficult problem in light of our three major challenges and fiscal realities. The Air Force remains committed to providing the joint warfighter with Global Strike, Global Mobility and Global ISR and to do so within fiscal planning guidance.

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

Answer. The Air Force has already begun to prepare for tomorrow by introducing a framework that we call Future Total Force (FTF). FTF is the USAF "road map" to make the Air Force of tomorrow better than the one we have today. It is designed to improve overall combat capabilities by retiring the oldest, least capable, most expensive equipment while investing in more capable platforms. FTF is not just about equipment; it also creates greater operational efficiencies through the reorganization and re-shaping of our force structure.

PRIORITIES

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

Answer. My priorities are: (1) to maintain our focus on winning the global war on terrorism, (2) to continue developing and caring for our airmen, and (3) to recapitalize and modernize our force. If we can successfully tackle these challenges, the Air Force accomplish its core tasks of Rapid Strike, Global Mobility, and Persistent C^4ISR.

HEALTH BENEFIT COSTS

Question. The cost of the Defense Health Program, like the cost of medical care nation-wide, is escalating rapidly. General Jumper recently stated that the cost of military health care is "the single most daunting thing that we deal with out there today."

If confirmed, how would you approach the issue of rising personnel costs, including health care costs, as a component of the annual Air Force budget?

Answer. Over the past 10 years, we have worked hard to streamline our medical infrastructure to take advantage of the continual changes in the practice of medicine. This has resulted in reductions in the size of many of our facilities without compromising the healthcare. We have also worked to optimize the use of the remaining assets to make sure that we get the greatest returns on our facility investments. Throughout these changes, we maintain our ability to support the Air Force mission while we continue to ensure that our beneficiaries receive the highest quality care, while the Air Force maximizes its return on our healthcare investments.

INDEPENDENCE OF THE JUDGE ADVOCATE GENERAL

Question. As Vice Chief of Staff of the Air Force, you have had the opportunity to observe the working relationship between the General Counsel of the Air Force and the Judge Advocate General of the Air Force, as well as the working relationship of these individuals and their staffs with the Chairman's legal advisor, the General Counsel of the Department of Defense, and the legal advisors of the other Services.

What are your views about the responsibility of the Judge Advocate General of the Air Force to provide independent legal advice to the Chief of Staff and the Air Staff, particularly in the areas of military justice and operational law?

Answer. I believe it is critical that the CSAF receive independent legal advice from his senior uniformed judge advocates. Pursuant to 10 U.S.C. § 8031 and § 803 7, the Judge Advocate General of the Air Force (TJAG) performs duties relating to any and all Air Force.1egal matters assigned to him by SECAF. Pursuant to AFI 51–1, TJAG, TJAG also responds to CSAF direction and directs and supervises the Judge Advocate General's Corps in providing legal advice and related services to commanders, agencies, and people AF-wide. It is critical that the CSAF receive independent legal advice from TJAG. I am comfortable with the existing working relationships and interactions.

Question. What are your views about the responsibility of staff judge advocates throughout the Air Force to provide independent legal advice to military commanders in the field and throughout the Air Force establishment?

Answer. Staff judge advocates (SJAs) are essential to the proper functioning of both operational and support missions. Commanders are required by statute (10 U.S.C. § 806) to communicate with their SJAs on issues related to military justice matters, which is critical to disciplined mission execution. In addition, commanders and other leadership rely on their staff judge advocates for advice on all types of legal and policy matters, particularly those in the critical operational and fiscal law areas. SJAs have a major responsibility to promote the interests of a command by providing relevant, timely, and independent advice to commanders, and this independence is protected by statute (10 U.S.C. § 8037(f)(2)).

AIR FORCE FUTURE TOTAL FORCE PLANNING

Question. In a recent report submitted in response to section 587 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, the Air Force outlined the legal, administrative, and practical challenges of operating a "blended" wing, consisting of Active-Duty airmen and airmen of the Air National Guard.

What do you consider to be the most significant barriers to effective integration of Air Force Reserve and Active component personnel and units?

Answer. The Air Force has always operated as a Total Force, operating seamlessly in peacetime as well as war. In fact, the highly successful associate model has been in use for almost 40 years and will be the baseline as we continue to optimize what each component brings to the fight. As you pointed out, the report to Congress April 2005 on the Blended Wing Concept provided insight to the tremendous operational success of the integrated units during war. It also provided us with valuable infor-

mation on how to fine-tune the associate model to best perform the missions of the 21st century.

Question. What do you consider to be the most appropriate and achievable goal for integrating units of the Air National Guard into the operational missions, including homeland defense missions, of the U.S. Air Force? What role and mission do you expect the Air Force Reserve to perform now and in the future?

Answer. The Guard and Reserve will continue to be full partners in transformation and will be involved in all new missions as they come on line. In fact, Air National Guard will fly the first operational F/A–22s as part of an associate unit at Langley AFB. They will also be performing high tech emerging missions, operating Predators, flying satellites, and processing battlefield intelligence that will provide direct support to the joint warfighter. We are also exploring ways to better integrate the components in our enduring missions, capitalizing on the tremendous experience levels resident in the Guard and Reserve. We are standing up a number of active associate units in a variety of missions, stationing inexperienced Active-Duty members at Guard and Reserve locations to be trained by seasoned pilots and maintainers. Every AF mission and platform needs the experience and knowledge of our citizen airmen and the community connection they bring to the Air Force.

Question. How would you assess the progress being made in further integrating the Air Force Reserve into the operational mission of the Air Force?

Answer. The Air Force Reserve and National Guard have always been an integral part of Air Force operations for decades. In fact, the first associate unit was an AF Reserve unit back in 1968. As I've described, we will continue to explore ways to enhance the way in which we work, side-by-side, with our Total Force partners in the Guard and Reserve.

AIR FORCE END STRENGTH

Question. The Air Force's proposed budget for fiscal year 2006 includes reductions of 2,300 personnel in the Active-Duty ranks and 2,100 in the Air Force Reserve.

What is the justification for these reductions in Active-Duty and Air Force Reserve Forces?

Answer. It is important to note that no capability is lost due to the military end strength reduction. The majority of Active-Duty reductions are tied to military to civilian conversions. Most conversions are one for one; meaning, the military position is deleted and a civilian position is added. Other reductions are tied to items such as Personnel transformation, other various programmatic actions. The majority of the Air Force Reserves end strength reduction was in drill positions (elimination of AFR Combat Logistics Support Squadrons and Aerial Port drill spaces). These were converted to dollars to fund other priorities and buy other end strength. They were chosen in part because they could be reduced without impacting readiness capabilities.

TRANSFORMATION

Question. If confirmed, you would play an important role in the process of transforming the Air Force to meet new and emerging threats.

What are your goals for Air Force transformation?

Answer. The U.S. Air Force Transformation Flight Plan outlines several goals regarding transformation that will be used to implement the Air Force transformation strategy. Our major goals are to work with rest of DOD, non-DOD Agencies, as well as allies and coalition partners to enhance joint and coalition warfighting capabilities while continuing to aggressively pursue innovation to lay the groundwork for Air Force transformation. As we strive to meet our joint goals, we will seek to create new Air Force organizational constructs to facilitate transformation and institutionalize cultural change. These transformational changes will include "breaking out" of industrial age business processes while embracing information age thinking.

MILITARY-TO-CIVILIAN CONVERSIONS

Question. The Services have been engaged in a multi-year effort to eliminate thousands of military billets and replace them with civilian or contractor personnel.

What is your view of the occupational specialties or functions in the Air Force that would be most appropriate for military-to-civilian conversions?

Answer. The most appropriate jobs for military-to-civilian conversion are ones that that do not require a military member to fill them. Our fiscal year 2006 conversions include air traffic control, aircraft maintenance (at Edwards AFB), information management, communications-computer, and personnel, among others. The Air Force is also implementing DOD-wide medical conversions, however, no doctors or dentists were impacted.

Question. If confirmed, what metrics would you establish to measure the effectiveness of military-to-civilian conversions, and how would you determine if and when Air Force civilians and private contractors could perform work in a more efficient or cost effective manner than military personnel?

Answer. Conversions are reviewed and measured as part of holistic strategic approach in Total Force Human Capital Management that strives to find the best mix of Active, ARC, and civilian forces. Career field managers closely review their military and civilian mix; unit commanders monitor their units, as well, for the best mix based on their taskings. Unit commanders utilize the new civilians hired, just as they use the other civilians within the unit. If a conversion from military-to-civilian (or contractor) results from a Public-Private Competition under the procedures of OMB Circular A–76, such measures are established as part of the Quality Assurance Surveillance Plan.

Question. How would you measure the impact of such conversions on readiness?

Answer. The Air Force carefully evaluates all military to civilian conversions to ensure the force is capable of meeting wartime taskings. Unit commanders evaluate their readiness status monthly via Status of Readiness and Training System (SORTS) reporting. Manpower is one data point used to evaluate readiness via SORTS. Career field managers closely review the projected conversions for wartime taskings and career field sustainability within the framework of our overall Human Capital Management strategy.

Question. Are the proposed reductions in the Air Force Active-Duty end strength part of a broader effort to free up military members to perform more operational duties?

Answer. Our goal is to keep the warfighter focused on warfighting. To this end we are eliminating Active-Duty positions that do not require a military member to fill them. We are replacing the Active-Duty positions with an appropriate number of civilians, so that we do not impact our readiness.

PREVENTION AND RESPONSE TO SEXUAL ASSAULTS

Question. On February 25, 2004, the Senate Armed Services Committee Subcommittee on Personnel conducted a hearing on policies and programs of the Department of Defense for preventing and responding to incidents of sexual assault in the Armed Forces at which you testified and endorsed a "zero tolerance" standard. In late April 2004, the DOD Task Force on Care for Victims of Sexual Assault issued its report and recommendations, noting "If the Department of Defense is to provide a responsive system to address sexual assault, it must be a top-down program with emphasis placed at the highest levels within the Department down to the lowest levels of command leadership. It must develop performance metrics and establish an evaluative framework for regular review and quality improvement."

In response to the report and recommendations of the DOD Task Force report, what actions has the Air Force taken to prevent and respond to incidents of sexual assault?

Answer. AF implemented plan to strengthen prevention/enhance response to sexual assault victims. We engaged civilian subject matter experts to understand Sexual Assault behaviors/prevalence. Our Campaign Plan addressed five major areas:

1. Policy and Leadership: Zero tolerance—criminal conduct; violates core values
2. Prevention through training/education: AETC developing AF-wide training at all levels of PME; CSAF produced Outreach Training/Video for all airmen
3. Enhanced Response: Permanent Sexual Assault Response Coordinator (SARC) positions; Victim Advocates (VA) at each base
4. Enhanced AEF Response; Ensured trained SARC and VAs in deployed areas
5. Enhanced Reporting: Implemented confidential reporting 14 Jun 05.

Question. What additional resources and organizational changes, if any, has the Air Force devoted to victim advocacy programs?

Answer. In all, we devoted $12.7 million in fiscal year 2005 and projected $17.8 million in fiscal year 2006 to victim advocacy personnel and programs. We established 114 permanent full-time Sexual Assault Response Coordinator (SARC) positions at installations with 1,000+ population, along with and additional 95 supporting positions. The majority of our new SARCs are GS–101–12 civilian social workers. Thirty-five are military (captains/majors) who will serve as a SARC for a term and also serve when in the deployed environment (building rotation base). In addition, we revamped the PME structure and dedicated funds to improve evidence proc-

essing at the U.S. Army Criminal Investigative Lab (USACIL). Lastly, we created an outreach training video for distribution across the entire total force.

Question. If confirmed, what actions do you plan to take to ensure that senior leaders of the Air Force have day-to-day visibility into incidents of sexual assault and the effectiveness of policies aimed at ensuring zero tolerance?

Answer. Responsibility for Prevention & Response resides squarely with leadership. Accountability begins with our MAJCOM commanders and me. In addition, our AFIDP is responsible for policy implementation/evaluation. At the local level, the WG/CV is accountable for prevention & response. To ensure our WG/CVs have a clear line of sight, our SARCs report directly to them. As a reflection of how seriously our senior leaders take this issue, we have discussed it in depth at the last four CORONAs, and will continue to assess the program to make needed adjustments. We are establishing metrics and evaluation criteria that will be periodically reviewed by senior leaders, and will continue to survey the total force, analyze data, take appropriate action.

AIR FORCE ACADEMY

Question. In December 2004, you and Secretary Chu provided a press briefing on the DOD Inspector General's report on sexual misconduct at the U.S. Air Force Academy. You cited various facts indicating that the Agenda for Change is being implemented at the Academy and that it is having beneficial effects on the cadet wing. In recent weeks, complaints of cadets and former cadets of religious discrimination, inappropriate efforts to proselytize cadets, and alleged retaliation against a junior chaplain for her actions in attempting to respond to complaints have resulted in the formation of a new task force and inquiry.

What is your current assessment of the success of the Agenda for Change in responding to the problem of sexual assault and harassment at the U.S. Air Force Academy?

Answer. We're making visible progress on multiple fronts. Cadet survey results show an increased faith and confidence in leadership. Ninety percent of cadets characterize climate as "conducive" to reporting, and the survey revealed women feel safe at USAFA. The number of total assaults reported is down from academic year 2003 to 2004 (18.8 percent to 12 percent). The number of reports to the Academy Response Team system is up (18 percent to 35 percent). These are indications of trust and confidence in reporting and victim care processes instituted.

The number of applications to the Academy for the 2008 class was 12430, with 3087 of those being women. This is an increase of almost 800 women applying from the year before. Most importantly, the quality of applications remains excellent (Class 2008 average SAT=1310/national average=1026).

Question. What is the status of the most recently formed task force's inquiry, and when will its report be issued?

Answer. SecAF directed a cross-functional team to assess religious climate at USAFA and measure progress in integrating principles of respect in character development programs—report issued on 22 Jun 05. We assessed policy & guidance, appropriateness of relevant training, practices that enhance or detract from climate that respects "free exercise of religion" and "establishment" clauses of 1st Amendment, effectiveness of internal controls, relevance of religious climate to the entire AF. Lt Gen Brady found the overall problem was not one of institutional or widespread religious discrimination but of failure to fully accommodate all members' needs and a lack of awareness of the boundary between permissible and inappropriate expression of religious beliefs in a military setting.

Question. What is the current Air Force policy on tolerance of individual religious beliefs? What are your views on this issue? Every airman needs to respect every other airman. Respect includes protecting the right to hold to any belief system airmen/family members' choose—this is the responsibility of every Air Force commander and leader. This includes respecting an airman's right to align with traditional religious views as well as his/her right to not align with any specific view. Recently, the Chief of Staff released a memo to the entire force outlining these principles, and clearly defining Air Force policy on the issue. The framework of that policy is built upon the tolerance for individual religious beliefs and practices relating to the sacred when such accommodation will not have an adverse impact on the military, unit, or individual readiness; unit cohesion, health and safety standards; or discipline.

Question. What is the current Air Force policy on proselytizing and on-duty expression of faith? What are your views on this issue?

Answer. Air Force policy is airmen may not impose their religion on others or fail to respect the rights of others to hold differing beliefs or have no religious faith. Air-

men are sworn to support the Constitution of the United States. I believe senior leaders, commanders, and supervisors at every level must be particularly sensitive to the fact that subordinates can consider public expressions of belief systems coercive.

UNIFIED MEDICAL COMMAND

Question. The Department's 2005 BRAC recommendations include significant realignments in military medical capability and support the goal of achieving greater efficiency through joint organizational solutions. The proposed recommendations regarding Walter Reed National Military Medical Center, as well as other joint medical centers in Landstuhl, Germany, and San Antonio, Texas, are based on the assumption that staffing in the future will be joint with personnel from all three military departments. While various studies have been done regarding the concept and feasibility of establishing a joint military medical command, very little progress has been made on implementing such a command.

Do you consider a joint military medical command to be warranted and feasible?

Answer. The Joint Medical Command proposal represents an opportunity to gain efficiencies through enhancement of interoperability and Service synergies while streamlining the policy and oversight of the DOD's medical system. That being said, the Air Force medical system is an integral part of our Expeditionary Air Force. I consider Air Force medical assets potentially assigned to the Joint Medical Command as critically necessary to assure a healthy and fit force at home station and to support our deployed forces. I do have questions regarding command and control of our Air Force medics, their preparation for the deployed mission, and the impact on home station healthcare when they are deployed.

Question. What functions, in your view, are unique to the Air Force and should remain within the Air Force management structure?

Answer. AF medics are integral to how we present forces and execute air and space operations. In addition to the aeromedical evacuation and squadron medical elements, the AF would desire to retain the remaining Aerospace Medical Operations, primary care and dental functions necessary to assure the health of the forces. This will ensure the primary mission of managing and executing our operational mission is properly prioritized and within my authority to manage.

Question. With or without a unified medical command, what steps would you take, if confirmed, to improve joint medical readiness requirements in support of contingency operations?

Answer. I would continue to work with our service counterparts and combatant command surgeon staffs to ensure interoperability of doctrine, command and control and equipment. Our medics will remain supportive of joint medical requirements, planning, and training. They continue to work with the joint community to refine health service support doctrine and to ensure the right medical capability is provided. Our medics will continue to exercise a leadership role within the joint community as we have in the past as Joint Staff Surgeon, combatant command surgeons, and most recently, as chair of the Medical Joint-Cross Service Group for the Base Realignment and Closure Committee.

OVERSEAS AIR FORCE BASES

Question. The President announced plans in August 2004 to implement an Integrated Global Presence and Basing Strategy (IGPBS) to emphasize an expeditionary posture of U.S. forces overseas. This will result in the restationing of 60,000 to 70,000 U.S. military personnel from overseas bases to the United States.

In your opinion, what opportunities exist for the United States Air Force to realign the basing of combat air forces overseas in order to improve Air Force support to U.S. combatant commands and our allies?

Answer. Opportunities exist in the areas of posturing against emerging threats, enhancing strategic alliances, refining theatre presence; better C2, infrastructure, manpower and theatre security cooperation; insure coalition efforts are prepared to employ air and space power in joint operations, Humanitarian Relief Operations (HUMRO); Noncombatant Evac Ops (NEO); MEV (SaC), SOF, CSAR, SETAF; and enhancing facilities at determined sites to create geographic HUBs for JTFs.

Question. What impact will the restationing of these personnel and their equipment have on the requirements for Air Force airlift and the installations needed to support the increase in strategic mobility requirements?

Answer. Mobility requirements and capabilities must be exceptionally robust to support this new construct and ensure effective warfighter support. Specifically, the right number of C17s and a modernized C–5 fleet for inter-theater, worldwide deployment and redeployment of CONUS-based forces will be imperatives. The KC–

X replacement tanker will become a more critical enabler for the airlift bridge to effect the critical power projection phase and ensure effective CAF support. The development of the Contingency Response Group and Contingency Response Wing (CRG/CRW) architecture provides base opening and mobile, responsive mobility support.

AIRCRAFT RECAPITALIZATION

Question. Approximately one third of the current Air Force aircraft inventory is under some type of flight restriction, mainly due to aging aircraft problems. The C–17 and F/A22 are among the first of the Air Force's recapitalization efforts.

If confirmed, what steps would you take to further recapitalize the Air Force aircraft inventory and how would you prioritize the recapitalization effort?

Answer. We will transform to a smaller, more capable force by retiring our oldest, more costly legacy aircraft, and invest in a reshaped force designed to be more sustainable in the future. The USAF is developing a mission roadmap, which will provide a force that fills the Nation's needs and enables capabilities across the full spectrum of joint warfighting requirements. The roadmap will ensure we can accomplish our core tasks of rapid strike, global mobility, and persistent ISR wherever the joint warfighter needs them. We will leverage technology to increase capabilities, reduce support costs and mitigate major aging aircraft issues. Finally, we must challenge our aerospace industry to shift its focus to recapitalization and produce more cost effective and supportable aircraft.

ACQUISITION ISSUES

Question. The Acting Secretary of the Air Force has announced that the Air Force will no longer pursue leases of major equipment, but will instead rely on the traditional acquisition system.

Do you support this decision?

Answer. Yes, I absolutely support the acting SECAF's decisions.

Question. Under what circumstances, if any, do you believe it would be appropriate for the Air Force to use a lease instead of a traditional acquisition approach?

Answer. As Kenneth Krieg (Under Secretary of Defense for Acquisition, Technology, and Logistics) recently testified, leasing of capital equipment could be a potential option when the equipment is truly commercially available outside DOD and can meet leasing requirements as established by the Office of Management and Budget (OMB).

AIRCRAFT SUSTAINMENT AND MODERNIZATION

Question. The global war on terrorism has increased demands on the tanker fleet, increasing annual KC–135 flying hours over 30 percent since September 11. This increased demand is expected to continue for the foreseeable future. Reducing the size of the KC–135 tanker fleet increases the utilization rate of the remaining tanker aircraft, thereby accelerating the need to recapitalize the aircraft. The Air Force has grounded 29 KC–135Es because of corrosion problems in the engine struts and has expressed a desire to retire these 29 aircraft and 20 additional KC–135Es in fiscal year 2006. The problem of corrosion in the engine struts is well known, and the repair or replacement of KC–135E engine struts has been done on many occasions in the past.

Why does the Air Force choose to retire KC–135E aircraft from its aircraft inventory instead of repairing or replacing the engine struts, at least until Air Force plans for the modernization of its tanker fleet are better defined?

Answer. Due to safety concerns, the KC–135 SPO recommended grounding 29 aircraft by 1 Oct 04. Gen Handy, Air Mobility Command Commander, decided to remove these aircraft from the flying schedule based solely on flight safety considerations. He consolidated the affected aircraft at bases that were best suited for their maintenance requirements.

The OSD-directed Tanker Replacement Analysis of Alternatives (AoA) will be complete in August 2005 and will provide the AF with additional data to make an informed decision on recapitalizing our tanker fleet. Resources will then be applied to ensure that the future of our Nation's air refueling fleet is viable and sufficient for our joint forces.

Question. Currently, 30 Air Force C–130E aircraft have been grounded for cracks in the aircraft's center wing box, and an additional 59 C–130 E and H model aircraft are operating with flight restrictions as a result of aircraft structural fatigue associated with the center wing box. The development of cracks in the C–130 center wing box as a result of structural fatigue is not a new problem. Several C–130s have had their wing boxes replaced when cracks have developed in the past. Additionally, sig-

nificant investments have been made in non-recurring engineering to modernize the C–130's avionics, structural, and propulsion systems.

Does the Air Force intend to replace the center wing box for each of the 29 grounded C–130Es, as well as repair or replace the center wing box for each of the 59 restricted C–130s? If not, why not?

Answer. We are currently awaiting the Mobility Capability Study, several engineering studies, and the Joint Staffs Intratheater Airlift Study, in order to determine the best course of action. These studies will help us decide what the right mix of C130s is and what is feasible for wingbox replacement repairs. We will keep Congress informed as to the results of each of the studies.

FUTURE MISSIONS IN BASE REALIGNMENT AND CLOSURE RECOMMENDATIONS

Question. The 2005 Defense Base Realignment and Closure (BRAC) recommendations forwarded by the Secretary of Defense to the BRAC Commission on May 13, 2005, include the realignment of 23 Air National Guard installations and 1 active installation by removing all aircraft currently stationed at these installations with no recommendation for other missions to relocate to these installations. These recommendations have the effect of changing the force structure of these installations while making no recommendation on the status of the base itself, which was the intent of BRAC.

How will these actions affect the size of the Air National Guard?

Answer. The current BRAC recommendations do not seek to reduce end strength in the Air National Guard or the Air Force Reserve. Because the emerging missions will provide an exponential increase in capability, we will need the additional manpower and capability resident in our Citizen Airmen of the Total Force. We are closely working with the Air National Guard to match them with relevant combatant commander missions.

Question. How will the Air Force address the need of these units for new missions and responsibilities in order to sustain the viability of the military installation?

Answer. We will be working throughout the summer with all the MAJCOMs, ANG and AF Reserve to ensure all units potentially losing flying missions move into missions that will be relevant and meaningful well into the 21st century. For Air National Guard units, we will ensure that in addition to their Federal mission, the requirements of their State and Homeland Defense roles are also considered and adequately addressed.

Question. In your opinion, what new missions should be considered and pursued by units losing aircraft and when should they expect to see these new missions?

Answer. We have a growing list of emerging missions including: Unmanned Aerial Vehicles; Command, Control, Communications, Computer Intelligence, Surveillance, and Intelligence (C^4ISR); Space operations; and Information operations. These missions will keep the gaining units relevant in the 21st century. The transition to these new missions will be deliberate and well thought out to ensure our Total Force is well-trained and ready for tomorrow's missions.

AIR FORCE SCIENCE AND TECHNOLOGY

Question. During testimony earlier this year on the fiscal year 2006 budget request, General Jumper noted that, "The Air Force is committed to providing the Nation with the advanced air and space technologies required to protect our national security interests and ensure we remain on the cutting edge of system performance, flexibility, and affordability. Air Force Science and Technology (S&T) investments are focused on achieving the warfighting effects and capabilities required by the Air Force Concepts of Operations."

If confirmed, what direction would you provide regarding the importance of innovative defense science in meeting Air Force missions?

Answer. I support a robust Air Force Science and Technology (S&T) Program and believe we are currently funded at a level that provides for the innovation needed to support our Air Force missions. If confirmed, I will continue to pursue an adequate and stable investment in Air Force S&T.

Question. The Air Force currently plans to dedicate approximately $2 billion to science and technology programs, 1.6 percent of the total Air Force budget and $346 million to basic defense research, or 0.3 percent of the total Air Force budget.

Do you believe the current balance between short- and long-term research is appropriate to meet current and future Air Force needs?

Answer. I believe the current balance between short- and long-term research is appropriate. The Science and Technology (S&T) Program spans a broad foundation of basic research, applied research, and advanced technology development efforts. The output of this S&T investment provides Air Force leadership the capabilities

needed to respond to a rapidly changing world. The Air Force S&T Program provides for the discovery, development, demonstration, and timely transition of affordable technologies that keep our Air Force the best in the world.

Question. If confirmed, what role would you play in ensuring research priorities that will meet the needs of the Air Force in 2020? If confirmed, I plan to continue using the Air Force's Integrated Capabilities Review and Risk Assessment (I–CRRA) master planning process and the COCOMs' Integrated Priority List to ensure we have a high correlation between our Science and Technology (S&T) programs and the required warfighting capabilities.

Question. In the face of rising acquisition costs for programs such as the F–22, Joint Strike Fighter, and programs to support space operations, if confirmed, how do you plan to ensure the protection of funding for long-term science and technology investments?

Answer. The Air Force closely links technologies in its S&T Plan to warfighter capability needs and focuses on those technologies of the highest priority to the warfighter. At $1.98 billion in the fiscal year 2006 President's budget, Air Force S&T is funded at a level to achieve the warfighting capabilities needed to support Air Force Core Competencies. Overall, "core" funding for the Air Force S&T Program has increased over $60 million or almost 2.3 percent real growth in the fiscal year 2006 President's when compared to similar funding in the fiscal year 2005 President's budget. If confirmed, I look forward to working with Congress to ensure a strong Air Force S&T Program tailored to achieve our vision of a superior Air and Space Force.

TECHNICAL WORKFORCE

Question. The Air Force Research Laboratory relies on a strong technical workforce to conduct research for development of new weapons systems, platforms, and capabilities to meet its mission of: "leading the discovery, development, and integration of affordable warfighting technologies for our air and space force. "

Are you concerned about the current or future supply of experts in defense critical disciplines, particularly personnel with appropriate security clearances, to hold positions in defense laboratories? Yes I am concerned. Our scientists and engineers (S&Es) are crucial to keeping the U.S. Air Force on the leading edge of emerging technology. I will work hard to make sure we have the right mix of talent, expertise, and skill to meet our needs.

GENERAL OFFICER MANAGEMENT ISSUES

Question. Incidents of misconduct or substandard performance ad findings of inspectors general and other command directed investigations are documented in various ways in each of the services. Procedures for forwarding adverse and alleged adverse information in connection with the promotion selection process are set forth in DOD Instruction 1320.4.

Question. How is the Air Force ensuring compliance with DOD Instruction 1320.4?

Answer. As the single repository for records of adverse information on Senior Officials, SAF/IG accomplishes an extensive files check whenever an individual meets a promotion board for any of the general officer ranks. If adverse information is uncovered, a senior officer unfavorable information file (SOUIF) is created and is attached to the officer's promotion board folder. If selected for promotion, this file stays with the officer's nomination package through its coordination with OSD, the White House, and Congress. If new unfavorable information is uncovered on an officer already nominated for promotion, that information is immediately added to the nomination package. In this instance, the Air Force may pull the individual's name from the list.

Question. What standards and procedures are in place in the Air Force to ensure that allegations of adverse information relating to a nominee for promotion is brought to the attention of the committee in a timely manner?

Answer. If formal action is pending, the SecAF will sign a notification to OSD of the situation and request appropriate action, such as formal separation from a pending promotion list, retirement request, or place member on hold if there is a nomination pending Senate confirmation. Additionally, informal phone contact is made both with OSD/MPP and/or the SASC staff (through the SAF/LL). Files checks on all individuals are conducted prior to submittal of nomination packages, retirement requests, and promotion lists; these files checks are updated every 60 days while formal action is pending approval, and ensure no adverse or potentially adverse information exists prior to the SecAF's signature on these requests.

READINESS LEVELS

Question. What is your assessment of the current readiness of the Air Force to execute its assigned missions?

Answer. I believe our readiness is sufficient and we can meet all of the current combatant commander's requirements.

Question. What do you view as the major readiness challenges that will have to be addressed by the Air Force over the next 4 years, and, if confirmed, how will you approach these issues?

Answer. My readiness concerns include: the proper mix of strategic airlift aircraft including maintaining an adequate mobility capacity and Air Refueling fleet. Our rapid strike capability is challenged by the aging of our legacy aircraft, in addition to the need for persistence, stealth, and precision. Our ISR assets are in continual use and must be adequately resourced. These issues are difficult and solving them will require teamwork with Congress, the Department of Defense, and industry.

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, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Chief of Staff of the Air Force?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTION SUBMITTED BY SENATOR JOHN WARNER

AEROMEDICAL EVACUATION

1. Senator WARNER. General Moseley, the committee included a provision in the National Defense Authorization Act for Fiscal Year 2006—pending consideration by the full Senate—that would authorize $200 million for up to two fully-equipped, dedicated aeromedical evacuation aircraft for seriously wounded and ill casualties. I believe we must provide such a state-of-the-art capability, especially given the grievous complexity of today's wounds. Do you agree that we need a dedicated aeromedical evacuation capability for our casualties?

General MOSELEY. I agree with the Senate that we need to provide the most capable and responsive Aeromedical Evacuation (AE) capability we can for our casualties. I also agree with having a "dedicated capability" but not the purchase of a unique, dedicated platform. With the retirement of the C–9, we have intentionally moved away from a small, dedicated AE fleet to a concept that uses any available aircraft that can be configured to provide AE capability. We now provide state of the art enroute medical care regardless of which airframe is selected to carry the wounded. The responsiveness is proportional to the patient condition; Urgent is ASAP, Priority is within 24 hours, and Routine is within 7 days. The average time from battle injury to CONUS Medical Center is 4 days.

QUESTION SUBMITTED BY SENATOR JOHN MCCAIN

BOEING 767 TANKER DEAL, ACQUISITION REFORM, AND LEADERSHIP

2. Senator MCCAIN. General Moseley, during your term as Vice Chief Staff of the Air Force, your appearances before the House and Senate Armed Services Committees and in over 300 hundred of your e-mails that I have reviewed, you clearly advo-

cated for the Boeing 767 tanker lease deal. After exhaustive investigations by this Committee, the Senate Committee on Commerce, Science and Transportation, and an alphabet soup of groups: DOJ, GAO, CBO, CRS, DOD IG, OMB, IDA, NDU, DSB, PA&E, DOT&E, etc., we now know that Air Force leadership and to some degree DOD leadership failed to follow acquisition statutes and regulations and ensure good fiduciary stewardship of taxpayer funds, tailored the requirements of the ORD to the Boeing 767 instead of to the warfighter and overstated the effects of corrosion on the KC–135 tanker fleet. I could go on and on. What steps will your take to ensure that this does not happen again if you are confirmed as the Air Force's top General?

General MOSELEY. I believe that the traditional acquisition process (Federal Acquisition Regulation Part 15) has served the Air Force well and if confirmed, I will work to ensure our weapons systems are procured in the proper manner. This includes the accomplishment of Analyses of Alternatives for major weapons systems which will better inform the process. I will also support the on-going departmental initiatives that are further studying ways in which the acquisition process can be improved. Perhaps equally important, I support putting uniformed acquisition professionals back into oversight roles that were eliminated during recent downsizing initiatives. I look forward to working with Congress, the department, and the acquisition community on this important issue and I thank Senator McCain for his leadership regarding this matter.

QUESTION SUBMITTED BY SENATOR CARL LEVIN

AIR GUARD AND BRAC

3. Senator LEVIN. General Moseley, there is strong opposition to the Air Force's 2005 base realignment and closure (BRAC) recommendations from the Air National Guard. From a policy standpoint, they have raised concerns that these recommendations will result in the loss of thousands of experienced Reserve component personnel. From a process standpoint, the Air Guard said it was not adequately consulted when these recommendations were developed by the Air Force. In my state of Michigan, for example, if the A–10s leave Battle Creek, and no mission comes in, which is what the Air Force recommends, we are left with a fully-manned, high-quality, high-retention unit with no mission to perform, and it seems likely many of those personnel will leave the Guard which would in turn lose many such skilled and experienced personnel. How do you respond to these concerns?

General MOSELEY. Senator, we understand the BRAC tasking put to us was to maximize the Nation's warfighting capability and shed excess infrastructure as we reset a smaller force structure to meet future strategy needs. To do this, we propose restoring our individual squadrons to effective sizes. The active component dealt with force reductions over the past 10 years by reducing its number of squadrons; in the Guard we tended to keep the same number of squadrons and reduce the size of each. Consequently, you'll tend to see more adjustment in the Guard squadrons as we adjust to reductions in the force. That said, we maintain the manpower balance among the Guard, Reserve, and Active in our flying missions. The AF wants to retain the experience and talents of its Guard airmen; in many cases we expect to retain our airmen. For instance, in addition to the A–10s that are consolidating at Selfridge ANGB, there are two other nearby Guard units that are plussing up in fighters, at Toledo (80 miles from Battle Creek) and at Fort Wayne (80 miles from Battle Creek). The Air Guard, along with the AF Reserve, was not only consulted, but played an integral role in all the deliberative meetings that led to the Secretary's BRAC recommendations. The Director of the Air Guard was kept informed throughout the BRAC process and the Chief of the National Guard Bureau received an update as our deliberations matured.

QUESTIONS SUBMITTED BY SENATOR MARK DAYTON

BRAC PROGRAMMATIC DECISIONS

4. Senator DAYTON. General Moseley, it appears that the Air Force leadership made a decision to use the BRAC process for programmatic decisions, especially as it relates to the Air National Guard (ANG) and aircraft retirements, and therefore bypass Congressional oversight. Do you agree with that statement? If not, how do you explain the presence of "non-BRAC programmatic actions" in the Secretary's recommendations?

General MOSELEY. The Classified Force Structure Plan submitted to Congress by the Joint Staff on 15 Mar 05 included the 20-year force structure projection (the 2025 Force) that identified a programmatic reduction—apart from BRAC—of approximately 6 percent of traditional Air Force force structure, with about 20 percent coming out of the fighter force.

The Air Force used the 2025 Force Structure Plan (which was required to stay within prescribed budget limits) and the BRAC selection criteria as start points to develop its BRAC recommendations. The "Non-BRAC programmatic actions" within Air Force recommendations define those actions that occur to get down to the force structure plan required by the Statute; we claim neither costs nor savings from these programmatic moves. For clarity, the Air Force included non-BRAC programmatic actions to ensure the total combined impact of BRAC recommendations and programmatic actions at a specific installation were captured.

FUTURE FORCE STRUCTURE POLICY

5. Senator DAYTON. General Moseley, what is the future force structure policy of the Air Force for the next 10 years?

General MOSELEY. Senator Dayton, the Air Force, along with the participation of the leadership of the National Guard Bureau, Air Force Reserve Command and selected Adjutant General representatives, has carefully crafted a Future Total Force plan that ensures highly effective air and space power for the Nation well into the future. The plan is comprised of two main parts: a well-analyzed and cost-constrained force structure and innovative organizational constructs that employ that structure in the active, Guard and Reserve as partners.

This fiscally responsive force structure plan divests older weapon systems that are increasingly more expensive to operate, as well as very limited in their capabilities to meet the future requirements of the security environment. We need to shift our investment towards newer, more capable systems and platforms that are leveraged by higher crew ratios to deliver maximum warfighting and homeland defense capabilities. Our plan includes new missions and capabilities for the joint warfighter and includes a greater role of the Air National Guard and the Air Force Reserve partners—side-by-side with their Active component. Therefore the FTF plan directs the divestiture of legacy aircraft and sunset missions to fund critical capabilities found increasingly in unmanned aerial vehicles, space assets, information operations, and intelligence units and the Total Force warriors who will serve as the foundation of these capabilities.

The second aspect of the FTF plan is all about our people, and how we can best leverage the unique strengths each brings. The Air Force has always operated as a Total Force. Under the FTF plan we will expand, in scope and numbers, the Total Force units in day-to-day association with one another. In fact, the highly successful associate model has been in use for almost 40 years between the Air Force and the Air Force Reserve, largely in the strategic airlift mission. For the first time, we will associate in larger numbers of units, in both directions—Active to Guard and Reserve, and the reciprocal direction as well, and expand this associate relationship to other platforms. Using this construct, we will leverage the tremendous experience resident in the Guard and Reserve as well as provide the ability, using Active Duty airmen, to sustain increasing levels of deployment under our expeditionary role.

6. Senator DAYTON. General Moseley, what is the role of the ANG in support of that policy?

General MOSELEY. Senator Dayton, the Air National Guard has been and will continue to be a full partner in transformation and will be involved in all new missions as they come on line. In fact, Air National Guard will fly the first operational F/A–22s as part of an associate unit at Langley AFB. They will be integral to increasingly relevant emerging missions, flying UAVs, operating space systems and processing battlefield intelligence that will provide direct support to our joint war fighters, the combatant commanders—including NORTHCOM. The Air Force recognizes the critical importance of homeland defense and the critical contributions the Air National Guard makes to their communities, states and nation. The FTF plan accounts for this important role and ensures the Air National Guard remains a central part of the Homeland Defense mission.

7. Senator DAYTON. General Moseley, does BRAC support/negate/supplant this mission/policy?

General MOSELEY. The FTF plan is strictly about force structure and organizational constructs and was developed independently of the BRAC process. Both the

force structure and the organizational constructs were provided to the BRAC team for use in their deliberations—from that perspective, the BRAC, the force structure, and the organizational constructs were mutually supportive. Once basing decisions were made public, we worked and will continue to work with the Air National Guard and Air Force Reserve to facilitate effective assignment of new missions. We anticipate the emerging mission and association plan will be ready for announcement in the late summer/early fall timeframe.

AIR SOVEREIGNTY

8. Senator DAYTON. General Moseley, what is the role of the active Air Force in air sovereignty, or does it only defend abroad?

General MOSELEY. The active Air Force performs an air sovereignty mission within the continental United States as well as its missions abroad along with the Air National Guard and Air Force Reserve. Through Air Combat Command (ACC) at Langley Air Force Base, Virginia, the USAF provides operational aircraft to the Canadian-U.S. North American Aerospace Defense Command (NORAD) air sovereignty mission for performance of air defense throughout the U.S. Northern Command (USNORTHCOM) geographic area of responsibility.

9. Senator DAYTON. General Moseley, if the active Air Force only or primarily defends abroad, and the ANG's mission is air sovereignty, what equipment does the Guard need to fulfill that mission?

General MOSELEY. The USAF performs all assigned air missions, both abroad and within the continental United States, using a Total Force mix of assets from the Active-Duty Air Force, the Air Force Reserve, and the Air National Guard. While the Air National Guard performs a great deal of the air sovereignty alert mission, it does not perform that mission without air assets from the active and Reserve organizations. At the same time, Air National Guard members perform numerous overseas missions, serving with Air Force Active-Duty and Air Force Reserve members in a variety of theaters and airframes. The USAF employs an Air Expeditionary Force concept which draws assets from the Total Force for employment around the globe. The assignment of the air sovereignty alert mission to air units operating in the U.S. merely adds one more requirement to their air operations. Therefore, the equipment which the Air National Guard requires must ensure that the assets are available to create the correct mix of air defense, air to ground and air reconnaissance assets required by the Total Force to perform all air missions.

[The nomination reference of Gen. T. Michael Moseley, USAF, follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
May 16, 2005.

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

The following named officer for appointment as Chief of Staff of the Air Force, and for appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 8033 and 601:

To be General

Gen. Teed M. Moseley, 1516.

[The biographical sketch of Gen. T. Michael Moseley, USAF, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF GEN. T. MICHAEL MOSELEY, USAF

General T. Michael Moseley is Vice Chief of Staff, Headquarters U.S. Air Force, Washington, DC. As Vice Chief, he presides over the Air Staff and serves as a member of the Joint Chiefs of Staff Requirements Oversight Council.

General Moseley graduated from Texas A&M University in 1971 with a Bachelor of Arts degree in political science. He earned a Master of Arts degree from Texas A&M University in 1972, also in political science. He has commanded the F–15 Division of the USAF Fighter Weapons School at Nellis AFB, Nevada, the 33rd Operations Group at Eglin AFB, Florida, and the 57th Wing, the Air Force's largest, most diverse flying wing, also at Nellis. The general has served as the combat Director of Operations for Joint Task Force Southwest Asia. General Moseley also commanded 9th Air Force and U.S. Central Command Air Forces while serving as Combined Forces Air Component Commander for Operations Southern Watch, Enduring Freedom, and Iraqi Freedom. The general is a member of the Council on Foreign Relations, and has been named an officer of the Order of National Merit by the president of the French Republic. He has also been awarded the United Arab Emirates' Military Medal, 1st Class, by the president of the U.A.E.

General Moseley's staff assignments have been a mix of operational, joint and personnel duties. These include serving in Washington, DC, as Director for Legislative Liaison for the Secretary of the Air Force; Deputy Director for Politico-Military Affairs for Asia/Pacific and Middle East, the Joint Chiefs of Staff; Chief of the Air Force General Officer Matters Office; Chief of Staff of the Air Force Chair and Professor of Joint and Combined Warfare at the National War College; and Chief of the Tactical Fighter Branch, Tactical Forces Division, Directorate of Plans, Headquarters U.S. Air Force.

Education:

1971 ..... Bachelor of Arts degree in political science, Texas A&M University, College Station
1972 ..... Master of Arts degree in political science, Texas A&M University, College Station
1977 ..... Squadron Officer School, Maxwell AFB, Alabama.
1981 ..... Fighter Weapons Instructor Course, U.S. Air Force Fighter Weapons School, Nellis AFB, Nevada, 1984 Air Command and Staff College, Maxwell AFB, Alabama.
1988 ..... U.S. Air Force Joint Senior Battle Commander's Course, Hurlburt Field, Florida.
1990 ..... National War College, Fort Lesley J. McNair, Washington, DC.
2000 ..... Combined Force Air Component Commander Course, Maxwell AFB, Alabama, and Hurlburt Field, Florida.

Assignments:

From	To	
June 1972	May 1973	Student, undergraduate pilot training, Webb AFB, Texas
May 1973	July 1977	T–37 instructor pilot and spin flight test pilot; flight check pilot, and standardization and evaluation flight examiner, 3389th Flying Training Squadron, 78th Flying Training Wing, Webb AFB, Texas
July 1977	September 1979	F–15 instructor pilot, flight lead and mission commander, 7th Tactical Fighter Squadron, Holloman AFB, New Mexico
September 1979 ...	August 1983	F–15 weapons and tactics officer, instructor pilot, and flight lead and mission commander; standardization and evaluation/flight examiner, 44th Tactical Fighter Squadron and 12th Tactical Fighter Squadron, Kadena Air Base, Japan
August 1983	June 1984	Course officer, Air Command and Staff College, Maxwell AFB, Alabama
June 1984	June 1987	Chief, Tactical Fighter Branch, Tactical Forces Division, Directorate of Plans, Deputy Chief of Staff for Plans and Operations, Headquarters U.S. Air Force, Washington, DC
June 1987	June 1989	Commander, F–15 Division, and instructor pilot, Fighter Weapons Instructor Course, U.S. Air Force Fighter Weapons School, Nellis AFB, Nevada
June 1989	June 1990	Course officer, National War College, Fort Lesley J. McNair, Washington, DC
June 1990	August 1992	Chief of Staff of the Air Force Chair and Professor of Joint and Combined Warfare, National War College, Fort Lesley J. McNair, Washington, DC
August 1992	January 1994	Commander, 33rd Operations Group, Eglin AFB, Florida.
January 1994	May 1996	Chief, Air Force General Officer Matters Office, Headquarters U.S. Air Force, Washington, DC
May 1996	November 1997	Commander, 57th Wing, Nellis AFB, Nevada
November 1997	July 1999	Deputy Director for Politico-Military Affairs, Asia/Pacific and Middle East, Directorate for Strategic Plans and Policy, the Joint Chiefs of Staff, Washington, DC
July 1999	October 2001	Director, Legislative Liaison, Office of the Secretary of the Air Force, Headquarters U.S. Air Force, Washington, DC
November 2001	August 2003	Commander, 9th Air Force and U.S. Central Command Air Forces, Shaw AFB, South Carolina
August 2003	present	Vice Chief of Staff, Headquarters, U.S. Air Force, Washington, DC

Flight information:

Rating: Command pilot.

Flight hours: More than 2,800.
Aircraft flown: T–37, T–38, AT–38, and F–15A/B/C/D.

Major awards and decorations:
Defense Distinguished Service Medal
Distinguished Service Medal
Defense Superior Service Medal with oak leaf cluster
Legion of Merit with oak leaf cluster
Meritorious Service Medal with three oak leaf clusters
Air Medal
Joint Service Commendation Medal
Air Force Commendation Medal
Air Force Achievement Medal
Global War on Terrorism Expeditionary Medal
Global War on Terrorism Service Medal
Korea Defense Service Medal
French National Order of Merit
United Arab Emirates' Military Medal, 1st Class

Other achievements:
2003 H.H. Arnold Award, the Air Force Association's highest honor to a military member in the field of National Security.

Effective dates of promotion:
Second Lieutenant - July 9, 1971
First Lieutenant - July 9, 1974
Captain - Jan. 9, 1976
Major - Oct. 1, 1983
Lieutenant Colonel - March 1, 1986
Colonel - April 1, 1991
Brigadier General - Dec. 1, 1996
Major General - Feb. 1, 2000
Lieutenant General - Nov. 7, 2001
General - Oct. 1, 2003

[The Committee on Armed Services certain senior military officers nominated by the President to posisitons 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 Gen. T. Michael Moseley, USAF, in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)

Teed Michael "Buzz" Moseley.

2. **Position to which nominated:**
Chief of Staff, United States Air Force, Washington, DC.

3. **Date of nomination:**
May 13, 2005.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
September 3, 1949; Dallas, Texas.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Margaret Virginia Moseley (Maiden name: Margaret Virginia Willmann).

7. **Names and ages of children:**
Tricia Kristen Moseley, 31; Gregory Michael Moseley, 29.

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the executive branch.
None.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, firm, partnership, or other business enterprise, educational, or other institution.
None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Association of Former Students, Texas A&M University
Council on Foreign Relations
National Association of Eagle Scouts
National War College Alumni Association
Texas and Southwest Cattle Raisers Association
Texas State Historical Association
Texas State Society
Ninth Air Force Society
Thunderbirds Alumni Association

11. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the committee by the executive branch.
Awarded Air Training Command's Instructor Pilot of the Year Award, 1975.
Presented letter of Commendation, Distinguished Service by the Minister of Defense, Republic of Korea, 1999.
Awarded "Officer's Rank in the French National Order of Merit" by the President of the French Republic, 2001.
Air Force Association, HH Arnold Award, "Highest Honor to a Military Member in the Field of National Security," 2003.
Awarded the Emirate's Military Medal (1st Class), "In recognition for distinguished service to the United Arab Emirates Armed Forces," 2003.

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?
Yes.

13. **Personal views:** Do you agree, when asked before any duly constituted committee of Congress, to give your personal views, even if those views differ from the administration in power?
Yes.

[The nominee responded to the questions in Parts B–E of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–E are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

T. MICHAEL MOSELEY, GENERAL, USAF.

This 29th day of April 2005.

[The nomination of Gen. T. Michael Moseley, USAF, was reported to the Senate by Chairman Warner on June 30, 2005, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on June 30, 2005.]

[Prepared questions submitted to Eric S. Edelman by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes, I support the full implementation of these reforms.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. I am not aware of any reason to believe that the reforms have not been substantially implemented. I believe that they have strengthened civilian control of the military, improved the quality of military advice given to the President and Secretary of Defense, and improved the Department's ability to execute its missions.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. I believe that the most important aspects of the Goldwater-Nichols reforms are the Nation's increased emphasis on military "jointness," the formulation of top-down defense strategy and plans, and the vesting of important responsibility and authority in the combatant commanders.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing a clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes, I support the goals of Congress in enacting the reforms of the Goldwater-Nichols legislation.

Question. Recently, there have been articles that indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the national strategy.

Do you anticipate that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

Answer. I understand that the Department of Defense is currently examining roles and missions issues in the Quadrennial Defense Review, including expanding the benefits derived from Goldwater-Nichols to interagency applications of "jointness." If confirmed, I will study any promising reforms suggested in that effort. The Department will need to consult closely with Congress, especially this committee, on any potential modifications of the Goldwater-Nichols reforms.

DUTIES

Question. Section 134 of title 10, United States Code, provides that the Under Secretary of Defense for Policy (USD(P)) shall assist the Secretary of Defense in preparing written policy guidance for the preparation and review of contingency plans, and

in reviewing such plans. Additionally, subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary shall have responsibility for supervising and directing activities of the Department of Defense relating to export controls.

Department of Defense Directive 5111.1 reiterates these duties and specifically notes that the Under Secretary of Defense for Policy is the principal staff assistant and advisor to the Secretary of Defense and the Deputy Secretary of Defense for all matters on the formulation of national security and defense policy and the integration and oversight of DOD policy and plans to achieve national security objectives.

What is your understanding of the duties and functions of the Under Secretary of Defense for Policy under current regulations and practices?

Answer. If confirmed, I will perform the duties set forth in Title 10 and the Department of Defense Directive. The Under Secretary of Defense for Policy serves as the principal staff assistant and advisor to the Secretary and Deputy Secretary of Defense for all matters concerning the formulation of national security and defense policy and the integration and oversight of DOD policy and plans to achieve national security objectives. In particular, section 134(b) of title 10, United States Code, prescribes the duties of the Under Secretary of Defense for Policy as follows:

> (b)(1) The Under Secretary shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.
>
> (2) The Under Secretary shall assist the Secretary of Defense——
>
> > (A) in preparing written policy guidance for the preparation and review of contingency plans; and
> >
> > (B) in reviewing such plans.
>
> (3) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary shall have responsibility for supervising and directing activities of the Department of Defense relating to export controls.
>
> (4) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Policy shall have overall direction and supervision for policy, program planning and execution, and allocation and use of resources for the activities of the Department of Defense for combating terrorism.

Question. Assuming you are confirmed, what duties and functions do you expect that Secretary Rumsfeld would prescribe for you?

Answer. I believe that, if I am confirmed, Secretary Rumsfeld would look to me to discharge the duties assigned to the Under Secretary of Defense for Policy by statute and regulation, especially assistance and advice on the development and implementation of national security and defense policy. Those duties would include oversight of DOD policy and plans, DOD relations with foreign governments and international organizations, and DOD participation in intra-governmental processes with other agencies.

Question. How do you see the civilian role, as opposed to the military role, in the formulation of strategy and contingency planning?

Answer. I believe the civilian role is to establish, in broad outlines, the overall defense strategy and to set out the objectives and major assumptions on which contingency planning is based. From the briefings I have received, I understand that the USD(P)'s office initiates this process on behalf of the Secretary through the Contingency Planning Guidance. Following the guidance in this document, which the President approves, combatant commanders develop operation plans for prescribed scenarios. As they are being developed, the current Secretary himself conducts in-process reviews with the responsible combatant commander. If I am confirmed, my role as USD(P) would be to follow the development of this body of plans and assist the Secretary in a formal review of the plans, which are submitted for his approval.

CONTINGENCY PLANNING

Question. One of the purposes of Goldwater-Nichols was to increase military and civilian attention on the formulation of strategy and contingency planning. The Under Secretary of Defense for Policy is specifically directed to assist the Secretary of Defense in preparing written policy guidance for the preparation and review of contingency plans and in reviewing such plans.

In your opinion, does the civilian leadership currently have an appropriate level of oversight of contingency planning?

Answer. I am not in a position yet to make such a judgment, but I am told and read that Secretary Rumsfeld has done much in the past 4 years to advance OSD's role in overseeing the Contingency Planning process. I understand that the Sec-

retary and USD(P) play central roles in directing the development and review of contingency plans, and the Secretary retains final approval authority for the plans. My impression is that the USD(P) staff enjoys good working relations with the Joint Staff and combatant command planning staffs. I believe that these kinds of relationships facilitate effective oversight. I have also been informed that the Secretary's and the Chairman's staffs have worked together to speed up Departmental contingency planning and make it more responsive to the needs of the President and the Secretary—especially in terms of providing them more options in time of crisis.

Question. What steps do you believe are necessary to ensure effective civilian control and oversight of contingency planning?

Answer. If confirmed, I will have the opportunity to gain a detailed understanding of OSD's oversight processes and how they might be improved. My current impression, however, is that there is no reason to believe that effective civilian control and oversight are lacking.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges confronting the Under Secretary of Defense for Policy?

Answer. Our Nation is at war. Strategic victory in the global war on terrorism is our greatest challenge. Moreover, our Nation is confronted by a broader array of security challenges than those we faced in the past. In addition to the continued threat of traditional military challenges posed by nation states, the United States faces a range of non-traditional challenges from nations and non-state actors, of which the terrorism that we have seen in the past years is the most salient example. We live in an era that is marked by strategic uncertainty. Accordingly, I believe that the Department of Defense must be flexible and agile, anticipating change, influencing its direction, and adapting our strategy and capabilities as appropriate.

The Department's recently published National Defense Strategy:

- Positions us better to handle strategic uncertainty;
- Recognizes the value of measures aimed at resolving problems before they become crises and crises before they become wars; and
- Emphasizes the importance of building partnership capacity to address common threats.

I believe that identifying and pursuing approaches and mechanisms that help both international and interagency partners build their security capacity should be a primary focus of the Policy organization, and it is something to which, if confirmed, I would intend to devote a great deal of effort.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, my immediate emphasis will be to participate in the Quadrennial Defense Review (QDR), which specifically addresses the Department's capability for managing both traditional as well as new challenges to U.S. interests. In addition, I would continue implementing the re-alignment of U.S. global defense posture. Given my past experience, I would put special emphasis on the need to work with allies and partners to develop a common understanding of threats and the appropriate approaches to address these challenges in concert.

FUTURE OF NATO

Question. Over the past several years, NATO has experienced a time of both great change and stress. NATO has enlarged with the addition of seven new members from Eastern Europe and the Baltics, and NATO has taken on an ambitious out of area mission in Afghanistan as well as a training mission in Iraq.

What are the greatest opportunities and challenges that you foresee for NATO over the next 5 years?

Answer. At its Prague Summit in November 2002, NATO launched a set of initiatives central to ongoing transformation efforts that have changed the Alliance's strategic mindset concerning threats, roles, and capabilities. NATO leaders:

- Established the NATO Response Force (NRF), designed as a brigade-size, rapidly deployable joint/combined force.
- Streamlined the NATO Command Structure to operate more efficiently and effectively. Twenty original headquarters were reduced to 11, and the Allied Command Transformation (ACT) was created to drive Allied transformation.
- Launched the Prague Capabilities Commitment (PCC) through which Allies pledged to make specific capability improvements in their military forces.

In 2003, NATO's Secretary General focused the Alliance on shortcomings in the "usability" of Allied military forces—i.e., the lack of sufficient forces that are deployable and sustainable on operations outside NATO territory. Since then, NATO has developed "Usability Targets" for Allied land forces. At the Istanbul Summit in June 2004, NATO leaders agreed to maintain at least 40 percent of land forces prepared and equipped for deployed operations, and at least 8 percent deployed or on standby on an indefinite basis.

A key challenge will be to complete the Alliance transition from stationary forces to more mobile, deployable, and sustainable forces (Allies need to do more, especially in providing the key supporting enablers that expeditionary forces require, including airlift and combat support). Another challenge is to convince Allies to offer in sufficient numbers the forces that they do have to fill the requirements of NRF rotations and ongoing Alliance operations in Afghanistan and Kosovo. Another major challenge is to develop a cooperative relationship with the European Union, as it develops its European Security and Defense Policy, which preserves NATO as the primary instrument of transatlantic security and does not diminish the Alliance's military effectiveness.

Question. Do you envision further enlargement of NATO within the next 5 years?

Answer. At the June 2004 Istanbul Summit Allied leaders said the door to NATO membership remains open, but there is no timetable for another round of enlargement. Three NATO aspirants (Albania, Croatia, and Macedonia) are now participating in the Membership Action Plan. Ukraine and Georgia have also expressed interest in joining the Alliance. At the April 2005 Foreign Ministerial in Vilnius, Allies invited Ukraine to begin an intensified dialogue on membership issues. Each NATO aspirant will be judged on its individual merits and progress in implementing political, economic, and military reforms.

EUROPEAN SECURITY AND DEFENSE POLICY

Question. A challenge facing the United States and NATO in the months and years ahead is the European Union's (EU) implementation of its European Security and Defense Policy (ESDP), that is, an EU capability to conduct military operations in response to international crises in cases where "NATO as a whole is not engaged." Many in Congress have expressed concern that ESDP could emerge as a competitor, rather than a complement, to the NATO Alliance.

Do you share these concerns? What steps do you believe that the United States and NATO must take to ensure that ESDP is implemented in a way that strengthens the Alliance?

Answer. I believe the NATO–EU relationship should be cooperative, not competitive, and should avoid duplication. There should be no weakening of the transatlantic link. The U.S. supports an EU Security and Defense Policy that provides more capability—for NATO, as well as for EU operations where NATO chooses not to engage. Key to achieving these goals is to employ the 2003 NATO–EU "Berlin-Plus" agreements, which set out cooperation arrangements between the two organizations. Those arrangements have been used in the EU operation in Bosnia, and in efforts to develop capabilities such as the NATO Response Force and the EU Battlegroups. The U.S. has been very active in promoting this cooperation, and I believe it should continue to be.

EU ARMS EMBARGO

Question. The prospect of the European Union (EU) lifting its embargo on arms sales to China has generated considerable concern in Congress. Many believe that it would be detrimental to U.S. national security interests were China to have access to more and better defense-related systems and technologies.

What is your view of this matter?

Answer. I would be opposed to any EU effort to lift its arms embargo on China. It would send the wrong signal to China at a time when its rhetoric over Taiwan is escalating. It would endorse China's poor record on human rights. Finally, lifting the embargo could facilitate China's military modernization, increasing the threat to U.S. forces in the event of conflict over Taiwan.

Question. Do you believe the United States should engage in a dialogue with the EU regarding how to strengthen, not relax, controls on exports of militarily sensitive items to China?

Answer. I believe that a strategic dialogue between the United States and the EU on security matters in East Asia would be a useful and important way to develop a common strategic picture of what it takes to maintain peace and stability in the region. This dialogue would help to reinforce the need for EU restraint on the transfer of sensitive military and dual-use technology to China.

IRAQI SECURITY FORCES

Question. The U.S. Government has embarked on a strategy of training, equipping, and mentoring Iraqi security forces as the most effective way to establish meaningful security in Iraq, end the persistent insurgency, and reduce the requirement for significant numbers of U.S. and coalition forces.

How would you assess the current readiness and capabilities of the Iraqi security forces?

Answer. As Ambassador to Turkey, I was not in a position to evaluate the Iraqi security forces. From the information I have seen, however, I would say that the readiness and capabilities of the Iraqi security forces vary from unit to unit but are generally improving. Iraqi units are operating alongside U.S. units in greater numbers, and some of them are operating independently with sole responsibility for their operating area. For example, Iraqi units have assumed primary responsibility for their operating areas in some parts of Baghdad and Mosul.

Question. What criteria should be used to provide a realistic measure of the readiness and capabilities of these forces?

Answer. I defer to our military experts in these matters to propose the best measures of readiness and capability. Our military uses various criteria to measure readiness and capability for our own forces, and that experience would seem relevant and useful in assessing the Iraqis.

Question. What period of time do you feel will be required to prepare the Iraqi security forces to be able to assume principal responsibility for the security of their nation from both internal and external threats?

Answer. The President, the Secretary of Defense, and our commanders in the field have all stressed that we are operating in accordance with a conditions-based plan to transfer security responsibility to the Iraqis. I cannot make any informed estimate concerning when Iraqis might assume principal responsibility for security in Iraq, but I can say that the U.S. should operate based on conditions on the ground, not based on an arbitrary time-line.

Question. What is the appropriate role for other nations—coalition partners, neighboring Muslim nations, NATO, and the larger international community—in assisting the training, equipping, and progress of the Iraqi security forces?

Answer. Members of the international community have stepped forward and are participating in two multi-national training efforts: the Multi-National Security Transition Command—Iraq (MNSTC–I) and the NATO Training Mission—Iraq (NTM–I). These organizations are helping train Iraqi military and police personnel in Iraq and in Jordan. There are also smaller, coordinated, bilateral efforts to provide particular specialty training to Iraqi security personnel, for example, police forensics.

QDR

Question. The Secretary has promulgated terms of reference for the next Quadrennial Defense Review and work on this review is underway. Under Secretary Feith is taking a leading role in this important effort.

If confirmed, would you step directly into the role that Mr. Feith is playing in the QDR when you succeed him?

Answer. Exactly what role I might play would be a decision for the Secretary. I have not yet discussed it with him. If confirmed, however, I plan to be an active participant in the QDR process.

Question. What is your view of the terms of reference that have been established?

Answer. I have not yet been briefed on the QDR terms of reference, which are an internal, pre-decisional document. If confirmed, I intend to familiarize myself quickly with the terms of reference.

Question. In your view, what assumptions about acceptable risk and resource constraints should be included in the QDR process?

Answer. In my view, the Department's assumptions on acceptable risk and resource constraints should be based on the new National Defense Strategy and be consistent with legislation establishing the QDR. Making realistic judgments about acceptable levels of risk is one of the hardest tasks the Secretary faces.

STABILITY AND SUPPORT OPERATIONS

Question. Recent experience in Iraq has underscored the importance of planning and training to prepare for the conduct and support of stability and support operations in post-conflict situations. We understand that Secretary Rumsfeld has decided to elevate the stability and support operations mission in Department planning and guidance so that it is fully integrated across all DOD activities.

Do you support this effort?

Answer. Our experiences since the end of the Cold War in Somalia, the Balkans, Haiti, Afghanistan, and Iraq highlight the importance of preparing for stability operations. Proper preparation involves numerous parts of DOD and, also, other USG Departments and Agencies, all of which have potentially important capabilities to bring to bear. The Department of State, where I have served for 25 years, has undertaken a major initiative in this regard, the Office of the Coordinator for Reconstruction and Stabilization, headed by my colleague Carlos Pascual. I understand that this new office has enjoyed the Department of Defense's full support. If confirmed, I would favor continuing that support, and I look forward to supporting Secretary Rumsfeld's ongoing efforts to transform the Department and ensure DOD is properly linked with larger USG stabilization and reconstruction efforts.

Question. If confirmed, what would be your role in implementing any new directives in the area of post-conflict planning and the conduct of stability and support operations?

Answer. If confirmed as Under Secretary for Policy, my role would be to help ensure that DOD guidance to the Military Departments, Combatant Commands, and Defense Agencies sets forth the broad direction they will need to move in to develop the capabilities required to conduct successful stability operations in the future. In addition, I would play a role in working with other Departments and Agencies to develop common objectives and pathways to increase the efficacy of USG stabilization efforts, of which DOD is a participant. Ultimately, if confirmed, I would be responsible for providing policy advice to the Secretary of Defense on stability operations—ensuring he has the requisite information and options to make informed decisions and to advise the President.

Question. In your view, what is the appropriate relationship between DOD and other departments of government in the planning and conduct of stability and support operations in a post conflict environment?

Answer. The U.S. Government as a whole has a responsibility to plan and conduct stability operations using the core competencies of various departments and agencies in an integrated manner, including working with our Allies and friends.

An integrated approach to post-major combat operations begins with training and planning before potential conflicts. The State Department's Office of the Coordinator for Reconstruction and Stabilization (S/CRS) is working closely with DOD to bring together military and civilian planners, develop operational concepts for civil-military operations in the field, and provide interagency training, educational and exercise opportunities that will build relationships before future contingencies.

There will be times when DOD may well be the lead agency in an operation due to the large deployment of U.S. forces. At other times, the military would properly play a lesser role—supporting civilian agencies such as the State Department and USAID. Whether DOD or other departments or agencies have the leading role in a stabilization mission, a key need often will be to build up the indigenous civilian and security capacities, which will facilitate the timely transition to self-rule and withdrawal of international military and civilian personnel.

Question. What lessons do you believe the Department has learned from the experience of planning and training for post-conflict operations in Iraq?

Answer. The USG has learned a great deal over the past 15 years about the requirements of post-major combat environments. Fighting may shift from major combat operations to irregular warfare. "Post-conflict" calm may sometimes only come with a combination of: 1) building indigenous security forces; 2) jump-starting economic activity; and 3) facilitating local governance.

We also face a shortage of international peacekeepers. This is one of the reasons that President Bush launched the Global Peace Operations Initiative (GPOI), which seeks to increase global peacekeeping capacity over the next 5 years through increased training, exercises, and deployment assistance to partner countries.

We also need strategies to encourage and enable other countries to fight alongside or instead of us. As a government, we should be thinking through how we can best build up the governance capacities of countries that are in danger of spreading instability regionally or providing a safe haven for terrorist or criminal networks.

Although I can't speak to specific studies the Department may have conducted concerning post-conflict operations in Iraq, I will, if confirmed, seek to ensure that we draw maximum insight from our recent experience.

ENGAGEMENT POLICY

Question. One of the central pillars of our recent national security strategy has been military engagement as a means of building relationships around the world. Military-to-military contacts, Joint Combined Exchange Training exercises, CINC

exercises, humanitarian demining operations, and similar activities were used to achieve this goal.

If confirmed, would you support continued engagement activities of the U.S. military?

Answer. Yes.

Question. Do you believe that these activities contribute to U.S. national security?

Answer. Security cooperation activities have contributed to our security in the past, are beneficial today in the global war on terrorism, and will most certainly continue to be a cornerstone of U.S. national security. This Nation has learned time and again that building partnership capacity is essential to address common security challenges successfully.

Question. Would you assure the committee that there would be adequate civilian oversight of these activities?

Answer. Yes.

PROLIFERATION SECURITY INITIATIVE

Question. In May 2003, the President announced the Proliferation Security Initiative, a global effort that aims to stop shipments of weapons of mass destruction, their delivery systems, and related materials worldwide.

What is the role of the Department of Defense in the Proliferation Security Initiative?

Answer. PSI is a Presidential initiative that is being developed and implemented by a number of U.S. Government agencies. The Department of Defense is part of the interagency team, coordinated by the National Security Council staff. DOD's priority is ensuring that our military can support interdiction operations when necessary.

In addition, the Department of Defense leads U.S. participation in the PSI Operational Experts Group—an expanding multinational network of military, law enforcement, intelligence, and legal experts that has been meeting periodically to develop operational concepts, organize interdiction exercises, share information about national legal authorities, and pursue cooperation with key industries. More than forty countries have participated in one or more of the PSI interdiction exercises designed to improve national capabilities and participants' ability to operate together.

Question. Is there dedicated funding in the DOD budget the Proliferation Security Initiative? If not, do you believe that the Initiative should have a dedicated DOD budget line?

Answer. I understand that there is no PSI line item in the DOD budget. If confirmed, I will consult with the combatant commanders and the DOD Comptroller to determine whether creating such a budget line would be beneficial.

COUNTERNARCOTICS PROGRAM FOR AFGHANISTAN

Question. The cultivation of poppies and trafficking of opium has reached alarming proportions in Afghanistan. Some estimate that over 50 percent of Afghanistan's gross national product is associated with the illegal opium trade and that Afghanistan is at risk of failing as a nation state. Initial coalition strategies for discouraging and disrupting the opium trade have not been effective. In fiscal year 2005, the U.S. will provide more than $750 million in funding and assistance to address opium production and trafficking in Afghanistan, including $257 million in Defense spending.

In your view, what strategy would be most effective in reducing opium production and trafficking in Afghanistan?

Answer. The growing drug production and trafficking problem in Afghanistan is a complex issue. Not knowing the details of the current plan, I am unable to say how one might improve it. I do believe that we should ensure that we apply the necessary resources to build Afghan political and economic institutions capable of withstanding the narcotics—as well as other—threats.

Question. What should the role of the U.S. military forces be in the counterdrug program in Afghanistan?

Answer. I believe that, in general, the U.S. military should be in a supporting role in counterdrug programs. With respect to Afghanistan, it seems to me that we would want the Afghan security forces to be the ones to interact directly with the local population. I believe, however, that U.S. military forces can provide support to Afghan law enforcement activities with respect to specialized types of assistance that might be required.

Question. What is the appropriate role for coalition nations and the larger international community in effectively addressing the counterdrug challenge in Afghanistan and the surrounding region?

Answer. Several of our coalition partners have assumed lead nation roles related to the counterdrug challenge. For example, the United Kingdom has the overall lead for counternarcotics, and Germany assumed the lead for police training. With the help of Congress, this administration has increased U.S. support to counterdrug efforts in Afghanistan and the surrounding region. Our coalition partners and the larger international community must also increase their support. Additionally, I can see a larger role for NATO supporting the Afghan counterdrug policies and initiatives, especially considering that some European allies in particular are affected heavily by the narcotics traffic involving Afghanistan.

DOD'S COOPERATIVE THREAT REDUCTION (CTR) PROGRAM

Question. The CTR program has several key objectives that include: (1) eliminating strategic nuclear weapons; (2) improving the security and accounting of nuclear weapons and fissile material; (3) eliminating and preventing the proliferation of biological and chemical weapons and capabilities; and (4) encouraging military reductions and reforms to reduce proliferation threats.

Do you support the CTR program? If so, how, in your view, has the CTR program benefited U.S. national security?

Answer. I support CTR. CTR is one of the programs that addresses poorly guarded WMD, related infrastructure, and delivery systems at their sources—primarily in the former Soviet states. CTR is part of the administration's "toolbox" of options for combating the threat of WMD proliferation.

Question. Do you think the CTR program is well coordinated among the U.S. Government agencies that engage in threat reduction efforts in Russia, e.g., the State Department and the Department of Energy?

Answer. From what I have been able to observe, I believe the program is well coordinated among the Departments of Defense, State, and Energy.

Question. Do you support expansion of the CTR program and, if so, in what geographic areas or areas of work? Please explain.

Answer. I would support initiatives for CTR to conduct activities outside the Former Soviet Union (FSU) in special circumstances. The threat posed by residual WMD materials and capabilities is not confined to one region.

Question. How much more needs to be done to reduce the proliferation threat from the residual Cold War stockpiles of WMD weapons and materials in the former Soviet Union?

Answer. Even though many "traditional" CTR projects are well past the half-way point, much remains to be done with respect to both threat reduction work (such as mobile missiles) and newly emphasized areas of work (such as biological weapons proliferation prevention).

Question. Are Russia and the former Soviet Union countries making a significant contribution to efforts to reduce the proliferation threats they inherited?

Answer. I believe that, overall, the best contribution a CTR partner can make is to smooth the mechanics of doing dangerous work in that partner's territory that benefits the entire world. I am informed that there may be room for Russia to increase its contribution by improved facilitation of CTR's work. We appreciate the sensitive locations of some CTR projects in Russia, as well as the caution needed when working with WMD. But Russia can be very secretive when it comes to issues related to national security, and I am aware of the complexities and difficulties of working with the Russian bureaucracy and security services to conduct the day-to-day business of WMD elimination and security.

Question. What needs to be done to enable agreement between Russia and the United States on access and liability issues that continue to hamper progress on some CTR programs?

Answer. The current Government-to-Government Agreement ("CTR Umbrella Agreement") expires in June 2006. It provides needed liability protections for CTR activities, exemption of CTR assistance from import duties and taxes, as well as other important protections. The United States is working hard to resolve issues relating to non-proliferation programs with Russia in ways that would facilitate renewal of the CTR Umbrella Agreement before it expires. I believe it is in Russia's long-term interest to be more forthcoming regarding the agreements covering all non-proliferation programs.

CHEMICAL WEAPONS CONVENTION

Question. There are significant problems with the management and implementation of the DOD chemical weapons demilitarization program. Congress has become increasingly concerned that the Department does not appear to be on track to elimi-

nate its chemical weapons in accordance with the Chemical Weapons Convention timelines.

What steps is the Department taking to ensure that the U.S. remains in compliance with its Treaty obligations for chemical weapons destruction?

Answer. Although this is under the purview of the Under Secretary of Defense for Acquisition, Technology, and Logistics, I understand that the Department of Defense is assessing possible alternatives that may contribute to improving the overall pace of U.S. destruction efforts and the specific timing of when we meet our chemical weapons destruction obligations. The potential impact on meeting the final destruction deadline of April 2012 will not be known until the assessments are completed.

Question. Do you agree that the United States should make every effort to meet its treaty commitments, including its obligations under the Chemical Weapons Convention?

Answer. Yes. I understand that that the Department of Defense has met all the CWC commitments to date.

Question. Can you assure the committee that, if confirmed, you will focus your personal attention on this matter?

Answer. Yes.

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Question. At her confirmation hearing, Secretary of State Rice expressed the administration's strong support for the U.N. Convention on the Law of Sea and stated that she would work with the Senate leadership to bring the Convention to a floor vote during this Congress. The Department of Defense has been a strong advocate of the Convention, and the Chief of Naval Operations, Admiral Clark, testified in favor of its ratification at a SASC hearing last year.

Do you support U.S. accession to the United Nations Convention on the Law of the Sea?

Answer. Yes. The Convention supports navigational rights critical to military operations. These rights are essential to the formulation and implementation of our national security strategy.

Question. Do you believe this treaty is in the national security interest of the United States?

Answer. Yes

BALLISTIC MISSILE DEFENSE

Question. Program Budget Decision 763 (December 2004) directed the Missile Defense Agency to reduce funding for the missile defense program by $5 billion in years fiscal year 2006–2011. The restructured program seeks a balance between near-term fielding and long-term development.

Do you believe the ballistic missile defense program places enough emphasis on the near-term fielding of ballistic missile defense capabilities for the protection of the United States and its deployed forces?

Answer. It is my understanding that by the end of 2004, the Department had fielded the key elements of an initial system to shoot down a long-range missile headed toward the United States. At the same time, I know that systems intended to protect our deployed forces are in the field. In fact, the Patriot Advanced Capability-3 was used successfully in Operation Iraqi Freedom.

National Security Presidential Directive-23, which outlines the Nation's missile defense policy, makes clear that we must continue a robust research and development effort even once our initial capabilities are in place. I agree with this approach. I have not had the opportunity to examine in detail the Missile Defense Agency's plan to balance near-term fielding with long-term development, but if I am confirmed, I will work to ensure that MDA's plans are consistent with the approach directed by the President and outlined in NSPD–23.

Question. The objective of the missile defense program is to provide ballistic missile defense against all ranges of missiles, in all phases of flight, to protect the U.S. homeland, U.S. forces forward deployed, allies and friends.

How do you believe the Department should prioritize its ballistic missile defense policies, programs and efforts so that they address the most pressing threats first, while remaining affordable?

Answer. I agree that the Department ought to balance its missile defense efforts to meet the most pressing threats first, and that the missile defense program should remain affordable. At the same time, I think that any discussion of whether this program is affordable should take into account the potential cost to the Nation of suffering a ballistic missile attack, especially if that missile were armed with a nu-

clear, chemical, or biological weapon. I have not had the opportunity to examine in detail either the intelligence community's threat assessments or the Missile Defense Agency's development plan and am unable at this time to provide a considered answer on how to set priorities. It is my understanding that the long-range missile defense capabilities we are in the process of fielding are intended to address the most urgent threats, specifically the North Korean threat, and I agree with that approach. I do not believe it would be prudent, however, to focus our missile defense program so narrowly on the near-term threat that we find ourselves unable to deal with threats in the future. If I am confirmed, I will have the opportunity to consider in more detail how that balance ought to be maintained.

Question. Sec. 234 of the National Defense Authorization Act for Fiscal Year 2005 directed the Secretary of Defense, in consultation with the Director of Operational Test and Evaluation, to develop criteria for operationally realistic testing of fieldable prototypes developed under the ballistic missile defense system, and to test each block capability using those criteria. The Missile Defense Agency has submitted an Integrated Master Test Plan, approved by the Director of Operational Test and Evaluation that establishes criteria for operationally realistic testing and outlines an aggressive ground and flight test schedule through the end of fiscal year 2006.

Do you agree with the need to ensure operationally realistic testing of the ballistic missile defense system? Are you confident that the testing plan prepared by MDA will demonstrate the operational capability of the system, as appropriate to the technological maturity of each block capability to be fielded?

Answer. While I understand that the Under Secretary of Defense for Policy does not have direct responsibility for testing programs, I believe that, as with any new and complex system, we ought to conduct operationally realistic testing of our missile defense program as soon as is appropriate. Although I have not had the opportunity to review the Missile Defense Agency's testing plan, I understand that the Director of MDA works closely with the Director of Operational Test and Evaluation to ensure that our test program is as robust and operationally realistic as possible. If confirmed, I will do what I can to ensure that this continues to be so. But I would not favor withholding a totally new capability that could save large numbers of American lives, while waiting for a complete testing regime.

REORGANIZATION OF THE OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR POLICY (OUSD(P))

Question. At the beginning of the Bush administration, Secretary of Defense Rumsfeld undertook a major reorganization of the OUSD(P).

If confirmed, what changes, if any, would you propose to the current organization of the OUSD(P)?

Answer. I have not had an opportunity to study any organizational changes that may be under consideration or that may be needed within the OUSD(P). It would therefore be premature for me to offer an opinion at this time. If confirmed, however, I will study with an open mind any organizational changes that appear worthy of consideration and will, if appropriate, make corresponding recommendations to the Secretary of Defense. In that event I would look forward to consulting with this committee on any proposed changes.

OVERSEAS BASING PLANS

Question. With the President's release of the Integrated Global Posture Strategy in September 2004, a series of military installations around the world were identified as having an "enduring presence." These bases and sites will support both the permanent presence of U.S. military personnel and units rotating for training. The Department of Defense is now in the process of negotiating formal agreements with host nations to establish the status of forces, basing arrangements, and terms for burdensharing. Many of these agreements will result in a substantial investment of funds for new construction of facilities and infrastructure to support U.S. operations, either to be funded by the host nation or by the United States.

To ensure a wise use of taxpayer dollars, what types of host nation agreements should be completed by the Department of Defense before authorization for funds are requested for military construction projects and infrastructure repairs in the annual President's budget or supplemental appropriations?

Answer. As a general policy, I believe we should seek agreements that include, among other things, provisions for status protections and access to and use of host country facilities, as well as acquisition and cross-servicing agreements before deploying forces on a regular basis to a host country. It is important, however, that once these agreements are in place, we are in a position to implement our presence

plans expeditiously. In some cases, this could require DOD to request funds prior to the conclusion of negotiations.

Question. Does the Department of Defense plan to establish installation development master plans that will capture all facility requirements, total estimated investment, and anticipated funding sources before requesting authorization for funding in the annual President's budget or supplemental appropriations?

Answer. I understand that the Department submitted to Congress comprehensive overseas master plans in March of this year and intends to update them each year. If confirmed, I would work with Under Secretary Krieg and Congress to ensure our plans support Department and administration strategic objectives.

Question. What is the DOD goal to establish burdensharing arrangements with host nations in order to minimize the impact to DOD budgets?

Answer. I understand that the Department of Defense's policy is that, to the extent it is able, a host nation should contribute to the cost of stationing a U.S. presence in its country. The Department has longstanding arrangements of this sort with many allies, such as Japan, Korea, and Germany, which together host the vast majority of our overseas infrastructure. The goal of maximizing host countries' contributions is one of the key elements in DOD's negotiating approach for future access, facilities, and infrastructure.

U.S. FORCE STRUCTURE IN SOUTHWEST ASIA

Question. As part of the Integrated Global Posture Strategy, the Department of Defense recently released a master plan for the CENTCOM area of responsibility (AOR) that proposes to establish numerous forward operating sites with the permanent presence of thousands of U.S. military personnel in various countries throughout the Gulf and Southwest Asia. However, in subsequent meetings with various representatives of CENTCOM and the Office of the Under Secretary of Defense for Policy, there seems to be some disagreement on the number of U.S. military personnel that will be stationed and rotated out of the AOR.

If confirmed, how would you work to resolve these types of policy differences in opinion between a combatant commander and your office?

Answer. I am not aware of any specific disagreement on these matters; if confirmed, however, I will work to ensure close coordination between senior civilian and military officials on such issues.

Question. What are the future challenges for the Under Secretary of Defense for Policy to implement the administration's Integrated Global Posture Strategy?

Answer. As with any major initiative, I can envision that a notable challenge with respect to Global Defense Posture is ensuring that our changes—from conception to consultation and negotiation to implementation—continue to be synchronized across the U.S. Government. In addition, I believe we must retain the flexibility to adapt our defense posture to changes in the strategic landscape, including seeking new partnership opportunities.

U.S. FORCE STRUCTURE IN TURKEY

Question. A recent newspaper article quoted Turkey's ambassador to the United States as saying, "The Turkish authorities are now considering how Incirlik facilities would continue to be made available to the USA," said O. Faruk Logoglu, "We think that there will be an agreement . . . soon."

What, in your view, is the future for Incirlik Air Force Base in Turkey, and specifically our ability to station combat aircraft there?

Answer. See answer next under.

Question. If the U.S. is not able to conduct a full spectrum of training and operations from Incirlik AFB, what should be the decision on the future of the air base?

Answer. First, one must recognize that Incirlik Air Base is a Turkish military facility. As such, all decisions regarding its use, both now and in the future, will be made by the Turkish government. For 50 years, the U.S. has been fortunate to have access to this excellent facility, and we are grateful that Turkey has continued to authorize such access. Ambassador Logoglu's comment was specifically about use of Incirlik for logistics missions.

In late April, the Turkish government responded favorably to our request to use the base at Incirlik as a cargo hub for military and commercial aircraft operating to and from Iraq and Afghanistan. This new arrangement allows up to 6 U.S. C–17s and 150 personnel, on a temporary and rotational basis, to use Incirlik as a hub to transport non-lethal supplies to these two countries.

Regarding future stationing of U.S. combat aircraft at Incirlik, the U.S. has not made such a request to the Turkish government. This point was clearly articulated by Under Secretary Feith during his visit to Turkey this past February. Incirlik re-

mains a valuable facility. Discussions are now underway for possible training opportunities that would benefit both countries.

CHINESE MILITARY

Question. What do you believe are the objectives of the Chinese military modernization program?

Answer. Chinese People's Liberation Army (PLA) modernization appears to involve broad transformation across the military establishment, including equipment, organization, doctrine, training, and personnel. From what I have read, the near-term focus of PLA modernization appears to be oriented on building capabilities to prevent moves towards permanent separation by Taiwan, or to erode Taiwan's will to resist, paving the way for a negotiated settlement of the cross-Strait dispute on Beijing's terms. A second set of objectives, no less important, is to develop the capabilities to deter, delay, or degrade potential third-party intervention in any conflict, particularly a conflict over Taiwan.

Question. What do you believe are the Chinese political-military objectives regarding Taiwan, the Asia-Pacific region, and globally?

Answer. China seeks to accomplish political unification with Taiwan. It would prefer to do so peacefully, allowing economic integration eventually to absorb Taiwan, but is developing military capabilities that would allow China to impose a non-peaceful resolution. Within the Asia-Pacific region, China appears to be positioning itself to compete with the United States, Japan, and India for political and economic access and influence. Globally, China's engagement is structured to support its increasing demands for critical resources, secure lines of communication, and access to technology to sustain economic growth and development. We are witnessing elements of this strategy in China's relationships with Sudan, Iran, and Venezuela.

Question. How do you believe the United States should respond to the Chinese military modernization program?

Answer. We should continue to monitor closely China's military modernization, while continuing to push Beijing for greater transparency and openness. At the same time, and in accordance with the Taiwan Relations Act, the United States should continue its policies of maintaining our capabilities to resist Chinese use of force or coercion against Taiwan and of providing Taiwan such assistance as required to maintain a self-defense capability.

Overall, our strategy should be designed to preserve peace and stability in the Asia-Pacific region and elsewhere. Rather than focusing on single countries, whether they be North Korea, China, or any other country, our strategy should be flexible and supported by continued transformation of the U.S. military.

Key to this transformation are maintaining a global presence, and strengthening our alliances and partnerships in the region and the world. In describing U.S. defense transformation, President Bush said, "we will ensure that we place the right capabilities in the most appropriate locations to best address the new security environment."

Question. Our current military-to-military relations with the Chinese have been described by defense officials as "modest."

Do you believe that we should make any changes in the quality or quantity of our military relations with China? If so, what changes and why?

Answer. I believe our military-to-military relationship with China should be based on reciprocity. The success of our military relationship with China cannot be measured by the quantity of exchanges alone. We should seek interactions that improve the quality of exchanges in order to build trust and transparency, and to ensure that the Chinese military, at various levels, understands U.S. military capabilities and political resolve.

In addition, uncertainty about China's future should be taken into account when planning our defense exchanges. I believe it is important that we maintain our interaction, but we should be realistic about what to expect from our exchanges with the Chinese military.

TREATMENT OF DETAINEES

Question. The Ronald W. Reagan National Defense Authorization Act of Fiscal Year 2005 sets out that it is U.S. policy "to ensure that no detainee shall be subject to torture or cruel, inhuman, or degrading treatment or punishment that is prohibited by the Constitution, laws or treaties of the United States."

What is your understanding of the responsibility of the Department of Defense to ensure that the Constitution, laws, and treaty obligations of the United States that prohibit the torture or cruel, inhuman, or degrading treatment or punishment

of persons held in U.S. custody are adhered to by those elements of DOD that are involved in detention and interrogation operations?

Answer. If confirmed as the Under Secretary of Defense for Policy, I believe that it would be my duty to ensure that DOD policy is consistent with legal requirements set forth in the Constitution, laws, and treaty obligations of the United States.

Furthermore, I believe that the Department has an obligation to investigate all credible claims of maltreatment or abuse of detainees, and, as appropriate, to hold accountable personnel who commit these acts.

Question. What is your understanding of the role and responsibility of the Under Secretary of Defense for Policy on this issue?

Answer. Detainee operations are a critical mission of the Department. It is my understanding that the Under Secretary of Defense for Policy serves as the Secretary's principal advisor on the development of policy for detainee operations. If confirmed:

- I would work with the DOD General Counsel to ensure the Department's policies on detainee operations remain consistent with all the obligations set forth in the Constitution, applicable laws, and treaty obligations of the United States.
- I would ensure that my staff continued to work closely with all elements of the Department and other departments and agencies to develop policy regarding detainee operations and to assist the Department in planning for future DOD detention operations, including continuing operations in Guantanamo, Afghanistan, and Iraq;
- I would closely coordinate with the combatant commanders to ensure commanders in the field and at DOD detention facilities have all necessary guidance for mission success;
- I would continue the department's robust dialogue with the ICRC, which serves our mutual interests in improving detention operations.
- I would ensure that my staff and I continue to keep members of the committee informed of the status of detainee operations.

NUCLEAR POSTURE REVIEW

Question. The committee understands that the Defense Department intends to review nuclear forces as part of the Quadrennial Defense Review (QDR) now underway.

Would such a review of nuclear forces as part of the QDR take the form of an update to the Nuclear Posture Review issued in 2001?

Answer. At this point, I am not familiar with the details of the QDR that is currently underway, but I expect that the QDR would deal with some issues associated with implementing the Nuclear Posture Review (NPR), rather than changing the basic NPR strategy.

Question. Would you expect such an effort to include a review of the size of the nuclear weapons stockpile and a review of the number and type of nuclear weapons delivery platforms?

Answer. Again, I am not familiar with the details of the QDR at this point. I understand that the Department of Defense reviews the size and composition of the stockpile periodically. The President has stated he wants to reduce U.S. nuclear weapons to the lowest level consistent with our national security needs, including our obligations to our allies. I understand that the Nuclear Posture Review has resulted in force posture and stockpile reductions to carry out the President's guidance. I also understand that the NPR directed periodic reviews to be conducted to assess progress on planned reductions and recommend adjustments if necessary.

DEFENSE SCIENCE BOARD STUDY

Question. The Defense Science Board recently established a Task Force on Nuclear Capabilities to assess the current plan for sustaining the nuclear weapons stockpile and make recommendations for ensuring the future reliability, safety, security, and relevance of the nuclear weapons stockpile for the 21st century. The study on these issues to be issued by the task force is sponsored jointly by the Under Secretary of Defense for Acquisition, Technology, and Logistics and by the Assistant to the Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs.

If confirmed, what input would you expect to have into this study?

Answer. There are both technical and policy issues associated with such a review of the future U.S. nuclear stockpile. I would expect that the Office of the Under Secretary of Defense for Policy would be consulted regarding planning assumptions for, and interim results of, this study. If confirmed, I intend to become familiar with

these important issues and work constructively with the appropriate offices to help ensure the continued reliability, safety and security of our nuclear stockpile.

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, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Under Secretary of Defense for Policy?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN WARNER

TURKEY'S ROLE IN THE COALITION

1. Senator WARNER. Ambassador Edelman, as you are aware from your experience as the U.S. Ambassador to Turkey, Turkey is increasingly concerned about the growing strength of Kurdish Guerillas (the PKK) who are infiltrating Turkey from northern Iraq. On his recent visit to the United States, the Turkish Prime Minister sought U.S. assistance in defeating those terrorists. What is the U.S. view of this problem both with respect to how it relates to the ongoing Coalition operations in Iraq, and how significant a national security challenge this terrorist group poses to Turkey?

Ambassador EDELMAN. There have been increased PKK attacks in Turkey and the PKK terrorist group remains an important concern for Turkey. The U.S. continues our staunch support for Turkey in its fight against the PKK. We also remain committed to our pledge that Iraq will not be a base for terrorist operations against Turkey.

2. Senator WARNER. Ambassador Edelman, more broadly, is Turkey playing a constructive role with respect to supporting coalition stability and reconstruction efforts in Iraq?

Ambassador EDELMAN. Turkey supports a Ground Line of Communication through Turkey which re-supplies U.S. forces and allows a substantial volume of commercial products and reconstruction materials to flow through. The amount of fuel, coalition supplies and humanitarian goods which transit Turkey have made an important difference. Turkey also pledged $50 million to Iraq reconstruction at the Madrid Donor's Conference.

3. Senator WARNER. Ambassador Edelman, we were extremely disappointed that Turkey did not permit coalition forces to enter Iraq through the north when this operation began. Is Turkey supporting the coalition effort in other ways at this time?

Ambassador EDELMAN. Turkey has recently approved U.S. use of Incirlik Air Force Base for logistical support operations for both OIF and OEF. Turkey opened an important dialogue with Iraqi PM Jaafari in Ankara during his first trip outside of Iraq. Additionally, Turkey's consistent support for Iraq's Transitional Government sent a strong message to the world community.

QUESTION SUBMITTED BY SENATOR CARL LEVIN

COMMUNICATIONS TO THE PRESS

4. Senator LEVIN. Were you aware of any communications with the press regarding Ambassador Joseph Wilson's wife and the role that she played in his trip to Africa prior to the publication of information on this subject in July 2003? Did you participate in any such communications or in any discussions regarding such communications prior to publication?

Ambassador EDELMAN. I departed my position in the Office of the Vice President at the White House on June 6, 2003. I was not aware of any communications with the press regarding Ambassador Joseph Wilson's wife and the role that she played in his trip to Africa prior to the publication of information on this subject in July 2003. I did not participate in any communications with the press on this subject at any time. I did not participate in any discussions regarding such communications prior to publication, except as follows: After some press stories related to this matter appeared in May–June 2003, I did discuss with colleagues the importance of correcting incorrect press reports suggesting that Vice President Cheney had requested Ambassador Wilson to make his trip to Africa.

[The nomination reference of Eric S. Edelman follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
May 16, 2005.

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

Eric S. Edelman, of Virginia, to be Under Secretary of Defense for Policy, vice Douglas Jay Feith.

[The biographical sketch of Eric S. Edelman, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF ERIC STEVEN EDELMAN

On July 22, 2003, Vice President Richard B. Cheney administered the oath of office to Ambassador Eric Edelman as Ambassador to the Republic of Turkey. From February 2001 to June 2003, he was Principal Deputy Assistant to the Vice President for National Security Affairs. Prior to being assigned to the Office of the Vice President, he was Ambassador to the Republic of Finland, 1998–2001. From June 1996 to July 1998, he served as Executive Assistant to the Deputy Secretary of State. Mr. Edelman was Deputy Chief of Mission at the U.S. Embassy, Prague, Czech Republic, from June 1994 to June 1996.

From April 1993 to July 1993, he served as Deputy to the Ambassador-at-Large and Special Advisor to the Secretary of State on the New Independent States. Mr. Edelman's areas of responsibility were defense, security and space issues.

Mr. Edelman served as Assistant Deputy Under Secretary of Defense for Soviet and East European Affairs in the Office of the Secretary of Defense (OSD) from April 1990 to April 1993.

From April 1989 to March 1990, he was Special Assistant (European Affairs) to the Under Secretary of State for Political Affairs.

Mr. Edelman served at the U.S. Embassy in Moscow 1987–1989, where he was head of the external political section. He had responsibility for Soviet policies in the third world in the Office of Soviet Affairs at the Department of State from 1984 to 1986.

Previously, Mr. Edelman served as Special Assistant to Secretary of State George P. Shultz, 1982–1984; a staff officer on the Secretariat Staff, 1982; a watch officer in the State Department Operations Center 1981–1982; and a member of the U.S. Middle East Delegation to the West Bank/Gaza Autonomy Talks Delegations, 1980–1981.

A career Foreign Service Officer, Mr. Edelman entered the Senior Foreign Service in 1992. He is a recipient of the Secretary of Defense's award for Distinguished Ci-

vilian Service (1993) and the State Department's Superior Honor Award (1990 and 1996).

Mr. Edelman received a B.A. in History and Government from Cornell University in 1972, and a Ph.D. in U.S. Diplomatic History from Yale University in 1981.

Ambassador Edelman is married to the former Patricia Davis and they have four children: Alexander, Stephanie, Terence, and Robert.

[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 Eric S. Edelman in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Eric Steven Edelman.

2. **Position to which nominated:**
Under Secretary of Defense for Policy.

3. **Date of nomination:**
16 May 2005.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
October 27, 1951; Baltimore, Maryland.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Patricia Lee Davis.

7. **Names and ages of children:**
Alexander, 20; Stephanie, 15; Terence, 13; Robert, 11.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Cornell University - BA (1972).
Yale University - MA (1973); MPil (1975); PhD (1981).

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
[Nominee responded and the information is contained in the committee's executive files.]

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

[Nominee responded and the information is contained in the committee's executive files.]

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

American Foreign Service Association (AFSA).

Society for Historians of American Foreign Relations (SHAFR).

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

1972–1973 - Elected Member Monmouth County (New Jersey) Democratic Committee.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

Eric Edelman - Committee to Elect Marc Edelman - $500 - March 10, 2005, League City, Texas City Council (Non-partisan election).

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

State Department Superior Honor Awards - 1989 (Group Award), 1990, 1996 Department of Defense Distingished Civilian Service Award - January 1993.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

[Nominee responded and the information is contained in the committee's executive files.]

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

[Nominee responded and the information is contained in the committee's executive files.]

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

ERIC S. EDELMAN.

This 18th day of May 2005.

[The nomination of Eric S. Edelman was reported to the Senate by Chairman Warner on July 29, 2005, with the recommendation that the nomination be confirmed. He received a recess appoint-

ment as Under Secretary of Defense for Policy on August 9, 2005. The nomination was confirmed by the Senate on February 9, 2006.]

[Prepared questions submitted to Daniel R. Stanley by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. Almost two decades have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes, I support the full implementation of these reforms.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. I believe these reforms have been fully and successfully implemented.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. I consider the strengthening of the role of the Combatant Command to be the most important aspect of these defense reforms. In my view, virtually all of the attributes of "Jointness" are a result of the enhanced role of the combatant commanders.

Question. The goals of Congress in enacting the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms can be summarized as strengthening civilian control over the military; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; enhancing the effectiveness of military operations; and improving the management and administration of the Department of Defense (DOD).

Do you agree with these goals?

Answer. Yes.

Question. Do you anticipate that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be necessary to address in these proposals?

Answer. The results of the Quadrennial Review may conclude that certain aspects of Goldwater-Nichols need to be revised or adjusted, however, it would be premature for me to speculate. Should this be the case, and should I be confirmed, I would work closely with this committee and Congress to provide witnesses, briefings, and the necessary information so Congress can make an informed judgment regarding any proposed changes the Department of Defense may advocate.

DUTIES

Question. Section 138 of title 10, United States Code, and DOD Directive 5142.1, provide that the principal duty of the Assistant Secretary of Defense for Legislative Affairs is the overall supervision of legislative affairs of the Department of Defense. Additionally, among other responsibilities, the Assistant Secretary of Defense for Legislative Affairs is required to provide advice and assistance concerning congressional aspects of DOD policies, plans, and programs; to coordinate actions relating to congressional consideration of the DOD legislative program; and to coordinate responses to congressional inquiries.

Should you be confirmed as the Assistant Secretary of Defense for Legislative Affairs, what would you view as your principal responsibilities to the Secretary of Defense?

Answer. If confirmed, my primary responsibility to the Secretary would be to keep him informed on all major congressional actions, requests, concerns, and initiatives on matters of import to the Secretary and the Department of Defense.

Question. Assuming you are confirmed, what other duties do you expect that Secretary Rumsfeld will prescribe for you?

Answer. If confirmed, I expect Secretary Rumsfeld to charge me with the responsibility of ensuring that the Department's liaison with Congress is effective, responsive, user and customer friendly, and to ensure the Department's goals and priorities are properly articulated.

RELATIONSHIPS

Question. If confirmed, what would be your relationship with:

The Secretary of Defense.

Answer. If confirmed, I will function as the principal assistant to the Secretary on congressional matters. Under the Secretary's direction, I will be responsible for coordination of the DOD legislative program, liaison with Congress, participation of departmental witnesses in congressional hearings, responses to congressional inquiries, and DOD support of congressional travel.

Question. The Deputy Secretary of Defense.

Answer. If confirmed, I would have a similar relationship with the Deputy Secretary of Defense.

Question. The Under Secretaries and Assistant Secretaries of Defense.

Answer. If confirmed, my relationship with the Under Secretaries of Defense and the Assistant Secretaries will be to serve as the principal advisor regarding liaison and communications with Congress.

Question. The General Counsel of the Department of Defense.

Answer. If confirmed, I would work closely with the General Counsel to ensure responsiveness in matters of congressional interest and to expedite their coordination on legislation proposed by the Department. In addition, I would help identify legal issues inherent in legislative matters and obtain the views and recommendations of the General Counsel.

Question. The Inspector General of the Department of Defense.

Answer. I would exercise no authority or control over the DOD Inspector General. If confirmed, I would be fully cooperative and supportive of the IG's mission.

Question. The chiefs of legislative affairs of the military services.

Answer. If confirmed, I would routinely meet with the chiefs of legislative affairs of the military services to coordinate the Department's liaison mission, and ensure responsiveness to this committee and Congress. By DOD Directive, ultimate responsibility for supervision of legislative liaison activities throughout the Department is vested in the Assistant Secretary of Defense for Legislative Affairs. I would work closely with the legislative affairs offices of the military services to foster a climate of effective cooperation and support.

Question. The legislative assistant to the Chairman of the Joint Chiefs of Staff?

Answer. If confirmed, I would routinely meet with the legislative assistant to the Chairman so as to coordinate the Department's liaison mission and ensure responsiveness to this committee and Congress.

Question. The Defense Agencies.

Answer. If confirmed, I would provide overall guidance to the individual Defense Agencies with respect to the Department's legislative issues. I would routinely meet with the legislative assistants to the various Defense Agencies to ensure the Agencies understand the Department's initiatives, the Secretary's position, and to ensure they are responsive to congressional inquiries.

Question. Within the Office of the Secretary of Defense, the Defense Agencies and the combatant commands, there are numerous offices which have their own congressional liaison personnel.

What would you do to ensure that your office is the focal point for all of the Department of Defense for dealing with Congress and that all DOD legislative affairs personnel are responsive to Congress?

Answer. The Secretary and the acting Deputy Secretary have directed me, if I am confirmed, to develop and implement recommendations to ensure that the legislative affairs operations of the Department of Defense are better coordinated, more responsive, and customer friendly.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges confronting the Assistant Secretary of Defense for Legislative Affairs?

Answer. The principle challenge is to ensure that critical information is provided to Congress in a timely and useful manner. Congress should not be in a position of reading or hearing about important issues in the media. The second challenge is providing timely, valuable advice to the Secretary, Deputy Secretary, and the key principals about congressional issues, concerns, or requests.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I would first evaluate the entire legislative affairs organization(s) in the Department to ensure that these activities are properly organized and coordinated to meet the title 10 responsibilities extended to this position. I would

propose organizational or procedural changes to the Secretary and Deputy Secretary where or if required.

Question. What do you consider to be the most serious problems in the Office of the Secretary of Defense's relationship with Congress?

Answer. Timeliness of information and notification.

Question. What do you consider to be the most serious problems in the military services' relationship with Congress?

Answer. It varies from Service to Service. In some cases there is a problem with timeliness of the information, in some instances it is the accuracy of the information provided. On balance, I believe that the military services' relations with Congress are sound.

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

Answer. If confirmed, I would "communicate, communicate, and communicate." It is vital to emphasize the importance of a cooperative relationship with this committee and Congress, that the Department needs to be as responsive as possible, and that the accuracy of information is critical to maintaining a cooperative relationship. I would establish routine meetings with each of the legislative affairs operations within the Department and stress these principles at every meeting. In addition, if confirmed, I will immediately review all aspects of the Department's legislative liaison operations to ensure that we have the right organizational arrangements, the right processes and procedures, and a common understanding of how this Department will conduct legislative affairs with this committee and Congress.

ROLE OF CONGRESS IN NATIONAL SECURITY POLICY

Question. In your opinion, what is the role of Congress in setting national security policy?

Answer. Article I, Section 8 of the Constitution grants Congress the power to raise armies and maintain a Navy. This specific power, along with the power to appropriate funds for these purposes, as well as the power to ratify treaties establishes that Congress has a shared responsibility with the executive branch in setting national security policy.

LIAISON WITH THE APPROPRIATIONS COMMITTEE

Question. The liaison with the Appropriations Committees is primarily carried out through the Office of the Under Secretary of Defense, Comptroller, not through the Office of the Assistant Secretary of Defense for Legislative Affairs.

Do you believe that this arrangement allows you to carry out your responsibilities under section 138 of title 10, United States Code?

Answer. If confirmed, I would have a cooperative relationship with both the Under Secretary of Defense (Comptroller) and the Appropriations Committees. I would coordinate closely with the Comptroller's office on all matters and issues of interest to Congress and would include Comptroller staff in my daily staff meetings. I believe this arrangement would allow me to carry out the responsibilities under section 138 of title 10, USC.

Question. Based on your experience, does the fact that there are two separate offices within the Office of the Secretary of Defense dealing with Congress create problems?

Answer. As with any organizational function that is bifurcated in such a manner, this arrangement is not optimal. With that said, in my experience, the Offices of Legislative Affairs and the Offices of the Comptroller are committed to working together to support the Department's mission and goals. Frequent coordination has been the routine and will continue if I'm confirmed.

Do you believe that the current practice of a separate liaison between the Appropriations Committees, the Office of the Secretary of Defense, and the budget offices of the military services should be continued or should all legislative affairs activities be consolidated under the Assistant Secretary of Defense for Legislative Affairs?

Answer. If confirmed, and in consultation with the Defense Oversight Committees, this is something that I would examine and analyze. I believe that Congress does and should have significant input on how the Department liaisons with Congress.

Question. If confirmed, what do you anticipate would be your relationship with the Appropriations Committees?

Answer. If confirmed, I would anticipate my relationship would be cooperative, supportive, and responsive. No modification of the current organizational relationship would be made without the support of the Defense Oversight Committees.

CONGRESSIONAL LIAISON PERSONNEL THROUGHOUT DOD

Question. The requirements for information from congressional committees and offices has grown, and, as stated above, Defense Agencies and directorates and individual commands within the Services have personnel performing full-time congressional liaison functions. A former Assistant Secretary for Legislative Affairs estimated that there were 300 to 400 individuals in DOD that, as part of their official capacity, have some dealings with Congress.

How many individuals currently perform legislative liaison functions in your office and throughout DOD today?

Answer. There are currently 16 individuals whose primary responsibility is direct liaison with Congress. There are additional administrative and support personnel, interns, and contractors who support various internal functions. Our current personnel total is 32. As for the entire DOD, there are hundreds of individuals who have some dealings with Congress. The last count for which I am aware put the number at between 400 and 600.

Question. What are your views regarding the optimal organization and numbers of personnel assigned throughout the Department for the Assistant Secretary of Legislative Affairs to carry out his or her assigned responsibilities?

Answer. If confirmed, I intend to specifically address this question and act, if necessary, to organize the Office of Legislative Affairs in a manner that supports my title 10 responsibilities, meets the expectations and needs of Congress, and provides the Secretary and Deputy Secretary of Defense with the critical information and advice they require.

PROVIDING CONGRESS WITH TIMELY INFORMATION

Question. If confirmed, what steps would you take to ensure that the appropriate congressional officials and committees are provided with timely notification and relevant information concerning international crises, the use of United States military forces, and incidents involving Department of Defense personnel and equipment?

Answer. Clearly, the Department needs to do a better job of this. If confirmed, this will be my top priority. I will discuss this matter with the Secretary and all senior leadership of the Department to emphasize the importance of timely notification and providing relevant information to this committee and Congress.

Question. Late submission of legislative proposals by DOD to Congress for consideration as part of the annual defense authorization act formulation has been a chronic problem. Legislative proposals and initiatives which require substantial review and in many cases, testimony and discussion at annual posture hearings in February and March, all too often have been forwarded to Congress too late for appropriate action.

Based on your experience in the Department, what do you consider to be the reasons for the inability of DOD to provide Congress with all of its legislative proposals at the same time as submission of the President's annual budget?

Answer. Based upon my experience, this problem is due to lack of management emphasis throughout the Department of Defense. The submission process occurs too late in the year to meet the timelines of the budget submission and lacks discipline with regard to what proposals are forwarded for consideration.

Question. If confirmed, what actions would you take to improve the Department's performance in providing timely legislative initiatives to Congress?

Answer. If confirmed, I would immediately address the timeline for submission of legislative proposals with appropriate officials within the Department. I would also address this matter with the Office of Management and Budget. Starting the process earlier in the year to provide the system adequate time to evaluate and approve the proposals is part of the solution. I would make more timely submissions of legislative proposals to Congress a priority.

Question. Late submission of written statements by high ranking officials in the Department of Defense for scheduled hearings has become a matter of concern. This practice is in contravention of committee rules and adversely affects the ability of Senators to properly prepare and exercise oversight.

What recommendations do you have for addressing this problem?

Answer. If confirmed, I would ask the Secretary and the Deputy Secretary to reiterate guidance as to the expectations of the committee, the committee rules, and to reinforce their expectation that these rules are to be respected and complied with. I would also emphasize this with all witnesses whom I would assist in preparing testimony.

Question. If confirmed, what actions would you take to improve the Department's performance in providing timely submission of written statements for hearings?

Answer. If confirmed, I would, as frequently as necessary, remind Department leaders of the committee rules and their expectations that these rules be respected.

MONITORING LEGISLATION AFFECTING THE DEPARTMENT OF DEFENSE

Question. The Committees on Armed Services of the Senate and the House of Representatives have principal oversight responsibility in Congress for Department of Defense activities. However, there is a great deal of legislation considered by other congressional committees that specifically affects the Department of Defense or that affects government agencies in general and which may have a substantial impact on the Department of Defense.

If confirmed, what steps would you establish to ensure that you and the Secretary of Defense are kept informed of all legislation that may have an impact on the Department of Defense?

Answer. Maintaining an understanding of congressional interests, the flow of legislation, and topics that may impact the Department is a key function of the Office of Legislative Affairs. Sources of this information are numerous and varied; the best of which is frequent contact with members and staff. If confirmed, I would ensure that my staff would be alert to legislative initiatives that may emanate from other committees.

Question. If confirmed, would you ensure that the Committees on Armed Services are alerted to all legislative matters of interest to the Department in a timely manner?

Answer. Yes.

NOMINATIONS

Question. If confirmed, what role would you, as Assistant Secretary of Defense for Legislative Affairs, expect to play in the military and civilian nomination process?

Answer. If confirmed, I would expect to play a primary role in preparing civilian nominations for confirmation, and a primary support role to the Chairman of the Joint Chiefs and the Services in preparing military nominations for confirmation. In addition, my staff and I will track nominations closely and ensure the Committee is made aware of all relevant information.

MANAGEMENT OF THE CONGRESSIONAL FELLOWSHIP PROGRAM

Question. What are your personal views on the value of the legislative fellowship program within the Department of Defense? Specifically, in your opinion, is the dedication of military officers and civilian employees to legislative fellowships warranted?

Answer. In those cases where members have little or no personal experience with the military, I believe the Fellowship Program provides an enormous benefit to the Member. In any case, this program provides an extraordinary educational experience for military officers and civilian employees. In my view, there is a difficult balance to maintain. Secretary Rumsfeld believes very strongly that military people should be doing military things—this concept is important to maximizing efficiencies. This must be balanced with the advantages of providing Congress important insights that can be gained through daily interaction with Military Fellows and the educational value of such a tour to the broadening and development of our officer corps.

Question. While the assignment of legislative fellows following their fellowships is a service responsibility, what is your assessment of the manner in which the experience gained by legislative fellows has been used?

Answer. The post fellowship utilization tour management has been spotty at best. In my view, a more defined process should be in place that more quickly takes a fellow from the Hill into a legislative affairs component in the DOD. A fellowship tour should be considered a 3-year tour—1 year working in a congressional office or committee and 2 years follow-on in legislative affairs. I believe that such a program would enhance the experience for the officer and provide better value to the Department and to the military services.

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, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of Defense for Legislative Affairs?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTION SUBMITTED BY SENATOR JOHN MCCAIN

RESPONSIVENESS TO CONGRESSIONAL OVERSIGHT

1. Senator MCCAIN. Mr. Stanley, often over the last 3 years the communication from the Department on matters concerning the Boeing Tanker Lease plan have been less than satisfactory. The DOD Inspector General in the Management Accountability Review of the Tanker Program cited that the responses to several letters from Congress were "not timely" and "could have been improved by a more comprehensive answer." The Department's poor responsiveness as well as thoroughness only increased the aggravation in Congress with the Department's handling of the problem. In your advance questions you stated that "I expect Secretary Rumsfeld to charge me with the responsibility of ensuring that the Department's liaison with Congress is effective, responsive, user and customer friendly." What actions do you intend to take to ensure you accomplish the Secretary's charge?

Mr. STANLEY. I agree that the Department's timeliness and the thoroughness of its communication to Congress in the case of the Boeing Tanker Lease plan over the past 3 years was, in too many instances abysmal and far below the standards I would tolerate if confirmed. I view timely response to congressional correspondence as a core function of legislative affairs. While this organization is not often tasked as the respondent to congressional inquiries and letters, we do have a responsibility to ensure a timely and proper response by those who are tasked. If confirmed, I will personally manage the congressional correspondence function, I will insist on timely responses, and I will establish a tracking mechanism that provides visibility to me and to the Secretary of all congressional correspondence that is sent to the Secretary or Deputy Secretary of Defense.

[The nomination reference of Daniel R. Stanley follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
May 16, 2005.

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

Daniel R. Stanley, of Kansas, to be an Assistant Secretary of Defense, vice Powell A. Moore.

[The biographical sketch of Daniel R. Stanley, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DANIEL R. STANLEY

Daniel Stanley serves concurrently as the acting Assistant Secretary of Defense for Legislative Affairs and as Principal Deputy Assistant Secretary of Defense for Legislative Affairs. He is responsible to the Secretary of Defense for all legislative coordination between the Department of Defense and the United States Congress. He leads the legislative affairs staff and supervises the overall operations of the of-

fice. Prior to this position, Mr. Stanley served as Deputy Assistant Secretary of Defense for Senate Affairs.

Mr. Stanley previously served concurrently as the Principal Deputy Assistant Secretary of the Army (Manpower and Reserve Affairs) and the Deputy Assistant Secretary of the Army for Training, Readiness, and Mobilization). He was responsible for secretariat oversight for all aspects of Army training and readiness and all issues pertaining to the National Guard and Army Reserves. He was also responsible for reviewing the mobilization and deployment of Reserve Forces in support of operational missions.

Additionally, Mr. Stanley served as Secretary of Administration for the State of Kansas, the senior member of the Governor's cabinet and chief operating officer for the government. He provided leadership and oversight for nine divisions including human resources, telecommunications, procurement, accounting and financials, all State owned and leased facilities. During his tenure, Kansas achieved national recognition for innovation in excellence in human resources, facilities management, and information technology management.

Among the 28 boards and commissions on which Mr. Stanley served, he chaired the Capital Area Plaza Authority, the Public Building Commission, the Information Technology Executive Council, and the Kansas State Employee's Health Care Commission.

Prior to his appointment as Secretary of Administration, Mr. Stanley served as Administrative Assistant, Legislative Director, and Defense Policy Advisor to Senator Bob Dole. As a member of the Arms Control Observer Group staff, Mr. Stanley was a member of the first congressional delegation to Berlin after the fall of The Wall, monitored START and, Defense and Space Talks negotiation, as well as the Chemical/Biological Treaty negotiations. In addition, Mr. Stanley staffed all defense authorization and appropriations bills for the Republican Leader and provided coordination with defense, committees of oversight as well as with the services and the Department of Defense. He staffed Senator Dole during three rounds of Base Closure and Realignment, Operations Desert Shield/Desert Storm, and served as Senator Dole's advisor for major defense procurement initiatives and force structure realignments.

From 1985 to 1987 Mr. Stanley served in various positions with the McDonnell Douglas Corporation including Director of Strategic Planning.

A veteran of the submarine force, Mr. Stanley enlisted in the Navy in 1973, and was commissioned in 1980. He served aboard the U.S.S. *Batfish* and the U.S.S. *Woodrow Wilson*. Additionally, he served with the Joint Chiefs of Staff in the Pentagon and was responsible for strategic communications systems linking the National Command Authority to the nuclear forces. Mr. Stanley retired from the Naval Reserve in 1996 with the rank of commander. He is a recipient of the Meritorious Service Medal, the Joint Commendation Medal among other awards.

A fifth generation Kansan and native of Kansas City, Kansas, Daniel Stanley graduated from the State University of New York Empire State College with a degree in nuclear technology. He also attended the University of Kansas and the Armed Forces Staff College.

Mr. Stanley is married to Kay Coles and resides in Falls Church, Virginia.

[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 Daniel R. Stanley in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Daniel R. Stanley (Dan).

2. **Position to which nominated:**
Assistant Secretary of Defense for Legislative Affairs.

3. **Date of nomination:**
May 16, 2005.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
September 29, 1951; Kansas City, Kansas.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Kay Ann Coles.

7. **Names and ages of children:**
Elizabeth Lynam, 35; 2LT Daniel Stanley, Jr., USA, 27.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
University of Kansas, 1970–1973.
Empire State College, 1975–1979; BS; November 1979.
Armed Forces Staff College, Command and Control Course, 1983.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
2/2005–Present - Acting Assistant Secretary of Defense (Legislative Affairs), Department of Defense, Washington, DC.
1/2003–Present - Principal Deputy Assistant Secretary of Defense (Legislative Affairs), Department of Defense, Washington, DC.
4/2002–12/2002 - Deputy Assistant Secretary of Defense (Senate Affairs), Department of Defense, Washington, DC.
9/2001–3/2002 - Deputy Assistant Secretary of the Army (Training, Readiness, and Mobilization) and concurrently Principal Deputy Assistant Secretary of the Army (Manpower and Reserve Affairs), Department of the Army, Washington, DC.
11/1996–8/2001 - Secretary of Administration, State of Kansas, Topeka, Kansas.
11/1989–10/1996 - Office of Senator Bob Dole, United States Senate, Washington, DC.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Chairman, Kansas Health Care Commission.
Chairman, Information Technology Executive Council.
Chairman, Capital Area Plaza Authority.

Chairman, Topeka Public Building Commission.
Chairman, Governor's Task Force on Work Force Development.
City Council Member, 5th District, Topeka, Kansas.
Executive Board, Kansas Military History Magazine.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Partner, Scott Stanley Real Estate and Investment Corporation (Family Sub S Corp) See SF–278.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Life Member, American Legion, Liberty Post #14, Lawrence, KS.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

Alternate Delegate, Shawnee County Republican Party (1998–2001).
Elected to the Topeka City Council (2001).

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

Volunteered at Republican Party Headquarters (2000).

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

Bush for President, 2004, $1,000.
Republican National Committee, 2004, $200.
Heinaman for Commissioner, 2004, $200.
Tafanelli for House, 2002, $250.
Shallenberger for Governor, 2002, $200.
Kansas Republican Party, 2002, $1,500.
Tafanelli for House, 2000, $250.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Meritorious Service Medal.
Joint Commendation Medal.
Navy Achievement Medal.
Good Conduct Medal.
Outstanding Service Award, Topeka City Council.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Article, Conservative Digest, 10/1987, "Nuclear Command and Control."

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

Attached, Keynote Speech, "50th Anniversary of Veterans Day, Emporia, Kansas, November 11, 2003.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

DANIEL R. STANLEY.

This 19th day of May 2005.

[The nomination of Daniel R. Stanley was reported to the Senate by Chairman Warner on June 30, 2005, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on June 30, 2005.]

[Prepared questions submitted to James A. Rispoli by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of Energy for Environmental Management (EM)?

Answer. If I am confirmed as Assistant Secretary for Environmental Management, I see as my overarching duty to provide leadership and management to a team of professionals, both Federal employees and contractors, in the restoration, cleanup, and closure of the Department's nuclear weapons legacy complex of sites throughout the Nation. This mission is paramount to the security and safety of the nation, and must be performed with full recognition of safety for the workers and the communities in which our sites are located.

Question. Assuming you are confirmed, what duties and functions do you expect that Secretary Bodman would prescribe for you?

Answer. In my very first meeting with Secretary Bodman, in my current capacity as Director of the Office of Engineering and Construction Management, he expressed his strong personal interest in improving performance of the Department's portfolio of projects, especially our highly complex and challenging environmental projects. It is clear to me that he is committed to safety in all that we do, and to meeting our commitments to the people of this nation in our program of restoration, cleanup and closure of our sites. If confirmed as Assistant Secretary, I expect that he will reinforce that charge to me and provide me with his full support in the execution of the Environmental Management program.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the Assistant Secretary of Energy for Environmental Management and the Environmental Management program?

Answer. I believe there are a number of challenges inherent in this program. I would consider the overarching challenges to be:

- Safety. We are cleaning up inherently hazardous sites. Worker safety is paramount, and of course, the whole purpose of the cleanup and closure efforts is to restore the sites to a condition that is safe and appropriate.
- Complexity and uncertainty. We are cleaning up waste for which the technologies may still be unproven, or in some cases, whose physical characteristics and behaviors we may not understand.
- Project management discipline. The prior Assistant Secretary began the transformation of the cleanup into a projects portfolio. We must complete the task of instilling proper management discipline throughout. There are industry standard practices and tools that industry uses to establish cost, schedule, and funding requirements, and then manage to those targets. The challenge will be to foster complete acceptance and use of those practices and tools.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. The successful management of this program will require several areas of focus, all towards the same purpose. The Federal leaders, managers, and employees at all levels, and their contractor counterparts, must understand their mission, and recognize that the industry-standard tools, practices, and management methods available to them are proven by the test of time. Consistent reinforcement of competent leadership and management at all levels will be my personal commitment, if I am confirmed to this position.

MANAGEMENT ISSUES

Question. The Assistant Secretary for Environmental Management is responsible for cleanup activities occurring at Department of Energy sites across the country.

What are your views on the roles and responsibilities of field managers relative to those of Environmental Management Headquarters managers?

Answer. The Environmental Management program in the Department of Energy is complex and technically challenging, and I know we all recognize that. I believe that we can succeed only through a team effort that includes executives, leaders, and managers at the sites (both contractor and Federal) and at the headquarters. I have been blessed to experience successful team efforts in my career, both in the Naval Facilities Engineering Command where I previously served as manager of the Navy's cleanup program for shore installations, and then in industry where a significant part of my work was leading contracted environmental work for the U.S. Air Force at several of its installations. I know that it will take a team effort, and I have been a leader for both the Government and the contractor in these efforts. I will work to develop a better understanding of roles and responsibilities for all of us involved in this effort, if I am confirmed.

Question. What is your view of EM's organizational structure? Is there a well-delineated and consistent chain of command and reporting structure from the field staff to headquarters staff, from the contractors to DOE officials, and from the Office of Environmental Management to the Secretary of Energy and other DOE officials?

Answer. Not having worked within the Environmental Management organization, I will need to better understand the EM organizational structure and the relationship between the field staff and headquarters staff, and then onward to other DOE officials. I would expect to focus on a clear chain of command within the EM organization, extending to the interface with the contractor officials, with clearly defined roles and responsibilities. Certainly this will be an early area of interest if I am confirmed.

Question. Do the field offices have enough autonomy and flexibility to work with the contractors at the sites to get the cleanup finished in a safe and efficient manner?

Answer. Not yet having visited the sites and their contractors in an "internal EM" capacity, I will need to learn about those relationships if I am confirmed.

Question. In your opinion, should the field offices have more autonomy than they currently have?

Answer. Not yet having visited the sites and their contractors in an "internal EM" capacity, I will need to learn about those relationships if I am confirmed.

Question. The Environmental Management program has used a variety of contracting methods, including management and operating cost plus award fee contracts, cost plus incentive fee contracts, and performance-based, fix-priced contracts.

What is your view of the role of these, or other contracting methods, and what principles do you believe DOE should follow when entering into EM contracts in the future?

Answer. When I managed the Navy's ashore cleanup program, I worked with the contracting officials of the Naval Facilities Engineering Command to develop an acquisition and contracting approach that became a standard for their contract efforts. As leader and manager of contracted efforts, I saw that the Air Force had a similar acquisition and contracting approach. I believe that there should be a common corporate approach, and yet there should be latitude for tailoring that approach to suit the challenges and risks in each application. In my present capacity, I have not been involved in the specifics of the contracts at the various sites, but I do believe that the principles I mentioned are proven, and that a reasoned strategy must be in place for each and every contract entered into by the Government.

MISSION

Question. The Department of Energy has offered changing views, over the lifetime of the EM program, as to whether the program should focus on cleaning up the sites now within its purview or whether the program should have an ongoing mission of cleaning up all surplus DOE facilities, as the facilities become excess, over time.

Do you believe there is a point at which the EM program should stop taking surplus buildings, facilities or waste streams from other components of the DOE into the EM program for decommissioning, decontamination, and disposal?

Answer. As I have not yet been involved in discussions on the issue noted, I would defer comment but will make it a priority to review this issue, if I am confirmed.

Question. If confirmed, what requirements would you place on the other DOE programs before you would take additional buildings, facilities or waste into the EM program?

Answer. I cannot comment at this time on the potential requirements referenced as I have not been involved in this issue. Should I be confirmed, I would carefully review the issue and consult with the other departmental leaders involved with it.

Question. Do you believe it is an appropriate policy for the EM program to "go out of business" at some point and leave the remainder of newly generated waste as the responsibility of existing DOE programs? If not, how should newly generated wastes be managed and which program (EM or the program generating the waste) should budget for these activities?

Answer. If I am confirmed, this is an important policy question which I would need to personally consider, in consultation with the Department's leadership.

Question. In developing the National Defense Authorization Act for Fiscal Year 2006, this committee did not adopt the proposal in the President's budget request, of transferring certain Environmental Management activities from the Environmental Management program into the National Nuclear Security Administration (NNSA). In the committee's view, such a transfer would not comply with the legislation which established the NNSA.

What is the Department of Energy's interpretation of these provisions of the NNSA Act which relate to the possible transfer of cleanup activities into the NNSA? What is your interpretation?

Answer. I personally am not currently familiar with this particular aspect of the NNSA Act, but if confirmed I will study it and consult with my colleagues at the Department of Energy, including those in the NNSA.

Question. During her confirmation hearing before this committee, on June 7, 2001, Jessie Hill Roberson, your predecessor in this position should you be confirmed, testified that it was her goal to "make changes that have lasting and permanent impact on this program. "

Question. Do you believe that the Environmental Management program is best served, at this point in time, by a continuation of the focus on accelerated cleanup begun under Assistant Secretary Roberson?

Answer. Although I am familiar with certain aspects of the accelerated cleanup program by working with EM on selected site issues, I would need to spend more time understanding all the aspects of the program. If confirmed I will carefully review all aspects of the cleanup program and its effectiveness.

Question. One of the initiatives undertaken by Assistant Secretary Roberson was the development of "end states" documents for each major site in the EM program, depicting the residual contamination levels remaining at each site after the completion of cleanup.

What is the status of the development of "end states" for each major site?

Answer. Not having worked within the Environmental Management organization, I will need to learn the status, details and rationale for the development of the end states for the major sites, if I am confirmed.

Question. Were these documents intended to receive the concurrence of state and Federal environmental regulators at each site, and if so, which sites received such concurrence? What is the status of these documents at sites which did not receive concurrence?

Answer. I am not familiar with the originally intended status or anticipated procedural steps for resolution and documentation of end states. Certainly this will be an early area of interest for me if I am confirmed.

Question. Did the EM program intend for the "end states" documents to be the starting point of a discussion with regulators about changes to the existing regulations and compliance agreements that guide cleanup? If so, would you pursue such discussions with regulators if you are confirmed?

Answer. I believe that open and honest dialog with the regulatory community, both from headquarters and at each site, is vital. Our sites are in the communities, and in the final analysis, the cleanup is being done for the good of the country and its citizens. If I am confirmed, I will encourage open, honest and professional dialog with the regulators who represent that constituency.

Question. One of the promises of accelerated cleanup was that, by applying additional funds in the near term to achieve the early completion of cleanup at certain sites, more funds would be available for the remaining sites where cleanup is expected to take longer. In other words, if DOE got a few sites done and out of the way, there would be more room in the budget to tackle other sites.

Do you believe this promise of accelerated cleanup has yet been realized, and if not, why not?

Answer. If confirmed, I will need to better understand the integration of the EM budget and the accelerated cleanup program timelines. I have not been involved in such issues in my present position.

TECHNOLOGY DEVELOPMENT

Question. Do you believe that the EM program has conducted sufficient technology development so that a treatment and disposition pathway exists for all identified waste streams under the program?

Answer. Although I am aware that EM's program includes technology development, I am not familiar with the status of that aspect, or its interrelationship with the individual contracts and projects that deal with the waste streams. Because of the oftentimes unique characteristics of the wastes in our inventory, I see this as an important area for me to understand if I am confirmed.

Question. If any orphan waste streams—those for which there is no identified disposition pathway—exist within the EM program, what technology development or other efforts would you undertake, if confirmed, to address them?

Answer. Again, while I am aware that EM's program includes technology development, I am not familiar with the status of this issue. I see this as yet another important area for me to understand if I am confirmed.

Question. What, in your view, are the continuing requirements for developing and fielding new technologies, and what are the highest priorities?

Answer. Again, I see this as an important area for me to understand if I am confirmed.

PENSIONS

Question. During fiscal year 2006, the EM program is scheduled to complete cleanup at the following closure sites: Rocky Flats, Mound, and Fernald. In each case, DOE must decide how to administer or transfer the post-closure pension and medical benefits for cleanup workers at these sites. DOE has indicated that it intends to keep the responsibility for administering these benefits with the cleanup contractors, post-closure.

Has DOE evaluated any cost efficiencies that would be gained by pooling the sponsorship and functional management of post-closure benefits into a single purpose contract; one that could be competed for and awarded to one of a number of companies that specialize in the administration of such benefits?

Answer. With regard to the questions raised on pensions, I am currently not familiar with the details of the administration of benefits at sites post-closure. I realize that this is an important issue and I will familiarize myself with the details should I be confirmed.

Question. Assuming the EM program is funded at the level of the fiscal year 2006 budget request, will there be any sites under the EM program where sufficient funding will not be available to make payments to employee pension plans at the levels mandated under the Employee Retirement Income Security Act (ERISA)?

Answer. Again, I realize this is an important issue and will familiarize myself with the details should I be confirmed.

Question. Are you aware of any sites under the EM program where making ERISA-mandated pension plan payments will result in such a drain on available funding that the furlough or involuntary separation of employees at the site will be necessary?

Answer. Again, I realize this is an important issue and will familiarize myself with the details should I be confirmed.

WORKFORCE RESTRUCTURING

Question. If confirmed, your duties will involve the review and approval of workforce restructuring plans at sites under the EM program.

Please describe your general approach and philosophy in reviewing workforce restructuring plans.

Answer. This is a critically important issue, and ensuring fairness for the workforce is a priority for me. If confirmed I will be personally involved in reviewing any workforce-related issues, and look forward to working with the committee on these issues.

Question. Given the nature of their work, cleanup workers are fundamentally in a position of "working themselves out of a job."

How do you believe this particular challenge is best handled from both a corporate perspective and as a manager of these workers?

Answer. Again, if confirmed I will be looking very carefully at the workforce-related issues in the Environmental Management program.

WASTE INCIDENTAL TO REPROCESSING (WIR)

Question. One of the biggest challenges of DOE's Environmental Management program is emptying the large tanks of highly radioactive waste that exist at defense nuclear sites in South Carolina, Washington, and Idaho. Last year, Congress granted DOE, in consultation with the Nuclear Regulatory Commission, the authority to determine that portions of this waste are not high level radioactive waste and thus DOE may leave residue that meets the requirements of the provision at the bottom of the tanks in South Carolina and Idaho after these tanks are otherwise emptied.

How is DOE using this new authority?

How will DOE complete the cleanup of the tanks at the Hanford site in Washington State in the absence of equivalent authority for those tanks?

What is the timetable for completing cleanup of the Hanford tanks?

What effect has the passage of Initiative-297 by the State of Washington had on the Department's ability to complete the cleanup at Hanford?

Answer. At this time, I cannot comment on the specifics to the use of the authority. I recognize the interest in this issue by members of the committee and I will seek to both understand the details and commit to working with the committee should I be confirmed.

WASTE TREATMENT PLANT

Question. The Department of Energy has notified the congressional defense committees that the Waste Treatment Plant (WTP) being constructed to treat and immobilize the liquid, high-level radioactive waste at Hanford is experiencing "significant" escalation in the total project cost.

In your view, should the WTP be considered a high risk project from a cost and management perspective?

Answer. Without doubt, this project to build a waste treatment plant at Hanford is complex. I consider any such unique project dealing with the complexity of chemical and nuclear waste to be high risk. Several experts have told me that it may very well be the most difficult and complex nuclear and chemical process facility in the world, and in size it equals building three nuclear power plants. I see the effective management of risk as integral and essential in successful delivery of a project of this size and complexity.

Question. If confirmed, what remedies or precautionary actions would you recommend the Secretary of Energy implement in the near term to bring this project under control from the perspectives of cost, schedule, and technical risk?

Answer. If I am confirmed to the position of Assistant Secretary, recognizing that this project is likely the most complex of its type in the world, and recognizing the significance of the cleanup work at Hanford, I will give a high priority to personally understanding the risk management approach and its integration into the project management for, and the eventual operation of, this facility.

Question. If confirmed, how would you use your experience in leading the DOE Office of Engineering and Construction Management to improve the overall execution of project management within the EM program, particularly for major projects such as the WTP?

Answer. My career as a Navy Civil Engineer Corps officer, then as a senior officer in two environmental companies, and now as the Director of the Office of Engineering and Construction Management, have imbued in me a clear sense for leadership and management of both individual projects and entire programs. I recognize that the EM program is extremely complex and challenging, but I am not daunted by taking on this challenge if I am confirmed. There are sound and proven leadership and management techniques that have served me well in my career; I also recognize that each leadership position, and each set of challenges, requires a reasoned application of those techniques. As I have stated above, I would focus on the processes and tools, and the utilization and understanding of those processes and tools by leaders and managers at all levels, both Federal and contractor.

Question. What, if any, technology uncertainties exist with respect to the WTP or with respect to the operational waste treatment and immobilization steps planned for use in the WTP?

Answer. As you may know, during the execution of this project, it has been reviewed not only by EM, but also by two independent reviews performed by the Logistics Management Institute, and two independent reviews by the Corps of Engineers. This is a challenging project, and in the opinion of some, the most challenging and complex of its type in the world. Certainly during the planning and design stages there were technology uncertainties. As I have stated above, if I am confirmed, I will give a high priority to personally understanding the risk management

approach and its integration into the project management for this facility at this point and going forward.

BURIED WASTE

Question. The Federal Government and the State of Idaho have been in dispute regarding whether and to what extent DOE is obligated to remediate substantial quantities of buried waste that underlie the Idaho National Laboratory.

What is the status of any pending litigation involving this dispute and what is the DOE position regarding its cleanup obligations for this waste?

Answer. If confirmed I will carefully review the status of this disagreement and would then look forward to working with the committee on this issue.

Question. How is DOE addressing any environmental risks associated with this waste?

Answer. Again, if confirmed I would be able to review and understand this issue.

WASTE DISPOSAL

Question. Completion of cleanup at a number of EM sites depends on the timely shipment of quantities of transuranic waste to the Waste Isolation Pilot Plant (WIPP) in New Mexico for disposal. In some cases, DOE is under regulatory deadlines for completing shipments to WIPP.

What regulatory deadlines does the EM program currently face related to WIPP shipments and what is the current progress against those deadlines?

Answer. As I do not currently work in the EM program I do not know the answer to this question. If confirmed, I must learn about this issue, and similar issues related to committed deadlines.

Question. Are you aware of any issues that jeopardize DOE's ability to meet these deadlines? If so, what is DOE doing to address these issue? What, if any, additional permits or permit modifications are needed for WIPP in order to meet these deadlines?

Answer. Again, I do not know the answer to this question at this time. If confirmed, I must learn about our committed deadlines and issues related to them. With an understanding of these issues, I would be able to address any questions the committee may have on this subject.

ENDURING SITES

Question. Cleanup under the EM program occurs not only at closure sites, but at DOE national laboratories and other sites with ongoing missions. These locations are sometimes distinguished from the closure sites by use of the term "enduring sites."

Does the EM program approach cleanup differently at closure sites than at enduring sites?

Answer. As I have not yet been involved in this aspect of EM's operation, I need to become familiar with EM's approach to this issue.

Question. How should the EM program best manage the interfaces between its cleanup operations and other ongoing missions at the enduring sites?

Answer. If confirmed, I would work with other departmental elements as appropriate to best insure that we are addressing EM's activities responsibly while also minimizing the impact to ongoing missions at operating sites.

Question. Does the EM program prioritize work differently at enduring sites, and if so? in what way?

Answer. Again, as I have not yet been involved with this aspect of EM's operation, I am not prepared to answer this question at this time.

DESIGN BASIS THREAT

Question. Secretary Bodman testified before this committee that DOE sites will not achieve compliance with the current design basis threat until 2008.

Given the seriousness of the need to secure nuclear materials, both abroad and at home, do you believe that this is a sufficiently rapid response to the threats currently outlined by the Intelligence Community, and against which DOE has agreed it must defend at its nuclear sites?

Answer. If confirmed, the Design Basis Threat would be a very high priority for me. I would intend to be personally involved, and understand this issue. Since I have no specific knowledge related to this question, I can not address it at this time.

Question. If confirmed, what actions would you undertake to consolidate and more rapidly secure any special nuclear material existing within the EM program?

Answer. If confirmed, I will need to understand the nature and extent of the special nuclear material and wastes in the inventory, in order to he able to evaluate the potential for any improvement in this area.

Question. Do you agree that, even with a primary focus on accelerating cleanup, it is still an essential responsibility of the EM program to secure these materials against the threats existing now?

Answer. Cleaning up our sites is an essential role of the EM program, and securing these materials is of paramount importance during that process. This is another issue that I will have to learn if confirmed.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. As a former career naval officer sworn to protect and defend the Constitution of the United States, I believe in our system of government and its respective legislative and executive functions. If confirmed, I would welcome the opportunity to appear before this committee and other committees of Congress.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. I believe I am a person of honor and integrity, and if confirmed, I would intend to bring those inherent characteristics to all my dealings with both administration officials, and with Members of Congress and their staffs.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of Energy for Environmental Management?

Answer. I do.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. I believe that open and honest communication is vital to success and credibility. If I am confirmed, I would intend to maintain a most positive dialog with this committee, its members and staff, and other appropriate committees.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR LINDSEY O. GRAHAM

FUTURE MISSIONS

1. Senator GRAHAM. Mr. Rispoli, the people of South Carolina do not see the Savannah River Site (SRS) as a closure site. They are actively seeking out new missions to bring to SRS. Since SRS falls under the management of Environmental Management (EM), it is important that you are aware of the unique atmosphere in South Carolina. Do you agree that your stewardship of SRS extends beyond the simple cleanup of the site?

Mr. RISPOLI. From my present position in the Department of Energy, I understand that the Department has a significant investment in the Savannah River Site, in both infrastructure and other facilities that will have a useful life for years to come. I have reviewed the recently developed 10-Year Site Plan for the facility, and it indicates that while the environmental cleanup mission is to be completed by 2025, the site will have an ongoing mission to support National Nuclear Security Administration activities. It is the designated center for the tritium supply to the enduring nuclear weapons stockpile. Additionally, it has a role in the Department's nuclear nonproliferation mission through the conversion of weapons grade nuclear material to reactor fuel suitable for use in nuclear power reactors.

The Environmental Management organization, as landlord for the site, has a responsibility to plan for the future of this investment, and ensure that the enduring facilities and infrastructure are suitably managed and maintained. Additionally, as the 10-Year Site Plan indicates, there is a very active natural resources program that is managed by the U.S. Forest Service for the Department of Energy. If I am confirmed to the position of Assistant Secretary, I will be fully engaged in the cleanup aspects, as well as other facets of the Savannah River Site.

2. Senator GRAHAM. Mr. Rispoli, what will you do to ensure that the Savannah River National Laboratory is funded in the future?

Mr. RISPOLI. In my present position in the Department, I have not been involved with the budgetary aspects related to the Savannah River National Laboratory. I recognize the importance of this national laboratory and the stewardship provided as the only laboratory in the Department to be within the Environmental Management organization. If I am confirmed, I commit to you that I will visit this laboratory, learn more about its mission and functions, and be engaged with you and the committee going forward.

3. Senator GRAHAM. Mr. Rispoli, what new missions do you envision coming to SRS in the near term?

Mr. RISPOLI. Because of my present position in the Department, I am familiar with the major capital investment that is being made by the National Nuclear Security Administration at the Savannah River Site. My present office has been engaged with the NNSA, and has played a supportive role in the oversight of these projects. If I am confirmed to the position of Assistant Secretary, I would expect to be engaged with the Secretary, not only on this future mission and function, but also with others that may develop.

4. Senator GRAHAM. Mr. Rispoli, the contract for SRS is scheduled to be rebid in the near future. The request for information (RFI) recently went out. How will you and the Department ensure that the eventual winner of the management contract will make a strong commitment to the community?

Mr. RISPOLI. While I am not familiar with specifics, I have been informed of the ongoing contract schedule for SRS and can state that DOE remains committed to the community, public and worker safety, risk reduction to the environment and reduction of the burden on the United States taxpayer. If I am confirmed, I will work to ensure that our contractor(s) have a strong commitment to the community.

5. Senator GRAHAM. Mr. Rispoli, the House Energy and Water Appropriations bill contains report language that could lead to the shipment of commercial spent waste to Department of Energy (DOE) sites such as SRS for interim storage. Despite South Carolina's history of supporting all things nuclear, this would be a significant test of their trust and likely opposed by the residents. Absent a plan to begin reprocessing this fuel in South Carolina, I, too, would be reluctant to support any efforts to store commercial spent fuel at SRS. Do you support shipping commercial spent fuel to DOE sites for interim storage?

Mr. RISPOLI. I have not been involved with any discussion related to interim storage at the SRS of the type to which you refer. If I am confirmed, I would expect to work both within EM, and with other appropriate Department officials to review the report language.

6. Senator GRAHAM. Mr. Rispoli, what will you do to ensure that Yucca Mountain opens as quickly as possible?

Mr. RISPOLI. In my present position in the Department, I have not had authority or purview over the repository development at Yucca Mountain. The administration and the Department strongly support the development of the repository at Yucca Mountain, and the related supporting aspects for transport and handling of material destined for that repository. I also understand the importance of the interrelationship between the activities of the Environmental Management organization and the intended disposition of material at Yucca Mountain. If I am confirmed, I will work closely with the Office of Civilian Radioactive Waste Management to ensure that the efforts are coordinated and supportive of the schedule and operations intended for Yucca Mountain.

SITE CLEANUP

7. Senator GRAHAM. Mr. Rispoli, recently, the DOE Inspector General (IG) released a report that was very critical of the deactivation and decommissioning mission at SRS. According to the report, "About 67 percent of the facilities completed by Westinghouse through August 2004, at a cost of about $7.8 million, posed little or no potential risk to the environment, workers, or public." The report also found that, "Twenty-two facilities that posed potential environmental, safety, and health risk had not been scheduled for deactivation and decommissioning at the time of our review, even though they were available for remediation." In an attached memorandum to the Office of the Inspector General, EM ascertains that the IG recommenda-

tions cannot be implemented because they do not take into account worker safety in sequencing. Have you familiarized yourself with this report?

Mr. RISPOLI. I have reviewed the DOE IG report at your suggestion, and understand the issues that the IG has identified. I will need to become more familiar with the underlying issues of this report if I am confirmed and will review the program's response to the issues raised in the report. As you see in my statement for the record related to the hearing of the Senate Armed Services Committee yesterday, I am committed to safety in each and every aspect of the cleanup program—for the workers, for the communities in which the sites are located, and for all other stakeholders.

Although I have not been involved with any of the decisions on prioritization of work at the Savannah River Site, nor with the contract provisions, I have had experience in the past since I directed the Navy's comparable cleanup program, and also worked as an engineering contractor assisting clients with prioritization of risk in similar issues. If I am confirmed, I would expect to bring a similar approach to dealing with risk. This approach would be to identify the risks, evaluate the probability of occurrence of each risk event, and the impact or consequence of that event. If confirmed, I will fully explore these issues at the Savannah River Site considering both the IG report and the approach to resolution of the issues in it.

8. Senator GRAHAM. Mr. Rispoli, what are you going to do to ensure that site cleanup proceeds in a manner that is most efficient, safe, and cost efficient?

Mr. RISPOLI. As I have indicated in my testimony to the Senate Armed Services Committee, I have held a number of leadership positions in both the Navy and in the private sector, in the management of cleanup at individual sites, and in complex wide situations. I believe that by using the correct industry standard project management practices, and modem management tools for planning and management of this cleanup effort, the program can be and will be managed efficiently, safely, and cost effectively. If I am confirmed, I will bring my commitment to the use of these proven practices to the organization. I believe that with knowledgeable professionals who understand how to manage projects, and who are committed to the use of these methods, we will successfully execute this technically complex and wide-ranging cleanup program.

9. Senator GRAHAM. Mr. Rispoli, the IG made the following three recommendations:

> 1. Halt deactivation and decommissioning activities on facilities that pose no potential environment, safety and health (ES&H) risk to the environment, workers, and/or public;
> 2. Re-prioritize all remaining facilities based on the potential ES&H risk that the facilities may pose to the environment, workers, and/or public; and
> 3. Renegotiate the current contract with Westinghouse to accelerate deactivation and decommissioning activities on the facilities that pose the highest potential risk to the environment, workers, and/or public.

Are you planning to implement any of the suggested reforms contained in the report?

Mr. RISPOLI. As I have indicated, I have recently reviewed the IG's report at your suggestion and I understand the recommendations offered. If I am confirmed, I will learn about the underlying situation at the Savannah River Site and will be pleased to discuss this issue with you.

10. Senator GRAHAM. Mr. Rispoli, recently, Bruce Carnes stated the Energy Department suffers from a "disease" of making baseless promises regarding cleanup activities. One promise made to Congress was the added savings from smaller sites that are now closing would be reinvested to larger sites to ensure cleanup stays on schedule. Should we expect the fiscal year 2007 budget to include the savings incurred at the smaller sites for the larger cleanup sites?

Mr. RISPOLI. In my present position, I am not, nor have I been, involved in prioritization of work within the EM budget, nor with the EM budget in the larger context of the DOE budget. If I am confirmed to this position, this will clearly be a keystone element of the program for me to learn and engage.

WASTE INCIDENTAL TO REPROCESSING

11. Senator GRAHAM. Mr. Rispoli, as you are aware, in last year's defense authorization bill, the authority was granted to accelerate tank closure in South Carolina and Idaho. This provision will enable tanks to be closed in a safe manner and allow

DOE to save billions of dollars in the process. As the author of the amendment that authorized this cleanup to happen and as the Senator that represents one of the sites covered by this statute, I have a vested interest in ensuring it is carried out in a timely fashion. I understand from your answers to the advance policy questions that you cannot comment on the specifics to the use of the authority. I urge you in the strongest possible terms to familiarize yourself with this issue and brief me on the progress DOE has made in closing the tanks. Do you plan to reassess the law as written or can you guarantee that you will work to carry out the law as written?

Mr. RISPOLI. I understand both your leading role and interest in this issue and can transmit to you both my and the Department's assurance that we will carry out our responsibilities under the statute as written.

12. Senator GRAHAM. Mr. Rispoli, the partnership between the Governor of South Carolina, the South Carolina Department of Health and Environmental Control (DHEC) and the DOE has been excellent and was vital to enacting the Waste Incidental to Reprocessing (WIR) provision into law. How will you work to maintain this relationship and ensure that the Governor and DHEC continue to be advised of the implementation of this language?

Mr. RISPOLI. As I have indicated in my testimony before the Senate Armed Services Committee, I have had experience and success in my career in working with all the stakeholders in my past involvement with environmental cleanup. I have worked with both state regulatory agencies and nongovernmental organizations that represent stakeholders in cleanup. I have previously chaired an advisory committee providing counsel to the State of Hawaii's Director of Environmental Health, the equivalent of the Director, DHEC and was elected unanimously by the members, comprised of officials from industry, professional firms, and nongovernmental environmental organizations. I would expect to bring my approach of open communication and cooperation to my dealings with the Governor, your office, Congress, and the DHEC.

SAVANNAH RIVER SITE

13. Senator GRAHAM. Mr. Rispoli, the Savannah River Site enjoys broad support from the community in Aiken, South Carolina. The residents of the site's surrounding community have been good stewards of site, eagerly accepting new missions—even if doing so meant taking a significant risk. Do you plan to spend significant time at the site to get to better understand the community?

Mr. RISPOLI. I am pleased to state that during my 5 years with the Department of Energy, I have visited the Savannah River Site more than any other. If I am confirmed, I would plan to visit the site with an even wider point of view, to better understand all the aspects of the site and its operations and would look forward to meeting and working with the community and its leaders. I believe that any Federal installation must be a good neighbor, and involve itself with the community, and I would intend to bring this perspective if I am confirmed.

14. Senator GRAHAM. Mr. Rispoli, how will you ensure public support for the site remains strong?

Mr. RISPOLI. In my Active-Duty Naval career, I have served as Commanding Officer of two naval installations: Camp David, Maryland, and Navy Public Works Center, Pearl Harbor. In each instance, I have enjoyed personal and active ties with representatives of the community and worked closely to address their issues and concerns. I believe that Federal installations consider themselves as part of the communities in which they are located, and must establish ties to maintain good neighbor relations. If I am confirmed, I will personally encourage this approach throughout the EM complex, including the site at Savannah River.

15. Senator GRAHAM. Mr. Rispoli, how do you plan to communicate what happens at the site with the surrounding community?

Mr. RISPOLI. I believe in open and honest communication. Honesty and integrity are, for me, personal attributes that I bring to each and every position. As part of EM's responsibility in the area of community relations, I will, if I am confirmed, reinforce this philosophy to all the site office managers, and personally practice this approach.

[The nomination reference of James A. Rispoli follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
May 17, 2005.

Ordered, That the following nomination be referred to the Committee on Armed Services; Energy and Natural Resources pursuant to a Standing Order of the Senate on June 28, 1990:

James A. Rispoli, of Virginia, to be an Assistant Secretary of Energy (Environmental Management), vice Jessie Hill Roberson, resigned.

[The biographical sketch of James A. Rispoli, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF JAMES A. RISPOLI

Jim Rispoli, a licensed professional engineer in several States, is the Director of the U.S. Department of Energy's Office of Engineering and Construction Management. His office is responsible for management policy, assessment, and oversight of the Department's facilities, infrastructure, and capital projects. The value of the Department's facilities and infrastructure is over U.S. $80 billion. Additionally its portfolio of 125 capital construction projects exceeds U.S. $38 billion, ranging from one of a kind nuclear facilities and laboratories to standard office buildings and utilities. Prior to joining the Department of Energy he was Vice President and manager of Dames & Moore's Pacific area operations. He also was a Senior Vice President of Metcalf and Eddy in charge of their Hawaii offices. In both firms he led major engineering and construction projects for private clients, state and federal governmental agencies. He served in the United States Navy's Civil Engineer Corps holding executive level facilities, environmental and construction management positions. A Fellow of the American Society of Civil Engineers, he is past Director of its Construction Division, and has served in several local section officer positions. He is also a Fellow of the Society of American Military Engineers for which he has held several officer positions at the local post level, and served as the national society's Vice President for Environmental Affairs. Mr. Rispoli is an active member of the Project Management Institute for whom he has served on a number of panels and study efforts. He holds advanced degrees in engineering arid business.

He was appointed to his present position in June 2002. Since that time, the Secretary of Energy has designated him as the Department's Senior Real Property Officer, and has appointed him to the Federal Energy Management Advisory Committee.

[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 James A. Rispoli in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
James Anthony Rispoli.

2. **Position to which nominated:**
Assistant Secretary for Environmental Management, Department of Energy.

3. **Date of nomination:**
May 17, 2005.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
February 6, 1947; Staten Island, New York.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Carol Anne Ruginis.

7. **Names and ages of children:**
Christina Marie Thomasson, 29; and Joseph Vincent Rispoli, 24.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
St. Peter's High School For Boys, Staten Island, NY; 9–1960 to 6–1964, Diploma, 6–1964.
Manhattan College; 9–1964 to 6–1968, Bachelor of Engineering, 6–1968.
University of New Hampshire; 9–1968 to 9–1969, M.S. Civil Engineering, 9–1969.
Central Michigan University, 9–1975 to 5–1977, M.A. Business Management, 5–1977.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
8–1994 to 7–1995; Captain, CEC, USN Director of Corporate Management; Headquarters Naval Facilities Engineering Command Alexandria, VA.
6–1995 to 12–1997; President, M&E Pacific, and Sr. VP, Metcalf & Eddy (HQ in Wakefield, MA); M&E Pacific, Inc., Honolulu, HI.
1–1998 to 10–1999; Vice President & Managing Principal Pacific Operations; Dames & Moore Honolulu, HI.
10–1999 to 11–2001; Deputy Director Office of Engineering & Construction Mgmt.; Headquarters, Dept. of Energy Washington, DC.
11–2001 to present; Director, Office of Engineering and Construction Mgmt.; Headquarters, Dept. of Energy, Washington, DC.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

Chair, Advisory Committee to the Director for Environmental Health, State of Hawaii (and previous to election as chair, member); 1996–1999; Unpaid volunteer position.

Additionally, prior to the time period for the positions listed in item 9 above, I was a career military officer. I began active service in the U.S. Air Force in 1968, following commissioning as a 2nd Lieutenant through the AFROTC. I served as an Air Force civilian employee (GS–12) for approximately 1 year in 1973–1974 pending my recall to Active Duty as a Lieutenant, Civil Engineer Corps, U.S. Navy. I completed an Active Duty career in 1995, with the position shown in item 9 above.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Fellow, American Society of Civil Engineers.
Fellow, Society of American Military Engineers.
Member, Project Management Institute.
Member, American legion, Mclean Virginia Post.
Member, Chi Epsilon National Civil Engineering Honor Fraternity.
Member, Military Officers Association of America.
Member, Italian Cultural Society of Washington DC.
Member, Mclean Photography Club.
Smithsonian Associate.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

None.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

Chi Epsilon Civil Engineering National Honor Society while at Manhattan College, 1967–1968.

Air Force ROTC Scholarship while at Manhattan College, 1967–1968.

Legion of Merit (three awards) for service as Naval Officer: Commanding Officer, Camp David; Commanding Officer, Public Works Center Pearl Harbor; Director, Corporate Management, Headquarters Naval Facilities Engineering Command.

Meritorious Service Medal (five awards) for service as Naval Officer: Operations Officer, Naval Mobile Construction Battalion 62; Head, Facilities Planning Department, Northern Division, Naval Facilities Engineering Command; Public Works Officer, Naval Air Station Oceana; Head, Civil Engineer Corps Management & Assignments Office; Assistant Commander, Environment, Safety & Health, Naval Facilities Engineering Command.

Presidential Service Certificate and Badge, Commanding Officer, Camp David.

Fellow, American Society of Civil Engineers.

Fellow, Society of American Military Engineers.

Three consecutive outstanding performance evaluations as member of the Senior Executive Service.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Title	Publisher	Dates
The Environment During Construction	Navy Civil Engineer	Fall 1977
Protecting the Environment During Construction	Journal of the Construction Division, American Society of Civil Engineers.	June 1982
NAVFAC's Environmental Contracting Strategy	The Military Engineer, Society of American Military Engineers.	March–April 1991

Title	Publisher	Dates
Build on Success (one of four contributing authors).	PM Network, Project Management Institute	Nov. 2004
Leader Profile	The Military Engineer, Society of American Military Engineers.	March–April 2005

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

JAMES A. RISPOLI.

This 2nd day of June 2005.

[The nomination of James A. Rispoli was reported to the Senate by Chairman Warner on June 30, 2005, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 29, 2005.]

NOMINATIONS OF LT. GEN. NORTON A. SCHWARTZ, USAF, FOR APPOINTMENT TO THE GRADE OF GENERAL AND TO BE COMMANDER, U.S. TRANSPORTATION COMMAND; RONALD M. SEGA TO BE UNDER SECRETARY OF THE AIR FORCE; PHILIP JACKSON BELL TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIAL READINESS; JOHN G. GRIMES TO BE ASSISTANT SECRETARY OF DEFENSE FOR NETWORKS AND INFORMATION INTEGRATION; KEITH E. EASTIN TO BE ASSISTANT SECRETARY OF THE ARMY FOR INSTALLATIONS AND ENVIRONMENT; AND WILLIAM C. ANDERSON TO BE ASSISTANT SECRETARY OF THE AIR FORCE FOR INSTALLATIONS, ENVIRONMENT AND LOGISTICS

THURSDAY, JULY 28, 2005

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:40 a.m. in room SD–106, Dirksen Senate Office Building, Senator Elizabeth Dole presiding.

Committee members present: Senators Warner (chairman), Inhofe, Talent, Dole, Thune, and Levin.

Other Senators present: Senator Wayne Allard and Senator Ted Stevens.

Committee staff members present: Judith A. Ansley, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Charles W. Alsup, professional staff member; Gregory T. Kiley, professional staff member; Sandra E. Luff, professional staff member; Thomas L. MacKenzie, professional staff member; Elaine A. McCusker, professional staff member; David M. Morriss, counsel; Lucian L. Niemeyer, professional staff member; Joseph T. Sixeas, professional staff member; Robert

M. Soofer, professional staff member; Scott W. Stucky, general counsel; Diana G. Tabler, professional staff member; and Richard F. Walsh, counsel.

Minority staff members present: Richard D. DeBobes, Democratic staff director; Gabriella Eisen, research assistant; Creighton Greene, professional staff member; Peter K. Levine, minority counsel; Michael J. McCord, professional staff member; and Arun A. Seraphin, professional staff member.

Staff assistants present: Alison E. Brill and Pendred K. Wilson.

Committee members' assistants present: Cord Sterling, assistant to Senator Warner; Paul C. Hutton IV, assistant to Senator McCain; Frederick M. Downey, assisant to Senator Lieberman; and William K. Sutey, assistant to Senator Bill Nelson.

OPENING STATEMENT OF SENATOR ELIZABETH DOLE

Senator DOLE. This hearing will come to order.

I am pleased to have six distinguished nominees before the committee this morning. We welcome Lieutenant General Norton Schwartz, U.S. Air Force, the current Director of the Joint Staff, who has been nominated to be Commander, United States Transportation Command (TRANSCOM).

We also welcome our five distinguished civilian nominees: Dr. Ronald M. Sega, presently the Director of Defense Research and Engineering, to be Under Secretary of the Air Force; John G. Grimes, to be Assistant Secretary of Defense for Networks and Information Integration (NII); Philip Jackson Bell, to be Deputy Under Secretary of Defense for Logistics and Materiel Readiness; Keith E. Eastin, to be Assistant Secretary of the Army for Installations and Environment; and William C. Anderson, to be Assistant Secretary of the Air Force for Installations and Environment.

I welcome Senator Stevens, who will introduce General Schwartz, and Senator Allard, who will introduce Dr. Sega.

Senator Stevens.

STATEMENT OF HON. TED STEVENS, U.S. SENATOR FROM THE STATE OF ALASKA

Senator STEVENS. Madam Chair, thank you very much, and Senator Levin. It is my pleasure today to introduce General Norton Schwartz to you. He is a personal friend. General Schwartz is a 1973 graduate of the Air Force Academy, an alumnus of the National War College, and a member of the Council on Foreign Relations. As a command pilot he logged more than 4,200 flying hours. In his distinguished career he has successfully held a wide range of military positions, including Commander of the Special Operations Command-Pacific and Chief of Staff of the Joint Special Operations Task Force for Northern Iraq during Operation Desert Shield and Desert Storm.

From 2000 through October 2002, General Schwartz served as Commander of the Alaska Command, the Alaska North American Air Space Defense Command Region, and the 11th Air Force at Elmendorf Base at my home in Anchorage. He was serving in this capacity when our Nation was attacked on September 11. Under his direction, the military took control of the Alaskan air space and

grounded all traffic, while responding to reports of a possible hijacking that was approaching American air space.

The hijacking report turned out to be a false alarm, but our air space is a lifeline for the people of our State, and we were very grateful that General Schwartz was at the helm to guide us through the events of that day.

While stationed in Alaska, General Schwartz once said: "The relationships we have within the communities of Alaska are key to the success of military missions now and in the future." He and his wife Suzy, who is with us today, lived according to that philosophy and became very valuable members of our State's community. The Alaska Journal of Commerce acknowledged this, and I think this is a very important thing for us, when they singled out General Schwartz for special recognition in what they called their "25 Most Powerful Alaskans Issue," a special issue of our Alaska Journal of Commerce.

In 2002, General Schwartz left our State to begin his new assignment as Director of Operations for the Joint Staff. He currently serves as director of that staff. He is a skilled leader, a true patriot, and, as I said, a true and good friend. I am confident he will fulfill his duties as Commander of the U.S. Transportation Command with the same commitment and dedication he has exhibited during his command throughout his life and particularly in our State.

Again, I thank you very much for the privilege of introducing my friend. I urge you to act swiftly on his nomination, and I thank you for your courtesy, Madam Chair.

Senator DOLE. Thank you, Senator Stevens.

Senator STEVENS. We will be glad to answer questions. [Laughter.]

Senator DOLE. Senator Levin.

STATEMENT OF SENATOR CARL LEVIN

Senator LEVIN. Thank you, Madam Chairman. I thank Senator Stevens for that introduction. I know he has a terribly heavy schedule. So with our gratitude, and I know General Schwartz's gratitude, he will be excused.

Madam Chairman, I join you in welcoming today's witnesses and their families. We all know the long, hard hours that our senior DOD officials must work and the toll that those hours take, not only on them but on their families. So we appreciate the sacrifice that they, the families particularly, as well as our nominees, are willing to make in the service of our country.

Madam Chairman, because of the number of nominees that we have, I would ask unanimous consent that the balance of my statement be included in the record. It just sets forth the dedication to public service which our nominees have shown.

[The prepared statement of Senator Levin follows:]

PREPARED STATEMENT BY SENATOR CARL LEVIN

Mr. Chairman, I join you in welcoming today's witnesses and their families. We all know about the long, hard hours that our senior DOD officials must work and the toll that those hours can take not only on them, but on their families. So we certainly appreciate the sacrifice that you are willing to make in service of your country.

Today's nominees have already shown their dedication to public service. General Schwartz has served a 30-year career in the Air Force, most recently serving as the Director of the Joint Staff and the Director for Operations of the Joint Staff. Dr. Sega joined NASA as an astronaut in July 1991 and has served as Director of Defense Research and Engineering for the last 4 years. Mr. Bell began his career as an officer in the Marine Corps; over the last few years, he has served as Deputy Under Secretary of the Army and as Chief of Staff of the State Department's Afghanistan Reconstruction Group. Mr. Grimes held senior technical and staff positions with the U.S. Army from 1961 to 1981, then served as a Deputy Assistant Secretary of Defense from 1990 to 1994. Mr. Eastin has served as a Principal Deputy Assistant Secretary of the Navy and Deputy Under Secretary of Interior. Mr. Anderson has not previously held a position in the Federal Government, but has been active in community service.

Once again, I join the chairman in welcoming our witnesses and look forward to their testimony.

Senator DOLE. It will be placed in the record without objection. Senator Allard, we welcome you to introduce Dr. Sega.

STATEMENT OF HON. WAYNE ALLARD, U.S. SENATOR FROM THE STATE OF COLORADO

Senator ALLARD. Madam Chairman, thank you. Sorry to be late. I showed up over at Russell 228. Old habits are hard to break, having been on the Armed Services Committee. So we are here, and thank you for your patience.

Madam Chairman, I have known Ron Sega for over a decade, and I take great pleasure in introducing him to this committee. Perhaps more than that, I took pleasure in introducing him at his last nomination hearing. I value Ron's advice, his experience, and his patriotism.

He served on my Space Roundtable in Colorado from his position as Dean of Engineering at the University of Colorado at Colorado Springs. He has a passion for education, especially in science, math, and engineering. He is no stranger to many in this committee, having appeared before Congress on several occasions. You confirmed him in 2001 to be the Director of Defense Research and Engineering, and he has testified often since then as the Deputy Chief Technology Officer.

Ron's a distinguished airman, engineer, and space professional, and the post of Under Secretary of the Air Force seems tailor-made for him. His affiliation with the Air Force has been long and fruitful, beginning with his enrollment at the United States Air Force Academy and continuing to this day. Ron graduated from the Air Force Academy in 1974 and earned a Master's Degree in physics at Ohio State University. While serving in the Air Force, he was an instructor-pilot and later taught at the Air Force Academy, and while there he received his doctorate in electrical engineering from the University of Colorado.

Ron separated from the Active Force and joined the Reserve, and continued serving in the Air Force Reserve while on the faculty at the University of Colorado at Colorado Springs, where he would eventually author or co-author over 100 technical publications.

Ron's career in academia has been quite unique. The University of Colorado recognized his potential and nurtured his talent by granting him several leaves of absence for special projects. In one, he designed, built, and tested an experimental satellite as the program manager of the Wake Field Facility. Unlike any other satellite designer or program manager, Ron actually flew his satellite

to space after he became a NASA Space Shuttle astronaut in 1990. In fact, on this mission Ron flew on the Space Shuttle Discovery, which just returned to space earlier this week. Ron later flew on a Space Shuttle mission to the Russian Space Station Mir as the payload commander. These are feats that few space professionals can match.

Ron returned to the University of Colorado after leaving NASA and became Dean of the College of Engineering and Applied Science. As an Air Force Reservist, he expanded his space experience to include Air Force satellite command and control operations.

In 2001, Ron took another leave of absence from academia, this time to become the Director of the Department of Defense's Research and Engineering efforts. As in every other position he has held, his work has been outstanding.

Under Ron's extraordinary leadership, the Department of Defense has instituted new programs, streamlined processes, and sped technology to the warfighter. He is focused on using the best science and technology to ensure that taxpayer dollars are spent wisely while we also provide our military forces with the best possible weapons and equipment.

Ron is well aware of the fact that we will need all his talent and skill in the position for which he has been nominated. Fixing our space acquisition programs will not be an easy task. Ron's considerable space expertise will be invaluable as he determines how best to improve the Air Force's space research, development, engineering, test, and sustainment processes.

Ron has also sound judgment and understands the importance of leadership. He is willing to make the tough decisions and to make things happen in the Department of Defense. I am confident that Ron can accomplish this new mission with the same degree of success as he has enjoyed elsewhere in his career, and I believe Dr. Sega will make an outstanding Under Secretary of the Air Force. I strongly support his nomination.

Thank you, Mr. Chairman, for the opportunity to introduce Dr. Sega.

Chairman WARNER [presiding]. Thank you very much, Senator Allard. It is very important that colleagues when they have a close association with nominees take the time from their busy schedules to introduce them. We thank you very much.

Senator ALLARD. It is a pleasure to be back before you, Mr. Chairman.

Chairman WARNER. Your seat is still here, to be occupied when you wish.

Senator ALLARD. You are a wonderful chairman and thank you.

Chairman WARNER. Thank you very much, dear friend.

Now, I would like to ask each of our nominees to take that very special moment that we have in our confirmation process of introducing their families. Dr. Sega seems to be occupied at the moment. General, would you kindly introduce your family.

General SCHWARTZ. Mr. Chairman, thank you. If I may introduce my wife of 24 years, Suzy. She has been my best friend and conscience all these years and no doubt I would not be sitting here today were it not for her love and support.

The second most important woman in my life is also here today. She is the administrative assistant to the Director of the Joint Staff, Cherylann Anderson, and she is a terrific professional talent.

Thank you, sir.

Chairman WARNER. Thank you very much, General. Now, I think it is important that you recognize the individuals who support all of us in our respective challenges, whether it is here in Congress—behind me sits our distinguished staff director of the committee, who is now moving on to a White House position, regrettably. But anyway——

Senator LEVIN. Where is she?

Chairman WARNER. Well, she was here. I guess she is gone now.

Senator LEVIN. She has already flown the coop.

Chairman WARNER. Gone to the White House. [Laughter.]

Thank you very much, and we welcome you, Mrs. Schwartz. I do hope that, assuming confirmation, the General has a bit better control over his hours since he will be in command now. Thank you.

Dr. Sega, would you introduce your family.

Dr. SEGA. Thank you, Mr. Chairman. With me today is my wife Ann and our two sons: Jack, 3½, here; and Matt, a little over 2. This is the first day they have worn a suit and big boy shoes, and it is doubtful whether they will make it through the entire hearing, sir. [Laughter.]

Chairman WARNER. We thank you. You will be on your own then.

We welcome you, boys. Can you wave up here? Hello. Thank you.

Senator LEVIN. There he is.

Senator TALENT. Mr. Chairman. Mr. Chairman.

Chairman WARNER. Let us get that boy back up again. We finally got a photographer, and this picture is worth its weight in gold. There you go.

Why do you not hold one, the wife the other. There, you got your picture. That is good.

Senator TALENT. Mr. Chairman, if we could get a picture of you and Senator Levin waving at the same time again, I would like to keep that for my scrapbook. [Laughter.]

I will keep that for my scrapbook and treasure it always. [Laughter.]

Chairman WARNER. Thank you very much.

Now, Mr. Bell, if you would.

Mr. BELL. Thank you, Mr. Chairman. I would like to take this opportunity to introduce my wife, Gin, who is sitting here behind me; and would also like to take this opportunity to thank her for her support for my deployment and service in Afghanistan, as well as my acceptance of this nomination.

I also have here with me my daughter, Scarlet Talamantas, and two of my grandsons, Patrick and Austin.

Chairman WARNER. Hello, Austin. Where are we?

Mr. BELL. Would you stand up, Austin, so they can see you.

Chairman WARNER. Thank you very much.

Mr. BELL. Thank you, Mr. Chairman.

Chairman WARNER. Thank you very much.

Now, Mr. Grimes, do you have family members here with you today?

Mr. GRIMES. I just have a couple friends that are here, sir.

Chairman WARNER. Well, that is all right.

Mr. GRIMES. Lowell Thomas and Larry McAmire, very dear friends, and Dr. Al Dayton, a former Air Force colonel.

Chairman WARNER. Well, thank you, Mr. Grimes.

Mr. Eastin, you are on your own, right?

Mr. EASTIN. For some time now. Thank you, Senator.

Chairman WARNER. Thank you.

And Mr. Anderson.

Mr. ANDERSON. Good morning, Mr. Chairman.

With me this morning is my wife, Debby, my mother Mildred, and my daughter Shawna.

Chairman WARNER. Thank you.

I thank those of you who have had the opportunity to bring your families, and even though others may not be present, Senator Levin and I have been side by side on this committee, now in our 27th year, and whether he is chairman or I am chairman—and it does seem to go back and forth; pretty permanent at the moment—we have a great opportunity in the course of the hearing—these hearings become a part of the official records of our committee—to recognize the enormous contribution made by the families and those other persons who are in the infrastructure that enable these individuals to take on these challenging tasks.

Having spent a number of years myself a long time ago in the Pentagon, I know well of the challenges and the family support and how important it is to enable you to perform your respective tasks. So we thank you.

I would add that General Schwartz was a frequent and welcome briefer to our committee during his recent service as the Director of Operations, J–3, of the Joint Staff. As his biography demonstrates, he has had a most impressive career, with assignments in key Joint and Special Operations commands. Prior to his current position as Director of the Joint Staff, General Schwartz, as I noted, served as the Director for Operations, J–3, of the Joint Staff, and from 1997 to 1998 as Commander, Special Operations Command-Pacific.

General Schwartz has also served as Deputy Commander of the U.S. Special Operations Command and Commander of the First Special Operations Command, that command having been structured by the Congress of the United States some years ago, primarily under the direction of our former colleague Senator Cohen. I think both you and I joined him in working out that legislation.

Dr. Sega's accomplishments have been duly noted by Senator Allard. We thank you for your service as the Director of Defense Research and Engineering and your willingness to continue to serve in the important position of Under Secretary of the Air Force.

This is a critical time for the Air Force as that proud service recovers from a number of problems, largely in the acquisition area, the Academy, and other personnel problems. But I know that I and Senator Levin and other members of this committee want to give you every possible support to once again bring the Air Force in direct line with the other two military departments and I am confident that in short order it will be right there, flying side by side with the other two military departments.

John Grimes is the nominee to be Assistant Secretary of Defense for Networks and Information Integration. He presently is Vice President for Intelligence and Information Systems at the Raytheon Company. Mr. Grimes is an Air Force veteran, having served on active-duty as an airman, a ground radio station technician, from 1956 through 1960. He subsequently compiled a distinguished 20-year career as a civilian employee of the Department of the Army, serving as Assistant Deputy Chief of Staff for Operations and Plans of the Army Communication Command.

Mr. Grimes then served in the Department of Defense as Deputy Assistant Secretary of Defense for Counterintelligence and Security Countermeasures and as Deputy Assistant Secretary of Defense for Defense-wide Command, Control, and Communication (C3) from 1990 to 2004.

We welcome you, Mr. Grimes, and we thank you for taking on once again in your distinguished career another chapter of public service.

Mr. GRIMES. Thank you, Mr. Chairman.

Chairman WARNER. Thank you.

Mr. Bell is currently serving as the Deputy Under Secretary of the Army, having assumed that post in April of this year. Previously he served as the first Chief of Staff of the State Department's Afghanistan Reconstruction Group in Kabul, advising the President's special envoy and ambassador to Afghanistan and ministers of the government of Afghanistan on efforts to accelerate political stability, reconstruction, and economic development.

Mr. Bell is a former Marine Corps officer who served in Vietnam and Okinawa.

Mr. Bell, we welcome you and thank you once again for having quickly transitioned from that area of the world to come back here to Washington and undertake these important responsibilities.

Mr. BELL. Thank you, Mr. Chairman.

Chairman WARNER. Mr. Eastin is presently the Senior Consultant to the Iraq Ministry of Environment and has served in this capacity since June 2004. He is a recognized expert in natural resources management and has been engaged in the practice of environmental law for over 30 years. He has served as the Deputy Under Secretary of the Department of Interior and as Chief Environmental Counsel and from 1986 to 1988 as Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistics.

I believe your Navy service under Secretaries Lehman and Ball should prepare you for any challenges that you might have, and we thank you for taking on another chapter in a long and distinguished career of public service.

Mr. EASTIN. Thank you, Senator.

Chairman WARNER. Mr. Anderson, you have compiled an impressive career in business and the law, currently serving as the General Manager and Senior Counsel for Environmental Health and Safety Matters for GE Consumer and Industrial Unit of the GE Company. Your community service with the Big Brothers-Big Sisters, the American Red Cross, and the Urban League are indeed very commendable.

I must say this is an extraordinarily distinguished and well experienced group of nominees. It shows the care with which the Presi-

dent, the Secretary of Defense, and others have screened a number of individuals to take on these positions, and I commend them both for this distinguished panel.

The committee has asked all of our nominees, military and civilian, to answer a series of advance policy questions. The nominees have responded to those questions and without objection I will make the questions and their responses a part of the record.

I also have certain standard questions we ask every nominee who appears before the committee. Consequently, gentlemen, if you will listen carefully and just signify your answers very clearly.

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

The PANEL. Yes, sir.

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

The PANEL. No, sir.

Chairman WARNER. Will you ensure your staff complies with deadlines established for requested communications, including questions for the record, in the hearings before the Congress of the United States?

The PANEL. Yes, sir.

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

The PANEL. I will, sir.

Chairman WARNER. Will those witnesses be protected from any possible reprisal for their testimony or their briefings?

The PANEL. Yes, sir.

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

The PANEL. Yes, sir.

Chairman WARNER. Do you agree to give your personal views when asked, even if those views differ from the views of your superiors or others in the administration?

The PANEL. Yes, sir.

Chairman WARNER. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when so requested by a committee of Congress or to consult with the committee regarding the basis for any good faith delay or denial in providing such document?

The PANEL. Yes, sir.

Chairman WARNER. Senator Levin, do you have any opening comments?

Senator LEVIN. Mr. Chairman, I gave a brief opening statement before, and I would concur in your comments about the importance of family. The only disagreement I would have with you on any of your comments would be that oblique reference you made to the permanent nature of the majority continuing in the majority in the U.S. Senate.

Chairman WARNER. I just wanted to make sure that you were listening to what I had to say. [Laughter.]

Senator LEVIN. Any reference like that never falls on deaf ears, I can assure you of that.

Chairman WARNER. I thank you.

Now, gentlemen, we will proceed and, General Schwartz, we would like to have you lead with such opening statement as you may have.

STATEMENT OF LT. GEN. NORTON A. SCHWARTZ, USAF, FOR APPOINTMENT TO THE GRADE OF GENERAL AND TO BE COMMANDER, U.S. TRANSPORTATION COMMAND

General SCHWARTZ. Chairman Warner, Senator Levin, distinguished members of the committee: Thank you. I am both honored and humbled at the same time to be nominated for the position of the Commander of the United States Transportation Command. Sir, I fully understand and appreciate the enormous responsibility associated with the position for which I have been nominated and I will never lose sight of those responsibilities.

I will take very seriously my role as champion of the Active-Duty, Reserve, National Guard, and Defense civilian employees who serve the defense transportation system around the world. It is and they are a national asset.

One of the cornerstones of the national defense strategy is the capability to rapidly deliver combat power to the joint force commander and to effectively link those operating forces to sustainment processes and systems. If confirmed, sir, I will improve and transform those processes, organizations, and systems to optimize rapid force projection, to ensure that sustainment arrives at the right time and at the right place, to support rapid force maneuver of the joint forces commanders when necessary, and to return those forces to home stations and other locations so that they can regenerate and, most importantly, have reunions with family.

If confirmed, sir, Suzy and I will serve with energy, with dignity, and with a profound sense of purpose. I am grateful to you, sir, and the committee for having me before you today and I will be ready to take any questions that you may have.

Chairman WARNER. Thank you very much for a very fine and heartfelt opening statement about the challenges that you face.

Dr. Sega.

STATEMENT OF RONALD M. SEGA, PH.D, TO BE UNDER SECRETARY OF THE AIR FORCE

Dr. SEGA. Mr. Chairman, Senator Levin, and distinguished members of the committee: I am honored to appear before you today. I am grateful to have the trust and confidence of President Bush and Secretary Rumsfeld. I am humbled to be considered for the position of Under Secretary of the Air Force.

The Air Force's 680,000 Active-Duty, Air National Guard, and Air Force Reserve airmen serve well and proudly alongside our country's soldiers, sailors, and marines. They defend this country's freedom by providing combat capabilities that our combatant commanders can use for decisive joint military actions. I would be honored to serve as their Under Secretary.

For the past 4 years I have served as the Director of Defense Research and Engineering in the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics. When my wife Ann and I arrived here from Colorado Springs in August 2001 to take on that assignment, I thought I knew what we were getting into.

I was geared up to tackle the technical issues of defense transformation.

Then, like everyone else, I was shocked into the age of terror. As I walked home from the Pentagon on September 11, I was already thinking about what research and engineering could do to add to the combat power in our national arsenal. Accelerating technological support to the global war on terrorism and enhancing the transition of technology from ideas to fielded capabilities became two of my objectives.

I have been able to shepherd the development of several systems from the drawing board to the battlefield, producing small but effective weapons in months rather than years. I am pleased that they have contributed to Operations Enduring Freedom and Iraqi Freedom.

My other priorities as the Defense Department's Chief Technology Officer were to integrate defense science and technology efforts and focus on transformation, expand outreach to the combatant commands and the Intelligence Community, and strengthen the national security science and engineering workforce. I am pleased to report that we have made progress in each of these areas, although more work needs to be done. I believe that our achievements in all these efforts have enhanced the Air Force's combat capabilities.

I believe that an appointment such as this is a sacred trust. If confirmed as the next Under Secretary of the Air Force, I pledge to do all in my power to warrant that trust. I appreciate the scale and significance of the Under Secretary's responsibility. The Air Force's most important task is to accomplish the military mission, to provide forces to defeat our Nation's enemies. With that in mind, I will apply all of my operational experience to achieving mission success in current operations and all of my technical expertise to ensure that we are prepared to succeed in future operations.

I also believe that the Active, Guard, and Reserve airmen are the best in the world. Their professionalism, courage, and skill are the reason we are the world's most respected air and space force. I will do everything in my power to support their efforts, develop their talents, and provide for their needs.

Mr. Chairman, as I said before, I am both grateful for and humbled by this opportunity to serve. I am also thankful that my wife Ann, my wisest counselor, strongest supporter, and best friend, stands with me in this endeavor.

Mr. Chairman, if confirmed I look forward to working with your committee, and I look forward to answering your questions.

Chairman WARNER. Thank you very much.

I would like to digress for a moment from the order of listening to opening statements to recognize Senator Inhofe, a very valued and senior member of our committee who is chairman of the Environment and Public Works Committee and at this very moment is working to get the final stages of the Transportation Equity Conference Report prepared for the Senate. It is my understanding—and I happen to serve on his committee, and I am quite interested in his response—that you have been up all night working on this. As a distinguished aviator, you have the stamina to do this, but I thank you for joining us here this morning.

I know you are particularly interested in the transportation area, and we have General Schwartz here to undertake that. So I thought perhaps you would give us a few of your observations here, and then you have to go back and work on this thing again.

Senator INHOFE. Mr. Chairman, I appreciate that.

Senator Levin, if that is all right with you, I will just take a moment.

Senator LEVIN. Sure.

Senator INHOFE. It was an all-night thing, and I think we are going to be successful in coming up with a good transportation bill. It is a very significant thing.

First of all, I know all of you, and I am looking forward to your confirmation. Four of you I have had a chance to have personal conversations with. I have just a couple of things I would like to bring up.

One is in the depot maintenance improvement fund. I was very pleased that the Bush administration has recognized that we have to do something with our Air Logistics Centers (ALC). For 19 years now we have been talking about having a core capability so that we would not be held hostage if something happened during a wartime. On the other hand, with our three major, only three, ALCs that are left, it was necessary to start maintaining them.

So we have been pursuing this program. It has been successful. They have performed very well. I am supporting an amendment to fund this at $150 million a year over a 6-year period.

Secretary Gibbs fully supported this depot maintenance improvement fund. Dr. Sega, Mr. Bell, and Mr. Anderson, I just would like to ask if you have any comments to make about this fund and your support or lack of support of that.

Mr. BELL. Thank you, Senator Inhofe. Jack Bell here.

Certainly the whole depot maintenance concept and the maintenance of core capabilities is one that becomes vitally important in the course of not only major combat, but the kinds of involvement we have in Iraq and Afghanistan. What we need to do is we need to find ways to maintain those capabilities and also within that framework find surge capabilities, so we can expand the volumes necessary to support the kinds of changing environment that we are involved in.

Senator INHOFE. Specifically, though, we have a depot maintenance strategy and master plan, and I want to know your level of support for such a plan.

Mr. BELL. Sir, I do not know the details of that plan. I will certainly look at it and be happy to get back with you.

[The information referred to follows:]

The Air Force Depot Maintenance Strategy and Master Plan for depot maintenance infrastructure is critical to ensure maintenance depots can be both responsive and cost effective providers of DOD materiel readiness. The depot maintenance transformation investments should be focused on improving cost-effectiveness, reducing cycle times, and creating a safer work environment. I have no concern with funding programs which provide such returns on investment.

I fully support the Department's funding of the modernization and transformation of their depot maintenance equipment, facilities, and personnel.

Senator INHOFE. Mr. Anderson.

Mr. ANDERSON. Senator, good morning. Bill Anderson.

First of all, thank you for your time that you spent with me several weeks ago explaining your position on this issue. You had some very thoughtful insights.

I too am not thoroughly versed in the status of the investments. Based on what I know, the investment procedure makes sense. It seems like it is on track, and if confirmed, I will work with you and the members of the committee to make sure that we remain on track on the maintenance.

Senator INHOFE. Good, good.

The other thing is the mobility capability study. General Schwartz, we talked about that. It seems like every time we have a meeting we ask when that study is going to be complete. It is critical that we get that done. The answer from one of our witnesses last April was "shortly." Well, "shortly" has come and gone. I would like to get some idea, as specific as you could, as to when you believe we could have the benefit of that mobility capability study. Any of you?

General SCHWARTZ. Senator Inhofe, as the Director of the Joint Staff, I am aware that the analysis for that study is complete. It is being briefed to principals in the Department, and I would expect that the report would be available——

Senator INHOFE. It is complete, is that correct?

General SCHWARTZ. The analysis is complete. The results are being briefed to principals in the Department, and upon conclusion of that effort we will prepare a report, which the Department will naturally present to the committee. I would anticipate that that would be some time in the fall time frame.

Senator INHOFE. All right. There is a time when fall ends, so we will have a chance to talk about that.

The last one I will just ask for the record. Mr. Chairman, you are very nice to allow me to do this. It has to do with the sustainment, restoration, and modernization (SRM) accounts, which used to be called real property maintenance accounts (RPM). We watched during the 1990s these accounts being robbed, and right now we have not really reinstated them and gotten in the position where we can depend on them. They seem to be the most vulnerable place to steal money out of to put in other programs. I have a question for the record that I will be submitting to you folks.

Thank you very much for your service and I look forward to working with you.

Thank you, Mr. Chairman.

Chairman WARNER. Thank you, Senator Inhofe, and we appreciate your stopping by in your very busy day and night.

Senator INHOFE. Thank you, sir.

Chairman WARNER. I once had your job, but mine was a lot easier than yours when I had it.

Senator INHOFE. You did a better job.

Chairman WARNER. No, I would not say that. Good luck to you.

Senator INHOFE. Thank you.

Chairman WARNER. Had you finished, Dr. Sega, your opening comments?

Dr. SEGA. Yes, I have, sir.

Chairman WARNER. And Mr. Bell?

STATEMENT OF PHILIP JACKSON BELL, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIEL READINESS

Mr. BELL. Thank you, Mr. Chairman.

Chairman Warner, Senator Levin, and other members of the committee: I am honored to have this opportunity to appear before the committee, as I am honored that President Bush has nominated me to be the Deputy Under Secretary of Defense for Logistics and Materiel Readiness.

Having served in Vietnam and Afghanistan, I come before you with an intense appreciation of the importance of logistics and materiel readiness in supporting our men and women who are serving in harm's way today and those preparing to go.

At the same time, it is important that we find more cost effective ways for providing that support as the character of the war changes from expansion to sustainment. While we are doing that, we need to look to the future and prepare our Armed Forces to respond to other threats and other crises, present and future.

If confirmed, I pledge to you my dedication to fulfilling the responsibilities of this office and the vital role that it plays in the defense of our country. My wife Gin and I have four children and five grandsons, and we feel the need to leave them a better world than the one we live in today.

I thank you for this opportunity and this honor to be here and I would be pleased to answer any questions you have. Thank you.

[The prepared statement of Mr. Bell follows:]

PREPARED STATEMENT BY PHILIP JACKSON BELL

Senator Warner, Senator Levin, and other members of the Senate Armed Services Committee, I am honored to appear before you today—as I am honored that President Bush and Secretary Rumsfeld nominated me for the position of Deputy Under Secretary of Defense for Logistics and Materiel Readiness.

Having served in Vietnam and in Afghanistan, I come before you with knowledge of the importance of logistics to the overall success of our military operations, be it in training here in the States or deployed in military interventions around the world.

We must be committed to provide the support needed by our commanders and their troops, while at the same time finding ways to manage the costs in doing so.

I would like to take a moment to acknowledge the support from my wife Gin for my service in Afghanistan, and for the decision we jointly made to move to Washington to work on these important issues. Gin and I believe we need to leave the world to our grandchildren in better condition than it is today.

Thank you again for this opportunity. I will be happy to answer any questions you may have.

Chairman WARNER. I thank you for your statement and I certainly agree with your last comment. I too am blessed with children and grandchildren, and I try every day in my opportunities here in this magnificent institution of Congress to do what I can to assure that they will share a future as rich and rewarding as the one that my generation has experienced. Thank you, sir, for that reference.

Mr. Grimes.

STATEMENT OF JOHN G. GRIMES, TO BE ASSISTANT SECRETARY OF DEFENSE FOR NETWORKS AND INFORMATION INTEGRATION

Mr. GRIMES. Thank you. Mr. Chairman, Senator Levin, members of this committee: It is a privilege and an honor to appear before you today as the President's nominee to serve as Assistant Secretary of Defense for Networks and Information Integration, and as the Chief Information Officer of the Department of Defense.

First, I would like to thank the President and Secretary Rumsfeld for their support and confidence by selecting me for this position.

If confirmed, I look forward to the opportunity to serve my country at a time when our national security environment is markedly different and more complex than any time in our Nation's history. The Department has developed a defense strategy to meet the changing and challenging threats of a different world. True transformation of the Department can only be achieved by transforming the way we communicate and by taking full advantage of information age technology to ensure our decisionmakers and our warfighters have access to the information when needed.

We must move to an environment where information is shared and available to those who need it in a timely manner. The development, deployment, and integration of a Department-wide information infrastructure and supporting network that is global, interoperable, secure, real-time, and user-friendly are critical underpinnings for success in the Department's transformation. The position for which I have been nominated is responsible for leading the implementation of this portion of transformation.

Let me close by stating that if I am confirmed I look forward to working with you, Mr. Chairman, and the other members of the committee, as well as the dedicated men and women of the Department of Defense, to meet the challenges of this dangerous and uncertain world in which we live.

Thank you and I look forward to taking your questions.

[The prepared statement of Mr. Grimes follows:]

PREPARED STATEMENT BY JOHN G. GRIMES

Mr. Chairman, Senator Levin, members of the committee: It is a privilege and an honor to appear before you today as the President's nominee to serve as the Assistant to the Secretary of Defense for Networks and Information Integration and the Chief Information Officer of the Department of Defense.

First, I would like to thank the President and Secretary Rumsfeld for their support and confidence by selecting me for this position. If confirmed, I look forward to the opportunity to serve my country at a time when our national security environment is markedly different and more complex than at any other time in our Nation's history.

The Department has developed a defense strategy to meet the changing and challenging threats of a new and different world. True transformation of the Department can only be achieved by transforming the way we communicate, and by taking full advantage of information age technologies to ensure that our decisionmakers and warfighters have access to the information, when needed. We must move to an environment where information is shared and available to those who need it in a timely manner.

The development, deployment, and integration of a department-wide information infrastructure and supporting network that is global, interoperable, secure, real-time and user-friendly are the critical underpinnings for the success of the Department's net-centric transformation. The position for which I have been nominated is responsible for leading the implementation of this portion of the transformation.

Let me close by stating that if I am confirmed, I look forward to working with you, Mr. Chairman, and the other members of the committee, as well as the dedicated men and women of the Department of Defense to meet the challenges of this dangerous and uncertain world in which we live.

Thank you, Mr. Chairman. I look forward to answering the committee's questions.

Chairman WARNER. Thank you for a very fine opening statement.

Mr. Eastin.

STATEMENT OF KEITH E. EASTIN, TO BE ASSISTANT SECRETARY OF THE ARMY FOR INSTALLATIONS AND ENVIRONMENT

Mr. EASTIN. Senator Warner, Senator Levin, members of the committee: I appreciate the opportunity to appear before you this morning. I also appreciate that the President believes I am qualified to assume the duties of Assistant Secretary of the Army for Installations and Environment. I will briefly outline my priorities if confirmed.

First, our soldiers are our most important asset. They deserve to live in conditions that are comparable to those of the citizens they protect. This is in housing, installations, and other facilities.

Second, our soldiers must be trained to fight. That means realistic training conditions. Our installations must be maintained to ensure that our soldiers are ready to fight. Thus we must find a way to deal with encroachment, environmental encroachment, as well as those of community activities in the area.

Third, attention must be paid to operating as a good environmental steward. We must obey the laws, but work within them to ensure installations that work. If confirmed, I pledge to work with Congress on existing and emerging issues involving installations and the environment.

Thank you for holding the hearing today and I look forward to your questions.

[The prepared statement of Mr. Eastin follows:]

PREPARED STATEMENT BY KEITH E. EASTIN

I appreciate the opportunity to appear before you this morning. I also appreciate that the President believes that I am qualified to assume the duties of the Assistant Secretary.

I believe that installations are one of the most important features of military life. This is especially true of current times when we have a volunteer Army. Our soldiers have other opportunities with the private sector. To retain these soldiers and their families in the Army, we need to treat them as one of our most important assets and provide them with housing and facilities that modestly compare to those of the people they protect. This applies to family housing as well as barracks for the Army's enlisted soldiers. If confirmed, I will place one of my highest priorities in achieving high quality housing for the soldiers.

The Army is working its way through another round in the BRAC process. I believe that both our soldiers and our neighboring communities deserve an organized and speedy execution of the process. That requires integration of the new forces into new surroundings. It also includes the prompt disposal of properties involved in closings so that communities may make their properties productive—jobs for their residents—and onto the tax rolls. If confirmed, one of my immediate priorities will be to effectuate activities involving BRAC-related installations in an efficient manner.

Encroachment and other challenges to the use of our training facilities are many. Environmental factors affect the year round use of the facilities. Threatened and endangered species are resident on many of our installations. Community pressures to develop raw land inventory surrounding the installations are increasingly chal-

lenging training needs. If confirmed, I plan to continue to emphasize land use planning and other available tools both for environmental purposes and in dealing with local communities.

Last, I believe it important to assure the occupational safety of our soldiers and the civilian members of our workforce. If confirmed, I intend to see that emphasis is placed on achieving a safe working environment for our people.

I pledge to work with Congress on existing and emerging issues involving installations and the environment. I thank you for holding the hearing this morning and look forward to any questions that you may have.

Chairman WARNER. Thank you very much, Mr. Eastin.

Now Mr. Anderson. You are the wrap-up batter. Please proceed.

STATEMENT OF WILLIAM C. ANDERSON, TO BE ASSISTANT SECRETARY OF THE AIR FORCE FOR INSTALLATIONS, ENVIRONMENT, AND LOGISTICS

Mr. ANDERSON. Thank you, sir.

Mr. Chairman, Senator Levin, and members of the committee: I sit here today truly humbled by the confidence the President, Secretary Rumsfeld, and the Air Force have shown in me. As a private sector executive, I am extremely honored at the possibility of serving my country.

No one could assume responsibilities of this magnitude without the support of family. Three of the most significant people in my life are here with me today. My wife, Debby, has led a nomadic life as I have moved through a corporate career, sometimes barely getting the furniture in place in time to get the house back on the market. She has always embraced every opportunity with enthusiasm and a smile and, if confirmed, is excited about opening this new chapter in our lives.

My daughter Shawna will begin her final year at New England College next month, on her way to a career helping troubled teens find their way, a path that makes us all very proud.

My mother, in a career that now spans 6 decades, has dedicated her life to education, first as a public school teacher and most recently training the next generation of classroom teachers.

If confirmed, the organization I will lead as Assistant Secretary of the Air Force for Installations and Environment will manage issues that span the Air Force mission, from ensuring that equipment used by our fighting forces is available when needed and works as expected every time to establishing the appropriate infrastructure that provides the quality of life to our service members and that their families deserve, to ensuring that the Air Force is a good neighbor to the communities that host our military installations.

I am confident that my global business experience will contribute to building on the success already achieved by the Air Force team.

Mr. Chairman, I would like to thank you and the other members of the committee and your staffs who spent time with me over the past several weeks. The thoughts shared with me were insightful and the dedication this committee has to those who stand in harm's way is evident. If confirmed, I look forward to working with this committee in support of those who each morning put on the uniform in the defense of the United States.

Thank you, sir.

Chairman WARNER. Thank you very much, Mr. Anderson. I remember when you visited with me in my office here a week or so ago. I was struck and I reflected on your enormous enthusiasm in taking on this post. I reflected back some 30-odd years when I walked across the doorstep of the Pentagon for the first time in February 1969, when our Nation was in the grip of a very severe war in Vietnam.

I remember an old fellow with a green eyeshade who used to walk up and down the halls. He had been there since James Forrestal was Secretary of Defense, if you can believe it. One day he stopped me and he said: "I see you run up those stairs every day." I said: "Yes," mainly because the Navy floor was above the Army floor and I wanted to get through Army country as fast as I could to get up to the Navy country. He said to me: "You know, you have got a front row seat on the most extraordinary stage in the world."

We have conflicts going now, fortunately not of the severity that we were experiencing at that time in Vietnam, when we averaged sometimes 100 casualties a week or more. We have in mind today the seriousness of our losses, now approaching 1,800 lives lost. I called a family yesterday, as I and other members of this committee and Congress do, to express our condolences for the losses.

These are the most serious of times, I say to each of you as I reflect back over the opportunities I have had to be associated with the men and women of the Armed Forces now some 60 years for me. It seems to me that the problems that face our Nation and other nations in this struggle to preserve freedom in the face of terrorism are really far more complex than during the era of what we referred to as State-sponsored aggression. It is now a diversity of different types of aggression.

While our Nation has spared not a dime in equipping the men and women of the Armed Forces, we are faced with crude weapons cobbled together by unskilled, untrained people, but the weapons work and cause devastating damage. I refer to the improvised explosive devices (IED), which I will discuss with you, Dr. Sega, in a moment.

Think about the challenges that face you, and let us do our best to help the men and women of the Armed Forces and their families, who are experiencing these risks on a daily basis.

With the completion of these opening statements, we will now start our question period, and Senator Levin and I will go back and forth here.

I want to say to you, General Schwartz, having had the opportunity and really the privilege of working with you for some several years now, in my judgment you are eminently qualified to take on this very important command. In a subsequent round of questions I will deal with some of your specific duties.

The Nation and the world were greeted this morning by statements made by Secretary Rumsfeld and General Casey; General Casey being the on-scene commander in that area of responsibility (AOR) in Iraq working with General Abizaid, who is in charge of the entire AOR. I have met him, as has Senator Levin and members of this committee. He has been in the position that you have occupied, giving us reports in the times that he is back here. But he made a statement yesterday projecting into the future that I

would like to refer to and ask your views, because we respect highly the views of the on-scene commander. He has the daily real-time information before him.

But the overall conduct of the conflict still rests with the Secretary of Defense and the Chairman of the Joint Chiefs, a magnificent Chairman under whom you have been serving these months. I would like to get the perspectives as best you can relate them of the thinking, as we refer to it, in the tank now and such reflections it has had on General Casey's comments.

Let us go back and carefully recite what was said, as reported in the press, because I think the President, the Secretary of Defense, and others have been very careful to not unduly raise the hopes, be it of the families and the men and women in these areas of conflict, but indeed of the Nation, whose prayers are with these individuals day and night, about what the future holds.

Let us reflect on it. The press reported General Casey as saying: "If the political process continues to go positively and if the development of the security forces continues to go as it is going,"—and that is the phrase I am going to develop—"I do believe we will be able to take some fairly substantial reductions after these elections in the spring and in the summer"—and I ad lib here, presumably of 2006.

I want to ask as to whether or not the Chairman and the members of the Joint Chiefs in their expressions of views, are they consistent with that evaluation? I specifically call your attention to a question asked by my distinguished colleague to my left, Senator Levin, on June 29. He put this question to General Pace: "Can you provide unclassified information as to how many of the roughly 160,000 members of the Iraqi security forces are capable of taking on the insurgents without assistance from coalition forces?"

The response, and it was sent to the committee in writing, "Only a small number of Iraqi security forces are taking on the insurgents and terrorists by themselves. Approximately one-third of their army battalions are capable of planning, executing, and sustaining counterinsurgency operations with coalition support. Approximately two-thirds of their army battalions and one-half of their police battalions are partially capable of conducting counterinsurgency operations in conjunction with coalition units. Approximately one-half of their police battalions are forming and are not yet capable of conducting operations. The majority of Iraqi security forces are engaged in operations against the insurgency with varying degrees of cooperation and support from coalition forces. Many of these units have performed superbly in conducting operations against the enemy and their operational capability is continuing to improve. I have provided a classified graphic of this data in my response to advance questions."

The Washington Post in covering the remarks by Secretary Rumsfeld and General Casey carried this interpretation of presumably this unclassified document which was in response to Senator Levin's request. I will read the context in which it was given, and this starts out: "Iraqi leaders have also said consistently that U.S. troops should leave as soon as the U.S.-trained Iraqi army is ready to fight the insurgency and defend the country, but have estimated that it could take from 18 months to 5 years. 'The great desire of

the Iraqi people is to see the coalition forces be on their way out as they take more responsibility,' Jafari said at his news conference with Rumsfeld after their noon meeting in Baghdad. But Jafari said a withdrawal would require 'picking up the pace of training Iraqi forces, as well as carefully synchronizing the U.S. withdrawal as Iraqi forces took charge of different parts of the country.'"

Continuing the quote: "'The withdrawal should be whenever the Iraqi forces are ready to stand up,' Jafari said. "We do not want the multinational force to have a surprise departure.'"

Now here is where it relates to the Joint Staff: "Earlier this month, a report prepared by General Peter Pace, the incoming Chairman of the Joint Chiefs of Staff, concluded that only a 'small number' of the Iraqi forces were capable of fighting insurgents without U.S. assistance. 'Two-thirds of the Iraqi forces are 'partially capable' of counterinsurgency missions if they have U.S. support,' Pace concluded."

I think this comment by General Casey—and I do not say this in criticism; I just say it as an observer who follows this scene and carefully studies all of the documents that Congress has before it together with the press—could well be interpreted as a timetable of sorts.

I would like to ask you first, is there a report by General Peter Pace, the incoming Chairman, or does this one answer constitute what they refer to as a "report"?

General SCHWARTZ. Sir, there is a report which was delivered last week to Congress, some of which was classified.

Chairman WARNER. Yes.

General SCHWARTZ. That provides additional details to the question you have asked with regard to Iraqi security forces. We can certainly discuss that in another forum.

Chairman WARNER. This is marked unclassified and I presume his answer was unclassified, but it basically states that, because he said approximately two-thirds of the army battalions and one-half of the police force are partially capable.

General SCHWARTZ. Sir, if I may, I think it is important to recognize that there are two pieces here, one on the Iraqi security forces. You can be sure that the Iraqi battalion that is engaged in Bag Bah or in Ramadi and what have you, while we may characterize them as partially capable, in other words not being able to operate completely independently of coalition assistance, they are engaged in combat. That young lieutenant in the Iraqi Armed Forces is up to his eyeballs in the fight.

My point is, while the Iraqis may not have the complete logistics footprint that is necessary at the moment to operate without our assistance or the intelligence might require augmentation from the coalition, that they are carrying the battle. So the word "partial" needs to be understood in the right context.

With respect to General Casey's statement, sir, I do not know what the complete context was, but I know, having heard General Casey report to the Joint Chiefs, as you suggested, repeatedly over the last few months, is that he believes that a drawdown is desirable. It is appropriate for the Iraqi security forces to assume the responsibility of securing their nation. At the same time, he knows that that transition which is under way as we speak will be condi-

tion-based, not event-based. I am sure that if he were here today he would say the same.

Chairman WARNER. You are correct, he did carefully use two "ifs" in there, but the second is "if the development of the security forces continues to go as it is going," and this is what Congress has before it, together with that report, to give the analysis of the Chairman and the Joint Chiefs as to how it is going. This to me could be construed as somewhat in conflict with General Casey.

I have taken generously of the time here, but what I will do in the course of the day is to prepare a letter to the Chairman and ask for his views to make certain that the statement by General Casey is not inconsistent—hopefully that conclusion can be reached—with what is expressed in his reports to Congress.

General SCHWARTZ. Yes, sir.

Chairman WARNER. Thank you very much. I will return to questions to others later.

Senator Levin.

Senator LEVIN. Mr. Chairman, you have raised a very vital question, which I am glad General Schwartz is here to address. We got a letter report from Secretary Rumsfeld, that I gather is the report which is required by the supplemental appropriations bill?

General SCHWARTZ. That is correct, sir.

Senator LEVIN. That report is less forthcoming in its unclassified part than was General Pace's answer to my question. The American people and we need to have it in an unclassified way so that we can make up our minds, but also in order that the American public can make an assessment of just how quickly the Iraqi forces are being trained.

Frankly, General Pace's report gave us some meat on the bones. Secretary Rumsfeld's report that was required by law was very sketchy, much more so than General Pace. So I would hope that that message could get back to Secretary Rumsfeld.

We have to have enough unclassified information so that we can talk in public and the American public can think about what the progress is here. We need that. I think we are entitled to it. The people are entitled to it and I would hope you would pass that along to Secretary Rumsfeld.

General SCHWARTZ. Yes, sir.

Senator LEVIN. Now, there seems to be an inconsistency with the quote that the chairman read of the prime minister when he said that—and I think it was the prime minister he was quoting, although——

Chairman WARNER. That is correct.

Senator LEVIN. Prime Minister Jafari?

Chairman WARNER. Yes.

Senator LEVIN. The quote about picking up the pace of training I believe was attributed to the prime minister.

Chairman WARNER. That is correct.

Senator LEVIN. That is somewhat different from saying if things continue as they are, as General Casey said.

Chairman WARNER. That was why I brought this up, Senator. You are quite correct. It seems to me those things should be cleared up, and perhaps you and I could send a joint letter today to try and get those statements.

Senator LEVIN. The stakes here are really huge. Every one of us in this room knows it. So I would like to join with you, and I welcome that offer, Mr. Chairman, in such a letter, because there do seem to be at least two inconsistencies.

General Schwartz, let me ask you a couple questions that directly relate to your confirmation. The ongoing mobility capability study has not been completed, and you and I have talked about this. A recent report stated that when it is completed it will not make a specific recommendation as to how many C–17 aircraft are needed. It would seem to me that the study would be a lot more useful if it made some concrete recommendations.

Is it your belief that the study should specify how many, approximately at least, C–17s that we need and do you think it is likely that there will be at least a fairly specific recommendation in that regard?

General SCHWARTZ. Sir, once again my exposure to this is as the Director of the Joint Staff. The study at the moment is, I would characterize it as, suggesting a range of potential solutions. That is what the analysis has produced. It has again not been vetted by the principals in the Department, and so the outcome is still not completely certain.

But it is clear that either the study or its contribution to the quadrennial defense review will have to result in a position on how many mobility assets, what capability is required, and how to proceed on a path of fielding that required capability.

Senator LEVIN. The more specific the range, the more useful it would be. That is the bottom line.

General SCHWARTZ. Sir, that is clear. There is no question about that. If confirmed, sir I would seek to nail that down.

Senator LEVIN. Thank you for that.

Shall I continue?

Chairman WARNER. Yes.

Senator LEVIN. General, the Department of Defense is proposing to relocate tens of thousands of personnel and much of their equipment from forward-deployed bases in Germany and Korea back to the U.S. This is going to increase airlift and sealift needs. It does not appear that the administration took this into consideration when developing the integrated global presence and basing strategy, and we still do not have, the year after the President formally announced it, an assessment from the DOD of the impact of these moves on our mobility requirements.

Has the Joint Staff determined the impact of that relocation on mobility requirements?

General SCHWARTZ. Sir, that is part of the analysis of the mobility capability study. The adjustments which were anticipated due to global posture initiatives were addressed in that analysis, and that is part of the reason, sir, for the range of required capability.

Senator LEVIN. When are we likely to get that?

General SCHWARTZ. Sir, again I would anticipate, as in my answer to Senator Inhofe, not later than the fall time frame.

Senator LEVIN. Just one more question for General Schwartz.

Chairman WARNER. Go right ahead.

Senator LEVIN. The Air Force is making substantial changes in the future force structure through a program called future total

force, and this is going to result in substantial realignments of force, particularly within the Air Force Reserve and the Air National Guard. How is the transition to the future total force going to affect the forces working for TRANSCOM?

General SCHWARTZ. Sir, from my prior experience, the mobility community has perhaps been the prototype for future total force over the years, of having both units, Reserve units or National Guard units, which own the airframes they fly and having Active-Duty associates with those units. On the other hand, we have also had situations where the Active-Duty own the platforms and the Reserves provide additional maintainers and air crew capability.

Future total force in my view was born in the mobility community, and it will continue to thrive there.

Senator LEVIN. Thank you.

Thank you, Mr. Chairman.

Chairman WARNER. Thank you, Senator Levin.

Dr. Sega, as I mentioned in my comments with respect to this morning about the cutting edge that America is on every bit of technology, sparing nothing for the equipping of the men and women of the Armed Forces. Yet we are encountering in two AORs, both Iraq and now somewhat growing in Afghanistan, a troubling development—the improvised explosive device (IED)—which is cobbled together from old artillery shells and other things, and using sometimes cell phones for detonation. This bit is out in the public domain. These roadside detonations take place, causing enormous death and injury, death and injury in the greatest proportions to the Iraqi civilian population. It is just extraordinary.

I am very proud of the record that Senator Levin and I and other members have compiled in supporting every possible means by which to enable the Department of Defense and such other departments of our government to pursue the research and the development of countermeasures to deal with this weapon system.

I would like first to ask you to describe within the Department of Defense the chain of command of the various levels and the various organizations that are working on the IED program, and where specifically your current position fits in there. Specifically, what involvement do you and your staff have in this very difficult challenge?

Dr. SEGA. As you pointed out, Senator Warner, it is a complex problem. The approach to address IEDs is one I think is best viewed as a layered approach. Part of the effort and a significant effort is in the protection in the event that an IED explodes near up-armored high mobility multipurpose wheeled vehicles and so forth.

Chairman WARNER. My next question will go to the up-armoring. First, I would like to kind of understand for the record the chain of this decisionmaking and work process and what you specifically have been doing.

Dr. SEGA. Yes, sir.

Chairman WARNER. Then I will come back to my next question concerning the IED, the instrument of destruction itself. Not only the technology employed to try and detect them and neutralize them before convoys and so forth get to them, and where we are on that. Then second, the countermeasure of trying to equip the

troops, all the way from body armor through the armoring of vehicles to hopefully prevent injury, and limit the extent of the injuries and damage.

Dr. SEGA. Sir, I would characterize the focus as in a Joint IED Task Force.

Chairman WARNER. That is under General Votel?

Dr. SEGA. General Votel to the Deputy Secretary of Defense.

Where the new technology fits in is supporting that Joint IED Task Force. It comes out of the roots of a Combatting Terrorism Technology Task Force which we initiated on September 19, 2001, where we brought the technology community from the Services, agencies, and OSD and then partners outside of the Department of Defense together to see what we could bring to bear in the war on terrorism. The focus was Afghanistan and eventually has moved to issues of force protection, and counterinsurgency has been the principal focus, to turn things rapidly.

We appreciate Congress' support and the ability to move rapidly with some of these technology pieces. We still have a weekly forum in which we communicate with the community, some forward in theater, some back, in terms of understanding the innovative part, the new technology part, the needs, and how the solutions are working in theater.

We set up the Yuma Proving Grounds for testing, particularly in the IED area, and that is a joint activity. You go down there any given week and you will find members down there—to not only look at the technology——

Chairman WARNER. I am familiar with that.

Dr. SEGA.—but also tactics, techniques, and procedures.

Chairman WARNER. That range or test ground is under whose direct supervision?

Dr. SEGA. Now it is moving under the Joint IED Task Force. As we moved on, in time, some of these activities are being combined. It is a joint problem, clearly, when you also enter in aspects of this IED problem of intelligence, for example. Then there is additional support into the joint IED effort.

But the focus, particularly in the ground-based activities, is in the Joint IED Task Force under General Votel.

Chairman WARNER. I look upon your organization, having had some familiarity with it from my own experience in the Pentagon, as an enormous reservoir of technical knowledge, innovation, and creativity, and not only in your organization, but the contacts that your organization has with a vast industrial base. That system has been working year after year after year in the Department of Defense on all types of technology.

I am not here to criticize. I just want to make certain that that extraordinary reservoir of talent, ideas, and creativity, both in-house in your organization and with the infrastructure of private sector people that you and your predecessors have worked years with, is being utilized. Does that have a clear path up, I guess through General Votel, and on up, to the Deputy Secretary of Defense?

Dr. SEGA. Yes, it does, sir.

Chairman WARNER. Are you actively working the problem?

Dr. SEGA. Yes, we are, sir. Many of the solutions that we provide forward are not appropriate for this forum, but this week I attended the Joint IED Task Force briefing and update to the Deputy Secretary of Defense, so we are part of that process.

Some things are not available in the near term, and we still continue to work on them as mid-term and longer-term solutions. That is our focus.

Chairman WARNER. So you are a permanent member of the board as such. I am just worried about all of these levels of bureaucracy and everything. I think the Secretary tried to streamline the process, giving General Votel and his task force the direct access to the Deputy Secretary. Can you just assure the committee that in your judgment professionally, one who served in your position, that the structure is working and working efficiently, and it is your judgment it needs no further refinement or otherwise? Because I see all kinds of layers, boards, and everything feeding into this.

Dr. SEGA. Sir, I believe it is working and is becoming more efficient, and the direct report from General Votel to the Deputy Secretary of Defense is in place. This is a dynamic environment, and we cannot let anything be static in terms of addressing the problem.

Chairman WARNER. All right. What about the up-armoring situation? We started out with the best of intentions, the HMMWV. We had the experience of the First Gulf War, in which in 100 hours mobility and swiftness, with magnificent leadership by our military leaders, we concluded that phase of the first conflict. The HMMWVs were in that conflict, without presumably the heavy armor.

Now of course, we have had to deal with the real world as it is today, and particularly the IEDs, and we are working on the up-armoring. Is that another area in which your organization and its tangential infrastructure support with the private sector has the ability to feed in your ideas?

Dr. SEGA. Sir, the responsibility of Director of Defense Research and Engineering is to bring forward a technical solution. So for the armor, some of it is different alloys of steel; some of it is ceramics; some of it is reactive armor.

The needs of the theater are brought from the commanders in the theater and then the acquisition is another part.

Chairman WARNER. I understand that.

Dr. SEGA. I did not play a role in terms of the purchasing and activating the industrial base.

Chairman WARNER. I have some very basic knowledge of metallurgy and compositions and so forth. My basic question is are you satisfied with the ability of your organization and its infrastructure in the private sector to feed directly those answers in as quickly as possible?

Dr. SEGA. Sir, we have a good mechanism, and we are focused on this every day. But I would not be satisfied until we can completely get the job done. It is an evolving one, so I think I would never be satisfied.

Chairman WARNER. I was basically addressing procedures as opposed to quick solutions. You are satisfied with the ability of the integration of that information through the chain of the up-armor?

Dr. SEGA. Sir, it has gotten better, and it will continue to get better, and we will work on that.

Chairman WARNER. I thank you very much.

A question both to Mr. Bell and to Mr. Eastin, both of you having served in these difficult areas of operation. Mr. Bell, your service as the first chief of staff within the U.S. State Department's Afghanistan Reconstruction Group in Kabul bears discussion. Similarly, Mr. Eastin, your employment as a senior consultant to the Iraq Ministry of Environment is commendable and an important addition. I think it is extraordinary that the judgment was made in this administration to bring each of you back in in these important positions.

First to you, Mr. Bell. Can you describe with specificity what your work was as the chief within the reconstruction from the perspective of Afghanistan?

Mr. BELL. Yes, sir, Mr. Chairman. The administration had made a decision that there needed to be more focused efforts on the reconstruction aspects of the assistance programs in Afghanistan. Those programs had been concentrating initially on relief and on humanitarian assistance programs, with one major program on the construction of the road from Kabul to Kandahar.

It was obvious that to achieve stability within the fledgling government that we had there in Afghanistan that we needed to be able to accelerate the efforts in achieving political stability, economic development, and some infrastructure development. Not reconstruction but some infrastructure development, because Afghanistan is a country that, of all the countries that certainly I have been familiar with, has the least amount of existing infrastructure.

So I was authorized by the State Department to recruit world-class experts in reconstruction who had worked in those capacities in whatever countries and whatever environments, and was able to find people who had landmark influence over the development of different countries in different capacities. We actually had no more than 15 to 18 expert advisers over there who were working with Ambassador Khalilzad, the President's special envoy, working with the embassy and the U.S. Agency for International Development (AID) teams, and working with the government of Afghanistan on refocusing priorities to bring about more of the infrastructure and economic stability efforts to support the government's development.

Chairman WARNER. Thank you.

Now, Mr. Eastin, your views?

Mr. EASTIN. My position in Baghdad was advising the Ministry of Environment. I have a uniquely different perspective on it than does Jack. The Ministry of Environment and environment as an issue in Baghdad and in Iraq is almost nonexistent. There has been no environmental program there. So in effect, what I had the opportunity to do there was to advise the minister on how to set up an environmental program, indeed how to convince the people of Iraq that there was an environment out there and that perhaps they ought not just throw everything out the back door. They ought to treat it with some respect.

One of the major problems in Iraq was the lack of some environmental law there. The law is a left-over from Saddam's command and control days and effectively was about a page and a half long, and the penalties for violating it ranged from $3.48 per violation all the way up to $68. So if we are trying to clean up the environment in Iraq, that did not seem to me to be very much of a deterrent to industry in cleaning it up.

What we tried to do there is to get the people educated and to try to move their legal system into the 21st century so that incoming investment could be assured of the atmosphere in which they were dealing and international investment in terms of the World Bank and the United Nations environmental program could be helped. In some small way, I think I have nudged them along that way. It has been a very rewarding experience to me and certainly challenging along those lines.

Chairman WARNER. Thank you very much.

I must go to the floor. There is a bill on there, and my amendment hopefully can be brought up. I am going to ask Senator Levin if he would conclude the hearing, and we will ask each of you in due course to respond to written questions. We have a procedure here so that the confirmation process can go forward. Often the necessity to move on these matters is important because the Senate is to conclude its work until after the August recess.

It is my hope, and I think it is the hope shared by my distinguished ranking member, that the confirmation process on each of you can be completed prior to the Senate's August recess. Nevertheless, the questions are an important part of this record, and I am going to ask each of you to look to that.

Senator Levin, thank you very much. [Pause.]

Senator LEVIN. Thank you.

Dr. Sega, let me start with you. The Joint Unmanned Combat Air System (JUCAS) program has been in development since you have been in charge of defense science and technology (S&T) and has received more than a billion dollars in S&T funding since fiscal year 2002. It is one of the largest S&T programs in the Department. It has undergone significant high-level attention from the Department and from Congress.

The program was transferred to the Defense Advanced Research Projects Agency (DARPA) because of concern about divergent efforts within the Air Force and the Navy. More recently, the Department has decided to transfer the program back to the Air Force to manage the program on behalf of itself and the Navy, due to difficulties in developing transition strategies, clarifying roles of various organizations in the program, and getting service buy-in for the program.

Can you tell us what the difficulties have been and what efforts you made to address them?

Dr. SEGA. Senator Levin, the underpinning technology in JUCAS is the X–45 program, and that has had numerous successful flights at Edwards Air Force Base, both single aircraft and dual aircraft. The ability to demonstrate the unmanned aerial vehicles (UAV) technology and the autonomy required to lead into the JUCAS, I believe is a positive story.

As we move into the JUCAS, we are developing a more capable weapon system and we have two contracting teams that are approaching it. At this point it is moving to three aircraft each and, as you point out, it is transitioning from DARPA to the Air Force as the lead, but the Navy and the Air Force continue to be principal players in it. A management decision was made. It should not affect the development of the vehicles.

Senator LEVIN. Why was it necessary to transfer this back to one of the two Services? Why did it not work with DARPA in control?

Dr. SEGA. Sir, I do not know the details of all the decisionmaking considerations that were in this, but the program has now moved into more of a mature weapon system. The demonstration of many of the component parts of this were led by DARPA, and appropriately by DARPA. A decision was made that it was moving toward the development of this next phase, but I do not have the details.

Senator LEVIN. Thank you.

Dr. Sega, were you involved in the establishment of the program called Total Information Awareness?

Dr. SEGA. No, sir, I was not.

Senator LEVIN. Was that a DARPA deal?

Dr. SEGA. Yes, it was.

Senator LEVIN. But you did not oversee DARPA?

Dr. SEGA. Yes, sir.

Senator LEVIN. But you were not familiar with their creation of that program?

Dr. SEGA. It is one of many programs in DARPA, but I was not intimately familiar with it at its origin, no. I believe it may have preceded my tenure.

Senator LEVIN. Mr. Grimes, the information technology (IT) budget is one of the fastest growing parts of the DOD budget. We hear often of cases where investments are being made in programs that are behind schedule, running into technical difficulties, or not well coordinated between the Services. Since the IT systems in the DOD, whether on the business support or the warfighting side of the house, need to be completely interoperable, would it make sense for the Office of the Secretary of Defense, namely the NII, to have more control over the development of the IT budgets of the Services?

Mr. GRIMES. Senator Levin, as I understand it today each individual service does program for their respective IT programs. However, in place are standards and interoperability testing that require these systems to interoperate. With respect to business systems and warfighting, of course, IT is now embedded in everything we do, every weapon system and aircraft or what have you as I understand it. I am not familiar with the budget process at this time, but will be glad to make that one of my priority efforts to look into it.

Senator LEVIN. That would be helpful, if you would do that, and then after confirmation, assuming that occurs, if you could just within say a couple of months, 2, 3 months, get back to us on that subject, because we just hear constant references to technical difficulties. It may take some more centralized guidance to make

them interoperable. So if you could, just say within 90 days, let us know what your thinking is on that, it would be appreciated.

Mr. GRIMES. If I am confirmed I will do that, sir.

Senator LEVIN. Thank you.

[The information referred to follows:]

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NETWORKS AND INFORMATION INTEGRATION

NOV 30 2005

The Honorable Carl Levin
Ranking Member, Committee on Armed Services
United States Senate
Washington, DC 20510-6050

Dear Senator Levin:

Thank you for your question during my confirmation hearing in July 2005 about centralizing control of the Service's information technology (IT) budgets. I researched the topic, and now that I am confirmed, I firmly believe Title 10 of the U.S. Code grants me the authority to properly control these budgets in the centralized manner you discussed at the hearing. Furthermore, I intend to fully leverage a recently signed departmental directive to facilitate interoperability across our IT spectrum.

As the Department of Defense (DoD) Chief Information Officer (CIO), I have been granted Title 10 responsibilities to provide recommendations to the Secretary of Defense on DoD budget requests for IT and National Security Systems (NSS). I also have Title 10 responsibility to prescribe Department-wide IT and NSS standards. The Military Services and Agencies are required to demonstrate program compliance with these standards as they plan and budget for IT and NSS assets.

Acting Deputy Secretary England recently signed a departmental directive that superimposes a top-down, cross-Service and Agency governance strategy for IT and NSS investments. This approach decomposes the Global Information Grid into four mission areas, where each is comprised of cross-Service and Agency portfolios of IT and NSS investments. These mission areas are Warfighting, Business, Intelligence, and the Enterprise Information Environment. As the leader of the Enterprise Information Environment portfolio, I analyze the IT and NSS investments to eliminate duplication of systems, maximize reuse of capabilities, and ensure interoperability through information sharing. Additionally, I am tasked to work with the owners of the three major DoD processes – requirements, budget and acquisition – to modify their respective process to accommodate more network centric approaches.

I fully intend to utilize the authority vested in me by Senate confirmation, statute, and directive to ensure centralized control and interoperability of the department's IT investment and operation. As I embark upon this exciting opportunity, I thank you for your question, and I will keep you apprised of our progress.

Sincerely,

John. G. Grimes

cc:
The Honorable John W. Warner
Chairman

This question goes to Mr. Eastin and Mr. Anderson. If you are confirmed, one of your tasks is going to be to implement the decisions of the ongoing base closure round, assuming it is confirmed, in a modified version or otherwise. This is going to be a very challenging task, to put it mildly.

We have been through these rounds before. We know how difficult it is. In recent years there has been more of an emphasis on getting the property off the Department's hands as quickly as possible. Now, speed and efficiency are admirable goals, but when it comes to base closure those are not the only important goals. It is important that we work with local communities to support their efforts to deal with the economic and the psychological impact of losing an installation which has been part of their community often for decades.

As you work to turn over property that is closed or realigned by the base realignment and closure (BRAC) process, will each of you ensure that your offices cooperate fully with local communities in supporting their reuse plans, as well as in fulfilling the government's obligations to clean up any contamination that we are responsible for?

Mr. EASTIN. Senator Levin, if I may, I think one of our responsibilities, just as you said, is to ease the impact on the communities from which we will be departing. Part of that is not only to just turn over the land, but also to turn it over in a way that provides for some compatible use with what it has been used for by the, in our case, the Army.

If I am confirmed, it will be one of my priorities to get with each of the communities that have been impacted to see that their reuse committees are treated fairly and the disposition of the property is done efficiently and in an environmentally sensitive way to get their jobs back and the property on the tax rolls.

Mr. ANDERSON. Senator, first of all, I concur entirely with what Mr. Eastin said. In my last 10 years or so I have been involved in a number of brownfields redevelopment activities throughout the

world. I think the first step that you have to take is an open communication back and forth with the local community. You have to understand what their long-term goals and objectives are for development. If you have that communication and you work with local developers, you can move through the process relatively quickly, find redevelopment opportunities that meet everybody's needs, and move forward in a much more efficient manner.

I understand your question and concern. It is very important and you have my commitment that, if confirmed, that will be a very high priority.

Senator LEVIN. Mr. Eastin, the Army is undertaking a restructuring, commonly referred to as modularity, that will increase the number of its combat brigades. Congress has been supportive of this effort, but along with that support has come some frustration that in order to do this quickly, to produce extra combat brigades to rotate into Iraq, the Army is doing it inefficiently.

Here is how and here is why, at least in one instance: that in many cases the taxpayers are going to have to pay twice for the facilities to accommodate these new or relocated brigades: first a set of temporary facilities and then a set of permanent facilities.

I would hope that if you are confirmed you would push aggressively inside the Army's budget process to get those permanent facilities into the 2007 budget and reduce or eliminate where possible the need to purchase temporary facilities that would have to be replaced in 5 to 7 years. So would you look into that matter and give us your assessment?

Mr. EASTIN. I will, Senator. I come to this with some personal experience, having lived in one of these temporary facilities for the last year or so. This is not something we would like in the long term and, if confirmed, you will have my commitment to work towards permanent housing rather than these temporary facilities.

Senator LEVIN. This is for Mr. Eastin and Mr. Anderson. In recent months and years we have seen an increase in construction costs due to some broad economic forces, such as rising demand for steel and concrete in China, which puts pressure on worldwide supplies and prices, and also, of course, the rising price of energy.

There are also specific factors such as increased force protection requirements for our facilities compared to a few years ago. Some of these things you may not be able to do much about. However, one factor that I hope you would both look into is whether or not the government is getting reasonable value for its money compared to construction in the private sector.

We have heard anecdotally that some facilities, such as administrative ones or even dining facilities, are fairly similar to ones constructed for the private sector, but nonetheless, cost the government more. You have private sector experience, so I would ask you to use that experience, look into this in your new positions, and let us know if you think there is a problem here or not.

Mr. EASTIN. If confirmed, I will do just that, Senator. Thank you.

Mr. ANDERSON. I will also.

Senator LEVIN. Mr. Bell and Mr. Eastin, you have made reference to your reconstruction experience recently in Afghanistan and in Iraq. We keep hearing reports of a significant amount of waste in those reconstruction efforts. Just this morning I heard on

National Public Radio (NPR) another report of significant waste in Iraq's reconstruction efforts.

We are talking here about serious amounts of money. I know there has been some progress, but can you tell us whether or not in your judgment there has been a significant amount of inappropriate loss of American taxpayers' funds in this reconstruction effort, either through lack of auditing or for other reasons?

Mr. Bell, do you want to go first?

Mr. BELL. Yes, sir. Thank you, Senator Levin. Part of the impact when you undertake a reconstruction program in a country like Afghanistan is that you are creating demand in a market, in an area that is not accustomed to that demand, and there is generally not that much supply of materials or qualified labor.

When we, for example, undertook reconstruction in Afghanistan, it created major strains on the regional markets for all of South Asia. Prices during the period of time I was there basically quadrupled and were well on their way to going up to eight times for the materials.

What needs to happen once you get into a startup phase like that is that there have to be serious efforts made to attempt to source materials and manage contracts on more of a global basis, so that you can avoid those kinds of price pressures. Typical supply chain management principles on pooling purchases, inspecting the materials you are getting, and distributing those materials in an efficient way adds a lot of value to the reconstruction process. Those are things as you move from a startup to a sustainment phase, whether it is in military operations or in reconstruction, add enormous value to the process.

I think there is no question about the fact that the amount of materials that have been purchased and used in Afghanistan for such things as cement, plywood, which is not a native product to that part of the world at all, have created real dislocations in the market, and we have paid heavily for that.

Other parts of the process that could sustain some serious improvement would be working with the local officials to establish construction standards. On the one hand, you do not want to overengineer a product that you are trying to put into rural areas that are inaccessible to motor vehicles, but on the other hand you want to make sure that the materials you are using and the construction techniques you are using in Afghanistan, for example, would sustain and allow the people to survive a 7 Richter scale earthquake, because they have those throughout Afghanistan.

It is a difficult environment to operate in. Improved management techniques over both the projects themselves, as well as the application and the use of the materials, are significant areas for improvement.

Senator LEVIN. Those are sort of market-driven problems?

Mr. EASTIN. Yes.

Senator LEVIN. But also, we keep hearing stories, particularly in Iraq, not so much Afghanistan but nonetheless, stories of dollars disappearing, bribes, payoffs, kickbacks, corruption, everything from just unaudited funds, disappearance of funds, corruption, bribes. How much of that exists in the reconstruction in Afghanistan?

Mr. EASTIN. The U.S.-sponsored reconstruction generally circumvents allowing the reconstruction funding and control to flow through local hands, because corruption is endemic in that culture and in that part of the world, and it takes some considerable capacity-building within the local governments and the national governments to avoid that.

I suspect that a lot of the criminal activity or the corruption activity has to do with trying to establish monopoly positions on the construction materials themselves. There are a few cases, which are under investigation by the DOD Inspector General over there, where there may have been criminal activities in terms of deceit or fraud in the engagement of contractors or, more importantly, subcontractors to contractors of the government.

I would say in Afghanistan the situation is not like what I have heard indirectly about Iraq. First of all, the amount of resources being consumed over there in reconstruction pales by comparison. So I suspect the situation you are reflecting on is more Iraq than Afghanistan.

Senator LEVIN. Mr. Anderson?

Mr. ANDERSON. I can only speak to my experience there. We had one reconstruction project that involved the Ministry of Environment and that was its own building, which I am happy to tell the committee is probably on time and under budget, as near as I can tell maybe the only thing in Iraq that is on time or under budget.

My ability to talk about a wider construction program and what has gone on there in terms of corruption, overruns, various other things, would be secondhand, so I am going to have to defer on that if you do not mind. Thank you, Senator.

Senator LEVIN. Should we leave this mission in the military, or should we give the State Department or some other public or private entity the lead when it comes to reconstruction?

Mr. ANDERSON. The Iraq Reconstruction Management Office, which is now under State, and formerly was under the Coalition Provisional Authority, is now running the reconstruction program. It is going to be relying on the Corps of Engineers of the Army rather substantially. So the Corps and the State Department will be working on this.

Other decisions that might have gone into who does what over there are far above my pay grade, Senator.

Mr. BELL. Senator Levin, I have been actually quite actively involved in efforts since I came back from Afghanistan addressing the lessons learned and what the appropriate roles are. Without getting into too much detail, it obviously is going to require cooperation and coordination between both military and civilian government personnel in order to mount an effective reconstruction program in many of these countries.

The trick there is to get the coordination right. It is not a question of whether it is one or the other. It is a matter of timing. It is a matter of the security conditions, and it is a matter of providing emergency versus long-term reconstruction assistance.

Senator LEVIN. Thank you. Thank you all for your testimony, for your service. Thank your families again for their support.

The committee will stand adjourned.

[Whereupon, at 11:25 a.m., the committee adjourned.]

[Prepared questions submitted to Lt. Gen. Norton A. Schwartz, USAF, by Chairman Warner prior to the hearing with answers supplied follow:

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. Almost two decades have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. You have had an opportunity to observe the implementation and impact of those reforms, particularly in your assignments as the Deputy Commander of the Special Operations Command, Director for Operations of the Joint Staff, and currently as the Director of the Joint Staff.

Do you support full implementation of these defense reforms?

Answer. Absolutely. The Goldwater-Nichols Act, and the Special Operations Command legislation that followed almost immediately thereafter, are just as essential to the effective employment of our military forces today as when they were enacted. Goldwater-Nichols resulted in the more efficient employment of our Armed Forces by addressing a number of critical issues, including insufficient military advice and oversight of contingency planning, unclear chains of command, and inadequate attention to both the quality and training of officers assigned to joint duty. Similarly, the Special Operations provisions helped bring about, among other things, much greater focus on special operations matters and the development of capabilities and necessary training to ensure the effective conduct of special operations activities.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. Great progress has been made since the passage of the Goldwater-Nichols Act in 1986. The Joint Staff, the Combatant Commands, and the Services are decidedly different as a result of the intent of the Goldwater-Nichols Act. The corporate advice provided by the Chairman of the Joint Chiefs of Staff is timely, accurate, meaningful, and indispensable to the Secretary of Defense and the President. Our civilian leadership expects that our armed forces can and will carry out our assigned missions in the most effective and cost efficient manner possible. Furthermore, the Services now ensure their best officers have joint experience, which benefits the Services, the combatant commands, and the Department of Defense as a whole.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. The demonstrated improvement in the joint warfighting capabilities of the United States Armed Forces is the most important aspect of the defense reforms. The Goldwater-Nichols Act enabled us to focus on several key areas: joint doctrine, joint professional military education, and coordinated military planning. The chains of command, from the President and the Secretary of Defense all the way down to the individual on-the-scene commander, have been clarified. Combatant commanders have a better grasp of their planning, training, and execution responsibilities. In addition, combatant commanders understand the importance of articulating their resource needs and priorities in Department of Defense budget formulation.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Absolutely.

Question. Do you believe that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you think it might be appropriate to address in these proposals?

Answer. In the 19 years since passage of the Goldwater-Nichols Act, we have made great strides in institutionalizing "jointness" and integrating unified, interdependent action within the Armed Forces. There may be areas that could benefit from legislative changes; however, I would like to reserve judgment on this until

after I've studied any specific proposals. If confirmed, I would welcome the opportunity to share my thoughts and ideas with the committee as appropriate.

DUTIES

Question. What is your understanding of the duties and functions of the Commander, U.S. Transportation Command?

Answer. The mission of the Commander, United States Transportation Command is to provide air, land and sea transportation for the Department of Defense (DOD), in peace and war. The Commander relies on his Component Commands—Air Mobility Command (AMC), Military Sealift Command (MSC), and the Military Surface Deployment and Distribution Command (SDDC)—to accomplish this mission. The Commander also has the Distribution Process Owner (DPO) mission to improve the worldwide DOD distribution system. As DPO, the Commander works closely with the Defense Logistics Agency and the Services to identify inefficiencies, develop solutions and implement improvements. The U.S. Transportation Command team blends Active and Reserve Forces, civilian employees and commercial industry partners to provide the mobility forces and assets necessary to respond to the full range of military operations.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. Since my commissioning as an Air Force officer in 1973, I have had a variety of opportunities and experiences combined with the good fortune to serve with some of the most outstanding soldiers, sailors, airmen, and marines our Services have ever produced. I am a product of these experiences—learning from great leaders—superiors, peers, and subordinates alike.

In my current assignment as Director of the Joint Staff and in my past assignment as the Director for Operations, the Joint Staff, I had personal, direct and frequent contact with the Secretary of Defense, Chairman of the Joint Chiefs of Staff, combatant commanders, and Service Chiefs on major issues facing our military.

From the perspective that my service has afforded, I well know that the number one priority of our National Military Strategy is winning the war on terror. My experience—especially within joint and special operations—provides a broad leadership perspective for USTRANSCOM emphasizing agility, mobility, and teamwork in support of joint warfighters.

If confirmed, I will be honored to lead the men and women of USTRANSCOM as they continue—as true joint warfighters—to transform Defense distribution.

Question. Do you believe that there are any steps that you need to take to enhance your expertise to perform the duties of the Commander, U.S. Transportation Command?

Answer. As Commander, I need a complete understanding of current Defense Department and national transportation issues, including the challenges facing the commercial transportation industry and our national partners upon whom we so heavily rely. I will strive every hour of every day to ensure I am prepared for this critical duty.

RELATIONSHIPS

Question. Section 162(b) of title 10, United States Code, provides that the chain of command runs from the President to the Secretary of Defense and from the Secretary of Defense to the combatant commands. Other sections of law and traditional practice, however, establish important relationships outside the chain of command. Please describe your understanding of the relationship of the Commander, U.S. Transportation Command to the following offices:

The Deputy Secretary of Defense.

Answer. The Deputy Secretary of Defense has full power and authority to act for the Secretary of Defense when serving as his designated representative. As such, the Commander U.S. Transportation Command will report to and through the Deputy Secretary when serving in that capacity.

Question. The Under Secretaries of Defense.

Answer. Under Secretaries of Defense coordinate and exchange information with DOD components, including combatant commands, which have collateral or related functions. In practice, this coordination and exchange is normally routed through the Chairman of the Joint Chiefs of Staff. If confirmed as a combatant commander, I will act accordingly.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The Chairman is established by Title 10 as the principal military advisor to the President and Secretary of Defense. The Chairman serves as an advisor and is not, according to the law, in the chain of command, which runs from the Presi-

dent through the Secretary to each combatant commander. The President directs communications between himself and the Secretary of Defense to the combatant commanders via the Chairman of the Joint Chief of Staff. This keeps the Chairman fully involved and allows the Chairman to execute his other legal responsibilities. A key responsibility of the Chairman is to speak for the combatant commanders, especially on operational requirements. If confirmed as a Commander, I would keep the Chairman and the Secretary of Defense promptly informed on matters for which I would be personally accountable.

Question. The Vice Chairman of the Joint Chiefs of Staff.

Answer. Although the Vice Chairman does not fall within the combatant commander's chain of command, he is delegated full power and authority to act for the Chairman in the Chairman's absence. If confirmed as a combatant commander I will keep the Chairman informed, but if the Vice Chairman is representing the Chairman I will keep him informed as I would the Chairman.

Question. The Director of the Joint Staff.

Answer. As the current Director of the Joint Staff, I assist the Chairman in managing the Joint Staff. Although the Director of the Joint Staff does not fall within the combatant commander's chain of command, the Director does enable important decisions to be made as the combatant commander's staff interacts with the Joint Staff. The Director is also a key interface with OSD principals, and interagency leadership, and can assist combatant commanders in working issues below the Chairman's level.

Question. The Secretaries of the Military Departments.

Answer. Close coordination with each Service Secretary is required to ensure that there is no infringement upon the lawful responsibilities held by a Service Secretary.

Question. The Chiefs of Staff of the Services.

Answer. The Chiefs of Staff of the Services organize, train, and equip their respective forces. No combatant commander can ensure preparedness of his assigned forces without the full cooperation and support of the Service Chiefs. As members of the Joint Chiefs of Staff, the Service Chiefs have a lawful obligation to provide military advice. The experience and judgment the Service Chiefs provide is an invaluable resource for every combatant commander. If confirmed as Commander U.S. Transportation Command, I will pursue an open dialogue with the Service Chiefs and the Commandant of the U.S. Coast Guard.

Question. The other combatant commanders.

Answer. If confirmed, I will encourage open dialogue with the other combatant commanders to foster trust and build mutual support. Today's security environment requires us to work together to execute U.S. national policy.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next Commander, U.S. Transportation Command? If confirmed, what plans do you have for addressing these challenges?

Answer. USTRANSCOM's major challenges are similar to the other functional combatant commands: managing the competing imperatives of current readiness versus longer term modernization, instituting continuous process improvements and caring for people are common elements for all leadership.

The current operations tempo demands very high utilization of the Defense Transportation System. Continued operations at high readiness to meet near-term needs can compete with longer-term goals of modernization, recapitalization, and training. Supporting the warfighter is paramount. This places a premium on extracting the most efficient application of transportation resources so the investment in high readiness is not underutilized. Too often when considering readiness it is easy to focus on just the military transportation resources and overlook the heavy reliance upon commercial sealift and airlift. USTRANSCOM competes in the transportation marketplace with other users in obtaining lift resources. Factors such as labor availability, fuel cost, corporate restructuring and the available mix of aircraft can have significant impact on our ability to obtain sufficient lift. These factors often are beyond the control of USTRANSCOM, so they must be closely followed to enable mitigation strategies. I would closely monitor transportation resources, both organic and commercial, for leading readiness indicators. I also would forge and maintain close partnerships with industry to ensure continued effective use of commercial transportation.

We will continue to face modernization issues with military airlift, air tanker and sealift fleets. Current tempo consumes readiness and ages platforms. If confirmed,

I would expect to be heavily engaged with the Services, COCOMs, and Congress in addressing these challenges.

The current processes for deployment and distribution evolved from historical doctrine, statutes, organizational arrangements and legacy support systems. Gaps and seams continue to be identified that impede warfighter support and hamper attempts to transform deployment and distribution processes. The challenge to the Distribution Process Owner is to align the end-to-end distribution processes and ensure in transit visibility. Solutions to these issues simultaneously include processes and procedures, information systems, doctrine, and organizational relationships, so solutions will be complex. If confirmed, I would continue to work with the Services, National Partners, and the other combatant commanders to press forward with distribution transformation.

The real strength of USTRANSCOM—as with any military organization—is evident in the unique talents and skills of its people. There is no more important challenge to a commander than proper stewardship of this resource. USTRANSCOM's components rely heavily on Reserve elements. The USTRANSCOM staff includes the multi-service active military and large elements of Reserve personnel, government civilians, and contractors. The DPO designation has required the addition of new skill sets. In the coming years Reserve availability, pending base realignments and the shift to the National Security Personnel System will present challenges and opportunities for the work force. If confirmed, I would take an active role in preserving and protecting USTRANSCOM's personnel resources.

MOST SERIOUS PROBLEMS

Question. What do you consider to be the most serious problems in the performance of the functions of the Commander, U.S. Transportation Command?

Answer. It's probably not fair to characterize these as problems, but there are two areas of concern. First is the need to balance engagement of our industry partners while maintaining readiness of our military assets. It is important to continue to provide incentives to industry to provide a robust commercial surge capability. At the same time, our military assets need to be sufficiently employed to maintain their readiness. The second concern arises due to the nature of the global insurgency we now face. Assets that were once in relative "sanctuary" are now at greater risk. That risk must be weighed against the operational requirements to ensure warfighter needs are met while preserving transportation and distribution assets.

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

Answer. There are challenges ahead. If confirmed, I will focus on these concerns and other pressing issues and develop solutions.

DISTRIBUTION PROCESS OWNER

Question. In September 2003, following a review of logistics operations for Operation Iraqi Freedom, the Secretary of Defense designated the Commander, U.S. Transportation Command (USTRANSCOM), the Distribution Process Owner (DPO). As the DPO, USTRANSCOM was tasked to improve the overall efficiency and interoperability of distribution related activities—deployment, sustainment, and redeployment support during peace and war.

What is your understanding of USTRANSCOM's responsibilities as the DPO?

Answer. When the SECDEF appointed the Commander, USTRANSCOM as DPO, USTRANSCOM became the single entity to direct and supervise execution of the strategic distribution system and improve overall efficiency and interoperability of distribution related activities.

Essentially, DOD now has a single, accountable combatant commander to lead distribution process improvement within the Department, able to provide one "distribution" face and peer accountability to other war fighting commanders, respond to their issues and challenges, and integrate sustainment and distribution processes from an end-to-end perspective. Process ownership means bringing synchronization and alignment to what historically was a piecemeal process with multiple, accountable parties.

Question. What progress has USTRANSCOM made in improving the distribution process?

Answer. General Handy's vision for a transformed distribution process is now proven. USTRANSCOM established a joint deployment and distribution operations center (JDDOC) to provide a capability to Regional Combatant Commanders to synchronize and integrate distribution within their theaters. The JDDOC coordinates the arrival of personnel, equipment, and supplies in theater. These regional centers, endorsed by the COCOMs, provide a joint organization prioritizing, synchronizing,

integrating and coordinating theater transportation and distribution functions from "factory to foxhole."

Question. Do you foresee any changes you would make, if confirmed, to enhance the ability of USTRANSCOM to execute the responsibilities of the DPO?

Answer. If confirmed, my ultimate goal is for DOD to develop a world class supply chain and build stronger strategic alliances and partnerships with distribution industry leaders, to provide improved support to our fielded forces. To continue serving the warfighter, we will build upon foundations already set to leverage commercial supply chain management concepts and adapt our DPO initiatives accordingly. USTRANSCOM will develop outreach programs for the sharing of ideas and concepts with combatant commanders and our National Partners. This program will likely include modifying the historical alignments for planning and executing deployment and distribution operations throughout DOD. We will also advocate refined functional roles and responsibilities with National Partners to enhance USTRANSCOM's ability to execute the DPO mission.

Question. To improve distribution capabilities available to the CENTCOM commander for contingency operations, USTRANSCOM, in concert with CENTCOM, established the Deployment and Distribution Operations Center (DDOC). The DDOC provides the combatant commander a cadre of experts from several organizations, including USTRANSCOM and DLA, and provides a range of distribution related services, such as scheduling, tracking, tracing, and arranging for redistribution within the theater and back to home station. While the DDOC was originally established as a temporary solution to a contingency challenge, its successes in the field has prompted an assessment of the utility of operating the DDOC on a permanent basis, both in CENTCOM and potentially within each of the other combatant commander areas of responsibilities.

If confirmed, would you continue this review of the DDOC concept and make recommendations to Congress on the future application of the DDOC concept and the resources required to support that recommendation?

Answer. I would continue to support and evolve the DDOC concept as part of our overall strategy to provide the most effective and cost efficient support to our military forces. Open and continuous dialogue with Congress will be central to evolving the DDOC concept and resources required to support it. If confirmed, I will ensure USTRANSCOM continues to codify processes and formalize applicable doctrine.

STRATEGIC AIRLIFT

Question. The Mobility Requirements Study for Fiscal Year 2005 was conducted with the previous National Military Strategy of two Major Theater War as an assumption. For strategic airlift, the study identified a requirement for 54.5 million ton-miles a day, with available airlift at the time falling well short. Although not yet released, the Mobility Capabilities Study is intended to update strategic lift requirements in light of the new National Military Strategy.

Based on your experience, do you perceive a continuing shortage in intertheater airlift?

Answer. Recent world events and current operational experiences have significantly changed the National Military Strategy, increasing the demand for airlift, sealift and refueling requirements. OEF/OIF and global war on terror operations daily demonstrate this changing strategy and the impact on strategic and tactical airlift capability. Reliable distribution and sustainment has increased demand for long-haul airlift with defensive capability. The risk to troops moving cargo over dangerous land routes has increased, redefining the way we operate in the theater and increasing reliance on in-theater airlift as well. While we are addressing today's needs adequately, we must look to the future given organic airframe aging and forecast changes in the commercial fleet.

Question. When will the Department complete the Mobility Capabilities Study and provide the results to Congress?

Answer. OSD and JS completed the analysis portion of the Mobility Capability Study, are briefing the Department's Senior Leaders and finalizing the report. Upon completion, Congress will receive the report.

STRATEGIC SEALIFT

Question. USTRANSCOM recently testified that 95 percent of the equipment transported for Operation Enduring Freedom and Operation Iraqi Freedom was transported using strategic sealift.

Are there any initiatives that you believe are necessary, if confirmed, in the area of strategic sealift?

Answer. The importance of Strategic Sealift cannot be illustrated any better than through the outstanding performance of our partners in the U.S. Maritime industry and the ships of the Military Sealift Command (MSC). Together, these ships delivered 95 percent of the materiel necessary to execute Operations Enduring Freedom and Iraqi Freedom. Of particular note is the performance of the Large Medium Speed Roll-on/Roll-off ships (LMSRs). The LMSRs, which were delivered to the Navy beginning in the late 1990s, have carried 44 percent of the cargo delivered by MSC. As other ships operated by MSC, notably the Fast Sealift Ships, and by the U.S. Maritime Administration's Ready Reserve Force continue to age, we must plan for their recapitalization. Considering the results of the Mobility Capabilities Study (MCS), USTRANSCOM will work closely with Navy to see that our shipping needs for both today's requirements and future challenges are met.

CIVIL RESERVE AIR FLEET

Question. With the expansion of military operations since September 11, 2001, the Air Force's mobility requirements have increased. The Air Force has in the past, and may very well in the future, rely heavily on the Civil Reserve Air Fleet (CRAF) to supplement its organic airlift.

Will the changes in the commercial airline industry, characterized by bankruptcies and a move toward smaller and shorter-range aircraft, bring into question the future viability of the CRAF system?

Answer. A recent OSD study performed by the Institute for Defense Analysis (IDA) has shown that despite consolidations and bankruptcies, the U.S. airline industry will possess more than enough capacity for a viable CRAF program past 2010. While it is true that mainline carriers are replacing part of their fleets with smaller aircraft, with proper incentives, the remaining wide-body aircraft in service with U.S. carriers should satisfy our future CRAF requirements.

The same IDA study also mentioned the challenge of foreign competition and possible foreign ownership of U.S. carriers as factors in the future health of the American airline industry. I support the well-founded position that DOD is best served by a voluntary, U.S.-only CRAF. That makes it vitally important that we do what we can to maintain a robust U.S.-only CRAF program, while accommodating the industry trend toward globalization. If confirmed, I will work closely with the U.S. air carrier industry to identify steps that can be taken, either through policy or legislative changes, to ensure the viability of the CRAF program.

JOINT COMMAND AND CONTROL

Question. Initial reporting from recent military operations indicate joint command and control capabilities have greatly improved in recent years.

What is your assessment of the performance of USTRANSCOM's global and theater command and control (C2) systems?

Answer. USTRANSCOM has done a superb job in delivering warfighters and material to Iraq, Afghanistan, and a myriad other key locations throughout the world to carry the global war on terror (GWOT) to our enemies. Additionally, USTRANSCOM continues to provide emergency relief and aid on numerous humanitarian missions. USTRANSCOM could not have achieved that world-class performance without effective global and theater command and control processes.

However, there are always opportunities to improve C2 capabilities in the distribution pipeline. If confirmed, I will continue USTRANSCOM's initiatives to improve distribution C2. These initiatives include Information Technology enhancements in requirements visibility, improving receipt reporting of forces and sustainment, and closer integration of end-to-end distribution C2 processes between USTRANSCOM, DLA, the warfighter, Services, and coalition and national partners.

Question. What interoperability challenges remain between service to service and service to joint C2 systems?

Answer. Development and deployment of a standards-based Distribution C2 enterprise architecture (EA) is absolutely essential to achieving interoperability. The goal must be an EA where all participants can "plug and play." I will continue to support current USTRANSCOM efforts to build and deploy a distribution EA that will ensure all distribution C2 systems are consistently interoperable.

Question. What role should the USTRANSCOM Commander play in ensuring the development of reliable, interoperable, and agile C2 systems?

Answer. Support for development of robust distribution C2 capabilities that employ USTRANSCOM's enterprise architecture (EA) and portfolio management (PfM) capabilities is critical. The USTRANSCOM Commander should collaborate with fellow combatant commanders, OSD, the Chairman of the Joint Chiefs of Staff (CJCS),

Service and Agency chiefs, coalition and national partners to provide improved distribution capabilities to the warfighter.

AEROMEDICAL EVACUATION

Question. Following the cancellation of the C–9A aircraft for medical evacuation in 2003, the Air Mobility Command adopted a new operational approach to its worldwide mission of aeromedical evacuation. The new concept employs other airlift, such as cargo and aerial refueling aircraft, for the air evacuation of wounded and ill patients. The committee believes that these aircraft are unsuitable for the support of severely wounded or severely ill patients, and adopted a provision in the National Defense Authorization Act for Fiscal Year 2006 that would require the procurement of two dedicated aircraft for the purpose of aeromedical evacuation of severely injured or ill personnel.

If confirmed, how would you ensure that the highest quality standard of aeromedical evacuation is provided for severely wounded and ill patients?

Answer. In principle, I support the transition to designated versus dedicated airlift to meet the aeromedical evacuation (AE) mission requirement in both peacetime and contingency operations. The AE team has performed its mission in an outstanding fashion, giving life-sustaining care while expeditiously moving our wounded and ill patients. Using transportation assets in a flexible manner, USTRANSCOM has been able to respond to urgent requests for AE more quickly than possible using dedicated AE aircraft. To ensure the highest quality standard of AE for severely wounded and ill patients, I will continue to support the initiatives that have been introduced to support the transition to use of designated organic airlift. These initiatives include highly-trained Critical Care Air Transport Teams, which provides intensive care unit (ICU) level care in the back of any of our transport aircraft. USTRANSCOM recently added Patient Support Pallets that offer an even broader capability to provide an improved patient care environment in multi-use mobility airframes. Other initiatives include more advanced care in the air by AE medical crews and improvements in patient movement support items such as intravenous pumps and oxygen delivery systems.

All of this effort has produced a patient handling system that has saved lives and fulfills our obligation to our wounded in Iraq, Afghanistan, and around the world. Everything we do must contribute materially to fulfilling that profound obligation.

SCIENCE AND TECHNOLOGY

Question. The fiscal year 2006 budget request includes a new research and development program for technology development directed by USTRANSCOM. The new activity is designed to allow for examination and improvement of the entire supply chain as part of USTRANSCOM's role as Distribution Process Owner.

What unique processes and technologies does USTRANSCOM need to develop through its own program?

Answer. Transformation of supply chain and distribution processes and systems are increasingly dependent on our ability to leverage technological innovation. Many of these changes bridge traditional Service and Agency roles. As the Distribution Process Owner (DPO), USTRANSCOM's modest research and development (R&D) program seeks to enable responsive, flexible global power projection and tailored, agile sustainment capabilities that together provide the critical deployment and distribution support required by the Joint Force Commander. Basic aircraft, ship, truck and railcar research should remain a Service responsibility.

TECHNOLOGY PRIORITIES

Question. Serving the needs of the combatant commanders both in the near term and in the future is one of the key goals of the Department's science and technology executives, who list outreach to commanders as an activity of continued focus.

What do you see as the most challenging technological needs or capability gaps facing USTRANSCOM in its mission to provide air, land, and sea transportation to the Department of Defense?

Answer. The strategic landscape of the 21st century poses unprecedented threats and challenges requiring compressed decision timelines. We lack a well-integrated, networked, end-to-end deployment and distribution capability required to optimize the performance of our Nation's global expeditionary force. This force is highly reliant upon high speed, secure and enduring communications capable of operating in a transformed, network-centric environment. We must build an agile end-to-end deployment and distribution system that provides a common operating picture in a collaborative environment.

I see compelling, challenging requirements for bandwidth. We need high speed, secure and enduring communications capable of operating in the transformed, network-centric environment of the future. Our communications system must support full spectrum battlespace awareness, and high data rate communications. Now is the time to press forward with these transformational initiatives given the status of our current legacy communications constellations and the associated decision-making opportunities.

We must also continue to address the protection of our personnel, material, and cargo. Our adversary has little chance of defeating our fighting forces on the conventional battlefield. They know an anti-access strategy is their best option. Screening our cargo for explosives, protecting our aircraft from small arms and man-portable missiles, protecting our ships in the harbor and our convoys on the ground are capability gaps we are addressing and must continue to address in an aggressive manner.

Question. What would you do, if confirmed to make your technology requirements known to the department's science and technology community to ensure the availability of needed equipment and capabilities in the long term?

Answer. USTRANSCOM's technology needs are outlined in the TRANSCOM Transformation Technology Plan (T3P). Addressing these requirements depends on key partnerships with Services, Defense Agencies and national labs, other combatant commanders, (especially Joint Forces Command), industry, academia, and select non-DOD government organizations (such as the Departments of Homeland Security and Energy). If confirmed, I will be actively engaged in existing Department processes to capture USTRANSCOM's needs within Joint Operational Concept, Focused Logistics, and R&D documents. I will ensure USTRANSCOM aggressively participates in applicable technology fora and host our own Force Projection and Sustainment Symposium. USTRANSCOM will continue to make requirements known through the Joint Capabilities Integration and Development System (JCIDS) by identifying Future Force Capability Gaps and Technology Shortfalls for the Extended Planning Period. USTRANSCOM will continue to vet R&D needs and proposed projects with the Services, COCOMs, Defense Logistics Agency, the Joint Staff and OSD to ensure the development and pursuit of born-joint solutions to critical distribution gaps, while avoiding duplication of effort.

TECHNOLOGY TRANSITION

Question. USTRANSCOM has been active in the Advanced Concept Technology Development (ACTD) process and currently has several projects on the transition list, including Agile Transportation for the 21st century and Deployable Cargo Screening.

What are your views on the ACTD process as a means to spiral emerging technologies into use to confront changing threats and to meet warfighter needs?

Answer. I support the ACTD process. The process, as I understand it, produced the Predator unmanned aerial vehicle (UAV) in 18 months (1996 timeframe). More recently the ACTD process produced some 30 products in support of Operation Enduring Freedom (OEF) and 51 products in support of Operation Iraqi Freedom (OIF). Examples of ACTD products supporting the current war effort include the Language and Speech Exploitation Resources (Laser), Expendable Unmanned Aerial Vehicle (XUAV) and Joint Explosive Ordnance Disposal (JEOD) efforts. In total, products from more than 70 percent of all ACTDs have either transitioned to programs of record or have met warfighter needs as residual assets.

Question. What steps will you take, if confirmed, to enhance the effectiveness of technology transition efforts within your command and in cooperation with other Services and defense agencies?

Answer. Technology transition, and the early planning and integration it requires, is a challenge equal to developing the technology itself. In USTRANSCOM's Research and Development (R&D) program the command has emphasized the requirement for a committed program of record and transition strategy as criterion for project selection.

To minimize transition risk, I intend to emphasize the importance of an early, integrated partnership between scientists, program managers, customers and the acquisition community. USTRANSCOM will expand its collaboration efforts, emulate or adapt the best technology transition practices of our deployment and distribution partners and ensure pursuit of joint solutions to identified force projection and sustainment shortfalls.

FAMILIES FIRST

Question. For over 10 years, U.S. Transportation Command and its subordinate command, Surface Deployment and Distribution Command, have worked to improve the process of moving service members' household goods. Implementation of the new system—"Families First"—will use a "best value" approach to contracting with movers that will focus on quality of performance, web-based scheduling and tracking of shipments, encouragement of door-to-door moves, and full replacement value for damaged household goods. Commander, U.S. Transportation Command, recently announced that implementation of Families First had changed from October 1, 2005, to February 1, 2006.

What is the reason for the delayed implementation of this program?

Answer. Families First is being implemented in three phases:

- Phase I began initial implementation in March 2004.
- Phase II is dependent upon the fielding of the web-based Defense Personal Property System (DPS).
- Phase III is scheduled for implementation in fiscal year 2007.

Implementation of Phase II was delayed because of complications associated with the availability of the DPS secure testing environment. Testing is scheduled to begin 18 July 2005 with an implementation date of 1 February 2006.

Although USTRANSCOM sought to avoid schedule slippage, the team endeavored to use the additional time productively by:

- Training the military staffs during non-peak season (November vice July).
- Informing all stakeholders of the changes implemented by Families First.
- Collecting additional customer satisfaction survey scores.
- Updating industry's internal systems and processes.

In the end, we need to deliver a capability that works. A slightly later implementation date with the right program is much better than disappointing our troops with an on time, but less effective program.

Question. What is your assessment of the progress being made in implementing the Families First program, and what challenges remain?

Answer. USTRANSCOM and its component The Military Surface Deployment and Distribution Command (SDDC) are making real progress implementing the Families First personal property program. In Phase I they implemented electronic billing and payment procedures and the collection of customer surveys for performance based awards in Phase II. Over the past several years they brought together key stakeholders: Office of the Secretary of Defense, Military Services, U.S. Coast Guard, Moving Industry, General Services Administration, Government Accountability Office, Defense Finance and Accounting Service, and other Federal Agencies to create a single source for all information related to the management and payment of shipments in the DOD program. DPS has been delivered for testing in support of Phase II. Phase III business rules and system requirements are being finalized for development and implementation in fiscal year 2007.

As with any endeavor of this magnitude, there are challenges. From my perspective, the remaining challenges include Service funding to support full implementation of Families First, full participation by the military and industry in Families First, and implementation of DPS. Each of these challenges will be met head on. USTRANSCOM is committed to bringing the benefits of this program to all stakeholders, especially the soldiers, sailors, airmen, marines, and their families who will benefit the most.

Question. If confirmed, what role would you play in ensuring that Families First is fully funded and implemented and would you make every effort to ensure this program is implemented as soon as possible?

Answer. I will be an advocate for implementation of the Families First program. I will ensure a continued open dialogue between all stakeholders in the program to support issue resolution and will implement a dynamic change management program to educate stakeholders on the changes and benefits Families First promises for the moving process. I will work with and support the Military Services in programming funds for Families First and will seek adequate funding for additional development and maintenance of DPS as required. Our military families deserve no less.

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, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Commander, U.S. Transportation Command?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Question for the record with answers supplied follow:]

QUESTION SUBMITTED BY SENATOR JAMES M. INHOFE

MOBILITY CAPABILITY STUDY

1. Senator INHOFE. General Schwartz and Dr. Sega, I am concerned about the Mobility Capability Study. Actually, when Secretary Teets testified before this committee last March at the Air Force's posture hearing, we had been informed that the Mobility Capability Study would be ready "shortly," but the timing keeps moving to the right. This study was commissioned in order to determine exactly just how short we are in strategic and tactical airlift resources. Other Members of the committee and I have raised concerns about decisions made by the Air Force with regard to programming and budgeting without the benefit of this study. I am sure you are well aware of termination costs associated with DOD's reversed decision to stop production of the C–130J, with its domino effect on the cost of the Marine Corps' KC–130. I am truly concerned that this study has not been completed. DOD and this committee need the results to validate our airlift decisions and plan for future mobility and refueling needs. Can you give us an idea of when we might have the Mobility Capability Study finished and share any of it preliminary findings?

General SCHWARTZ. Your concern "just how short we are in strategic and tactical airlift resources" is equally important to us and our ability to project and sustain the forces. USTRANSCOM continues to work with the study leads, OSD and Joint Staff on this complex issue. The Department of Defense is working toward approval and release of the Mobility Capability Study (MCS), which could influence many programmatic decisions, including the C–130 variants you mentioned. MCS analysis is complete. The results are being briefed to principals in the Department. Associated documentation will be coordinated and presented to the committee with an anticipated release date in the fall. However, follow-on work will occur as the Quadrennial Defense Review moves toward completion. Our goal is to produce actionable recommendations that support the regional COCOMs and reflect the strategic and operational environment. We share your concerns and will continue to work toward an expeditious release of this study.

[The nomination reference of Lt. Gen. Norton A. Schwartz, USAF, follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 14, 2005.

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

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be General

Lt. Gen. Norton A. Schwartz, 7542.

[The biographical sketch of Lt. Gen. Norton A. Schwartz, USAF, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF LT. GEN. NORTON A. SCHWARTZ, USAF

Lt. Gen. Norton A. Schwartz is Director, the Joint Staff, Washington, DC. He assists the Chairman of the Joint Chiefs of Staff by supervising, coordinating, providing support for and administering the work of the Joint Staff. General Schwartz accomplishes these responsibilities by completing actions in the name of the Chairman, and by providing guidance and direction to the Joint Staff. He develops and coordinates, for the Chairman, all substantive aspects of the agenda and briefing schedule for the meetings of the Joint Chiefs of Staff. He functions as the Chairman's point of contact for the National Defense University and all joint schools. General Schwartz also supervises interaction of the directorates and activities of the Joint Staff with the Office of the Secretary of Defense and other U.S. Government agencies.

General Schwartz attended the U.S. Air Force Academy and graduated in 1973. He is an alumnus of the National War College, a member of the Council on Foreign Relations, and a 1994 Fellow of Massachusetts Institute of Technology's Seminar XXI. He has served as Commander of the Special Operations Command-Pacific, as well as Alaskan Command, Alaskan North American Aerospace Defense Command Region, and the 11th Air Force. Prior to assuming his current position, General Schwartz was Director for Operations, the Joint Staff.

General Schwartz is a command pilot with more than 4,200 flying hours in a variety of aircraft. He participated as a crewmember in the 1975 airlift evacuation of Saigon, and in 1991 served as Chief of Staff of the Joint Special Operations Task Force for Northern Iraq in Operations Desert Shield and Desert Storm. In 1997, he led the Joint Task Force that prepared for the noncombatant evacuation of U.S. citizens in Cambodia.

Education:

Date	
1973	Bachelor's degree in political science and international affairs, U.S. Air Force Academy, Colorado Springs, CO.
1977	Squadron Officer School, Maxwell AFB, AL.
1983	Master's degree in business administration, Central Michigan University.
1984	Armed Forces Staff College, Norfolk, VA.
1989	National War College, Fort Lesley J. McNair, Washington, DC.
1994	Seminar XXI Fellow, Massachusetts Institute of Technology.

Assignments:

From	To	
August 1973	September 1974	Student, undergraduate pilot training, Laughlin AFB, TX.
October 1974	January 1975	Student, C–130 initial qualification training, Little Rock AFB, AR.
February 1975	October 1977	C–130E aircraft commander, 776th and 21st tactical airlift squadrons, Clark Air Base, Philippines.
October 1977	December 1977	Student, Squadron Officer School, Maxwell AFB, AL.
December 1977	October 1979	C–130EIH flight examiner, 61st Tactical Airlift Squadron, Little Rock AFB, AR.
October 1979	November 1980	Intern, Air Staff Training Program, Office of the Deputy Chief of Staff for Plans, Operations, and Readiness, Headquarters U.S. Air Force, Washington, DC.
November 1980	July 1983	MC–130E flight examiner, 8th Special Operations Squadron, Hurlburt Field, FL.
July 1983	January 1984	Student, Armed Forces Staff College, Norfolk, VA.
January 1984	April 1986	Action officer, Directorate of Plans, Office of the Deputy Chief of Staff for Plans and Operations, Headquarters U.S. Air Force, Washington, DC.
May 1986	June 1988	Commander, 36th Tactical Airlift Squadron, McChord AFB, WA.
August 1988	June 1989	Student, National War College, Fort Lesley J. McNair, Washington, DC.
July 1989	July 1991	Director of Plans and Policy, Special Operations Command Europe, Patch Barracks, Stuttgart-Vaihingen, Germany.
August 1991	May 1993	Deputy Commander for Operations and Commander, 1st Special Operations Group, Hurlburt Field, FL.
May 1993	May 1995	Deputy Director of Operations, later, Deputy Director of Forces, Office of the Deputy Chief of Staff for Plans and Operations, Headquarters U.S. Air Force, Washington, DC.

From	To	
June 1995	May 1997	Commander, 16th Special Operations Wing, Hurlburt Field, FL.
June 1997	October 1998	Commander, Special Operations Command, Pacific, Camp H.M. Smith, HI.
October 1998	January 2000	Director of Strategic Planning, Deputy Chief of Staff for Plans and Programs, Headquarters U.S. Air Force, Washington, DC.
January 2000	September 2000	Deputy Commander in Chief, U.S. Special Operations Command, MacDill AFB, FL.
September 2000	October 2002	Commander, Alaskan Command, Alaskan North American Aerospace Defense Command Region and 11th Air Force, Elmendorf AFB, AK.
October 2002	October 2004	Director for Operations, the Joint Staff, Washington, DC.
October 2004	present	Director, the Joint Staff, Washington, DC.

Flight information:
Rating: Command pilot.
Flight hours: More than 4,200.
Aircraft flown: C–130E/H, MC–130E/H/P, HC–130, AC–130H/U, YMC–130, MH–53, and MH–60.

Major awards and decorations:
Defense Distinguished Service Medal.
Distinguished Service Medal.
Defense Superior Service Medal with oak leaf cluster.
Legion of Merit with two oak leaf clusters.
Defense Meritorious Service Medal.
Meritorious Service Medal with two oak leaf clusters.
Air Force Commendation Medal with oak leaf cluster.
Army Commendation Medal.

Effective dates of promotion:

	Date
Second Lieutenant	June 6, 1973
First Lieutenant	June 6, 1975
Captain	June 6, 1977
Major	Nov. 1, 1982
Lieutenant Colonel	March 1, 1985
Colonel	Feb. 1, 1991
Brigadier General	Jan. 1, 1996
Major General	March 4, 1999
Lieutenant General	Jan. 18, 2000

[The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Lt. Gen. Norton A. Schwartz, USAF, in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Norton A. Schwartz.

2. **Position to which nominated:**
Commander, United States Transportation Command, Scott Air Force Base, Illinois.

3. **Date of nomination:**
June 14, 2005.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
December 14, 1951; Toms River, NJ.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Suzanne E. (Ptak) Schwartz.

7. **Names and ages of children:**
None.

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the executive branch.
None.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, firm, partnership, or other business enterprise, educational, or other institution.
None.

10. **Memberships:** List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
AF Academy Association of Graduates (member).
AF Academy Athletic Association (member).
AF Academy Society of Washington, DC (member).
AF Association (member).
Air Commando Association (member).
Airlift/Tanker Association (member).
National War College Alumni Association (member).
Order of Daedalians (member).
Military Officers Association of America (member).
Council on Foreign Relations (member).
Concord Village Homeowners Association (member).

11. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the committee by the executive branch.
Massachusetts Institute of Technology Seminar XXI (AF Fellows).
Air Commando Association Hall of Fame.
Toms River High School Hall of Fame.

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify before any duly constituted committee of the Senate?
Yes.

13. **Personal views:** do you agree, when asked before any duly constituted committee of Congress, to give your personal views, even if those views differ from the administration in power?
Yes.

[The nominee responded to the questions in Parts B–E of the committee questionnaire. The text of the questionnaire is set forth

in the Appendix to this volume. The nominee's answers to Parts B–E are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

NORTON A. SCHWARTZ.

This 5th day of May 2005.

[The nomination of Lt. Gen. Norton A. Schwartz, USAF, was reported to the Senate by Chairman Warner on July 28, 2005, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 29, 2005.]

[Prepared questions submitted to Ronald M. Sega by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. You previously answered the committee's advance policy questions on the reforms brought about by the Goldwater-Nichols Act in connection with your nomination in 2001 to be the Director of Defense Research and Engineering.

Have your views on the importance, feasibility, and implementation of the Goldwater-Nichols Act reforms changed since you testified before the committee at your confirmation hearing on July 31, 2001?

Answer. No.

Question. Do you see the need for modifications of any Goldwater-Nichols Act provisions based on your experience as Director of Defense Research and Engineering? If so, what areas do you believe might be appropriate to address in these modifications?

Answer. I do not see a need to modify Goldwater-Nichols. However, it is appropriate to periodically review organizational and management frameworks to ensure continued validity.

DUTIES

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

Answer. Subject to the Secretary of the Air Force's direction and control, the Under Secretary is authorized to act for and with the authority of the Secretary of the Air Force on all matters for which the Secretary is responsible; that is, to conduct the affairs of the Department of the Air Force. The Under Secretary also serves as the Department of Defense (DOD) Executive Agent for Space.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of Defense would prescribe for you?

Answer. If confirmed, I expect the Secretary to prescribe for me duties pertaining to Under Secretary of the Air Force's responsibilities and Department of Defense Space management and operations.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Under Secretary of the Air Force?

Answer. If confirmed, I will need to gain a more comprehensive, detailed knowledge on current Air Force operational, personnel, and fiscal issues. In my present duties as Director of Defense Research and Engineering, I have an appreciation of DOD and some Air Force technical issues, but will need a greater understanding of current Air Force approaches to programs, processes, procedures, metrics, and evaluation methods, in this new role.

RELATIONSHIPS

Question. Section 8015 of title 10, United States Code, discusses the responsibilities and authority of the Under Secretary of the Air Force. Other sections of law and traditional practice also establish important relationships outside the chain of

command. Please describe your understanding of the relationship of the Under Secretary of the Air Force to the following officials:

The Secretary of Defense.

Answer. The Secretary of Defense is responsible for all matters within the Department of Defense. The Secretary of the Air Force is subject to the authority, direction and control of the Secretary of Defense, and the Under Secretary of the Air Force works for the Secretary of the Air Force. Since 2002, the Under Secretary of the Air Force has been designated to perform the duties of the Department of Defense Executive Agent for Space. In this role, the Under Secretary develops, coordinates, and integrates policy, plans and programs for space systems and major defense space acquisitions. If confirmed and assigned to perform the duties of the Department of Defense Executive Agent for Space, I look forward to working closely with the Secretary of Defense on space-related matters.

Question. The Secretary of the Air Force.

Answer. The Under Secretary of the Air Force is subject to the authority, direction and control of the Secretary of the Air Force. If confirmed, I expect to be assigned a wide range of duties and responsibilities by the Secretary. I look forward to working closely with the Secretary as his deputy and principal assistant.

Question. The Under Secretary of Defense for Acquisition, Technology, and Logistics.

Answer. If confirmed and assigned the role of Executive Agent for Space, I will work closely with the Under Secretary of Defense for Acquisition, Technology, and Logistics on matters concerning space program milestone decisions and other areas related to acquisition, technology and logistics programs impacting the Department of the Air Force.

Question. The Chief of Staff of the Air Force.

Answer. The Chief of Staff is subject to the authority, direction, and control of the Secretary of the Air Force, presides over the Air Staff, and is a principal advisor to the Secretary. If confirmed, I would foster a close working relationship with the Chief of Staff to ensure that policies and resources are appropriate to meet the needs of the Air Force.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The Chairman of the Joint Chiefs of Staff is the principal military adviser to the President, the National Security Council, and the Secretary of Defense. If confirmed, I will work closely with the Chairman through the Chief of Staff of the Air Force on appropriate matters affecting the Air Force.

Question. The Under Secretaries of the other services.

Answer. If confirmed, I will work to foster a close working relationship with the Under Secretaries of the Army and Navy. I look forward to sharing expertise that would assist in the management of the Department of the Air Force and coordinating with the other services on matters of mutual interest.

Question. The Commander, U.S. Transportation Command.

Answer. The Air Force provides the preponderance of military airlift capability and if confirmed, I will work with the Commander of U.S. Transportation Command to improve our ability to provide Global Lift and other transportation needs.

Question. The Commander, U.S. Strategic Command.

Answer. Given the critical role the Commander, U.S. Strategic Command (USSTRATCOM) plays in several missions, if confirmed, I will work with the USSTRATCOM Commander to understand his mission requirements and to organize, train and equip the Air Force to support USSTRATCOM operations. This support would be built on an established relationship with Commander, U.S. Strategic Command, who has several areas of responsibility to include: Space, Intelligence, Surveillance, and Reconnaissance (ISR), and Strike.

Question. The General Counsel of the Air Force.

Answer. The General Counsel (GC) is the senior civilian legal advisor to Air Force senior leaders and of all officers and agencies of the Department of the Air Force. The GC serves as the chief ethics official. If confirmed, I would look forward to developing a good working relationship with the General Counsel.

Question. The Judge Advocate General of the Air Force.

Answer. The Judge Advocate General (TJAG) is the senior uniformed legal advisor to Air Force senior leaders and of all officers and agencies of the Department of the Air Force and provides professional supervision to The Judge Advocate General's Corps in the performance of their duties. If confirmed, I look forward to developing a good working relationship with The Judge Advocate General.

Question. The Director of the National Reconnaissance Office.

Answer. As the DOD Executive Agent for Space, the Under Secretary of the Air Force must continue to have a strong collaborative relationship with the National Reconnaissance Office and therefore must have a strong relationship with its Direc-

tor. If confirmed, I will work to foster a close working relationship with the Director of the National Reconnaissance Office, as well as the Director of National Intelligence (DNI). In light of the stand-up of the DNI, the DOD and the Intelligence Community (IC) are in the process of re-defining their relationship for national security space matters. If confirmed, I will work with the DNI, IC, and Executive Office of the President (EOP) to ensure the new policies and processes for coordinating space efforts will be effective and meet the needs of all users.

Question. The Assistant Secretary of the Air Force for Acquisition.

Answer. The Assistant Secretary of the Air Force for Acquisition acts as the Senior Acquisition Executive for the Air Force. If confirmed, I would work closely with the Assistant Secretary on acquisition matters, in particular as they relate to fulfilling the Under Secretary's role as Executive Agent for Space.

Question. The other service acquisition executives regarding management of their space-related programs.

Answer. If confirmed, I will work closely with the Service acquisition executives to ensure space acquisition planning, programming, and budgeting activities are properly coordinated and implemented.

MANAGEMENT OF SPACE ACTIVITIES

Question. The Under Secretary of the Air Force is traditionally designated as the Department of Defense Executive Agent for Space. In this role, the Under Secretary develops, coordinates, and integrates policy, plans and programs for space systems and major defense space acquisitions.

What is your view of the relationship of the Under Secretary of the Air Force, as the Executive Agent for Space, to the Under Secretary of Defense for Policy, and the Assistant Secretary of Defense for Networks and Information Integration with regard to space policy and systems?

Answer. The DOD Executive Agent (EA) for Space must work closely with the other DOD offices tasked with developing space policy and acquiring space systems. The DOD EA for Space responsibilities include: planning, programming, and acquiring space systems. The EA for Space position requires close coordination with the Under Secretary of Defense for Policy for the development and coordination of DOD space policy and with the Assistant Secretary of Defense for Networks and Information Integration to ensure the proper development and integration of our space systems and exploitation of their capabilities.

Question. In your view, what are the authorities of the Executive Agent for Space regarding: (1) the budgets, programs, and plans of the various Service and Defense Agency space programs; and (2) milestone decisions for space acquisition programs of the various Services and Defense Agencies?

Answer. DOD Directive 5101.2 (DOD Executive Agent for Space) articulates responsibilities for the Executive Agent and the DOD Components and establishes the authority necessary for the Executive Agent to prepare and recommend to the USD (P) and the Director, Program Analysis and Evaluation (PA&E) DOD-wide space planning and programming guidance and to conduct an annual review of the 'virtual' Major Force Program (vMFP) in close coordination with the DOD Components and the Intelligence Community. This Directive also establishes the Executive Agent's authority to supervise the execution of DOD space Major Defense Acquisition Programs.

Question. As the DOD Executive Agent for Space, how will you ensure that each of the military services remains fully engaged in and knowledgeable about space programs and the advantages that such programs can bring to the warfighter?

Answer. If confirmed, I plan to meet regularly with key leaders in the Services and assess the effectiveness of several senior groups that already exist for just this purpose, such as the National Security Space Stakeholders, Space Partnership Council, Science and Technology Summit, Defense Space Acquisition Board, to ensure that the military services remain fully engaged.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Under Secretary of the Air Force?

Answer. If confirmed, I will work closely with DOD and Air Force leadership, and this committee to identify major challenges for the Air Force, which, in my view, include:

- Build confidence in the institutional processes while fighting the global war on terrorism
- Maintain world-wide operational capability (Global Strike, Global Mobility and Global Intelligence, Surveillance and Reconnaissance)

- Address the challenge of aging equipment, and balance transformation with ongoing operations
- Regain discipline and reliability in the cost, schedule, and performance of Air Force acquisition programs
- Enhance integration and reduce lifecycle costs of operational Air and Space systems
- Appreciate and respond to the globalization and increasing rate of change of technology
- Reinvigorate the technical workforce within the Air Force and National Security community

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. Many steps have already been taken, but there is much work to do. If confirmed, I plan to work with senior DOD and Air Force leadership and emphasize the Air Force Core Values of Integrity First, Service Before Self, and Excellence In All We Do, and apply these values to the challenges confronting the Air Force. Specific plans will need to be developed, but they should include consideration of the following principles:

- Providing warfighting capabilities in integrated joint operations
- Developing and taking care of people
- Acquiring the best technology and equipment
- Maintaining effective oversight and review mechanisms
- Balancing cost of existing, enhanced, and new operational capabilities

I will work with Air Force and DOD leadership, and this committee to ensure the Air Force acquisition process is held to the highest standards and executed with professionalism, integrity, and acts in the best interest of the taxpayer.

With respect to the space programs, I will work closely with the National Security Space organizations and the Director of National Intelligence to integrate various capabilities and engage those in operations, technology, acquisitions and logistics early in the process to determine requirements that are consistent with technology maturity, emphasizing systems engineering and technology maturity discipline in the development process.

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

Answer. If confirmed, this is an area that I would need to examine in more detail.

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

Answer. If confirmed, this is an area that I would need to examine in more detail.

PRIORITIES

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

Answer. If confirmed, I plan to work with Air Force leadership to emphasize Air Force core values of Integrity, Service, and Excellence while bringing the maximum capability to bear in the global war on terrorism. I would make it a priority to recruit, train, and retain the best and brightest airmen—Active, Reserve, Guard, and civilians. I would also work to improve the acquisition process to develop and field the capabilities we need to defend against emerging threats.

TRANSFORMATION

Question. General Moseley briefly outlined his vision for Air Force transformation in a response to advance policy questions from the committee during his recent confirmation process to be Air Force Chief of Staff. General Moseley included "enhancement of joint and coalition warfighting capabilities" and a continued pursuit of "innovation to lay the groundwork for Air Force transformation" as components of his transformation vision. As Director of Defense Research and Engineering you were responsible for development of a strategy to promote technical innovation in support of transformation for the Department. If confirmed as Under Secretary of the Air Force, you would play an important role in the process of transforming the Air Force to meet new and emerging threats.

If confirmed, what would your goals be for Air Force transformation?

Answer. As the Director, Defense Research and Engineering, I worked with the Military Services and DOD Agencies to advance our technology options in knowledge, speed, agility, lethality and survivability. These technical capabilities when combined with new concepts, and changes to existing processes can lead to transformation. I am aware of several studies underway that when integrated into the Quadrennial Defense Review (QDR) will help to identify goals for Air Force trans-

formation. If confirmed, I will review the Air Force transformation goals in this context to meet the needs of our National Security Strategy, now and in the future.

JOINT WARFIGHTING SPACE

Question. The Air Force introduced the concept of Joint Warfighting Space to provide military commanders the capability to rapidly launch rockets with micro-satellites designed to support a specific area of operations with communications and other sensors.

What is the status of current Air Force efforts to develop and acquire a Joint Warfighting Space capability?

Answer. In my capacity as Director of Defense Research and Engineering, my knowledge of Air Force efforts to develop and acquire a Joint Warfighting Space Capability over the last 4 years has been developed from a perspective focused on Air Force technology developments. If confirmed, I will work with the Air Force, Intelligence Community, and space community to gain a better understanding of their programmatics supporting this initiative.

Question. Which entity within the Department of Defense has the lead for these activities?

Answer. The Air Force as the DOD Executive Agent for Space has the lead for these activities.

SPACE LAUNCH

Question. On May 2, 2005, Boeing and Lockheed Martin announced plans to merge the production, engineering, test, and launch operations associated with providing Evolved Expendable Launch Vehicle (EELV) services to the U.S. Government. If approved by U.S. regulatory authorities, the companies believe the merger could save $100–150 million per year for the U.S. Government while continuing to provide assured access to space.

What is your view of the pending joint venture between Lockheed Martin and Boeing to form a single provider for military space launch capabilities?

Answer. My understanding is that the pending joint venture has yet to formally file with the Federal Trade Commission (FTC). The Air Force would support the Office of the Secretary of Defense in developing a recommendation to the FTC upon request.

Question. How will the Department maintain assured access to space with only a single provider?

Answer. Until the Department has been provided the details of any change in the status of space capability providers, it would be premature to comment. If confirmed, I will work with industry, DOD leadership and this committee to ensure the Department has assured access to space.

Question. Do you agree that the merger will result in cost savings to the U.S. Government? If your answer is yes, do you agree with the contractors' savings estimates?

Answer. I am not familiar with the details of the proposed merger.

UNMANNED AIR VEHICLES

Question. In the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, Congress set a goal that within 10 years, one-third of U.S. military operational deep strike aircraft would be unmanned. Funding for the Joint Unmanned Combat Air Systems (JUCAS) has recently been reduced and management of the program has changed from DARPA to an Air Force-led joint service program.

Do you support the 10-year goal established by Congress?

Answer. I agree with increased use of UAVs for a range of military applications. Results from JUCAS work will help us understand the capabilities, cost and schedule of unmanned aircraft systems. If confirmed, I will look into the progress the Air Force has made in this area and help provide a direction for the future.

Question. Are you satisfied with the current JUCAS program objectives and schedule?

Answer. I only have general knowledge of JUCAS program objectives and schedules. If confirmed, I will gain a more detailed understanding of the JUCAS program.

Question. Do you feel the current level of investment is sufficient to achieve JUCAS program objectives and schedule?

Answer. If confirmed, I will gain more detailed understanding of the JUCAS program.

AIRCRAFT SUSTAINMENT AND MODERNIZATION

Question. The global war on terror has increased demands on the tanker fleet, increasing annual KC–135 flying hours over 30 percent since September 11. The Air Force has grounded 29 KC–135Es because of corrosion problems in the engine struts and has requested authority to retire these 29 aircraft, plus an additional 20 KC–135Es, in fiscal year 2006.

Do you believe that any decision to retire KC–135Es should await the results of the OSD-directed tanker replacement Analysis of Alternatives? If not, why not?

Answer. I am not familiar with the specifics of the issues surrounding the decision to ground and retire KC–135E aircraft. If confirmed, I will work with the Air Force and DOD leadership, and this committee to better understand the issues and the options to meet DOD needs now and in the future.

AIRCRAFT RECAPITALIZATION

Question. Approximately one-third of the current Air Force aircraft inventory is under some type of flight restriction, mainly due to aging aircraft problems. The C–17 and F/A–22 were among the first of the modern Air Force recapitalization efforts.

If confirmed, what steps would you take to further recapitalize the Air Force aircraft inventory and how would you prioritize the recapitalization effort?

Answer. Until such time as I am able to gain a better understanding of all the issues, I am unable to recommend specific actions steps. If confirmed, I will work with the Air Force and DOD leadership, and this committee to balance the competing needs of the Air Force now and into the future.

FUTURE CARGO AIRCRAFT

Question. The Army has included funds in the budget request to begin a program to previously, fixed wing cargo delivery has been included in the roles and missions of the Air Force.

What is your view of the proper roles and missions for the Army and Air Force in supplying front line troops?

Answer. I am not familiar with all the aspects of the Army's Future Cargo Aircraft (FCA). If confirmed, I will work with the Army, others in the Air Force and DOD leadership, and this Committee to ensure that the Air Force cargo delivery capabilities are complementary and coordinated across the Department.

JOINT STRIKE FIGHTER

Question. The House Committee on Armed Services and the House Committee on Appropriations have recently proposed eliminating the procurement of long lead items to support the low rate initial production of five conventional take-off and landing variants of the Joint Strike Fighter.

What are your views on this proposal?

Answer. I am not familiar with the details and rationale for this proposal. If confirmed, I will work with DOD leadership and Congress to ensure that the needs of the DOD and international partners are best represented through effective acquisition and procurement strategies.

Question. If the House proposal is sustained, what do you think would be the impact on the program's schedule and future Air Force procurement decisions?

Answer. I am not familiar with the details in this area. If confirmed, I will work with DOD leadership and Congress to ensure that the needs of the DOD and international partners are best represented through effective acquisition and procurement strategies.

LONG RANGE BOMBERS

Question. The B–1s, B–2s, and B–52s will begin to be retired in the 2030 time frame.

Do you believe that the United States needs to develop a new manned bomber?

Answer. It is my understanding that the Air Force is in the process of completing an Analysis of Alternatives (AoA) for the next generation long range strike capability. Both manned and unmanned alternatives are being considered. If confirmed, once the AoA is completed, I will work with DOD leadership, and this committee to ensure that the Air Force acts in the best interest of the national defense to support operational capabilities described in the National Security Strategy, upcoming QDR, and other policy documents.

Question. What role do you see for unmanned bombers?

Answer. It is my understanding that the exact mission sets and timeframes best suited for manned and unmanned aircraft are being studied by the Air Force. If con-

firmed, and after I have had an opportunity to review the relevant data, I would be happy to discuss the findings before this committee.

Question. When, in your view, must a decision on this issue be made?

Answer. If confirmed, after I have had ample opportunity to review the relevant data, I would be able to give you an indication of when the decision must be made.

PROMPT GLOBAL STRIKE

Question. What, in your view, is the definition of prompt global strike?

Answer. As I understand the concept from Air Force briefings on this topic, Prompt Global Strike (PGS) is a concept wherein we have the capability to globally strike and precisely apply force against targets swiftly to achieve desired weapons effects.

Question. What steps do you believe are needed to achieve the goal of prompt global strike?

Answer. Several of the technical initiatives started in Defense Research and Engineering, in collaboration with the Air Force, emphasized speed, agility, lethality, and surveillance and knowledge. The resulting technical capabilities could enable various options for prompt time sensitive targeting support throughout the global battlespace. However, I am unfamiliar with the specifics of the Air Force's plans to achieve Prompt Global Strike. If confirmed, I will examine this area.

SPACE RADAR

Question. There is currently discussion about whether to conduct a Space Radar demonstration, and if so, whether the demonstration should be atmospheric or orbital.

What is your view on the need for a Space Radar demonstration?

Answer. Until such time as I have a better understanding of the total Space Radar program, any comment I would make would be premature. If confirmed, I will work closely with DOD leadership and this committee to ensure that, if required, we create a demonstration that provides the best information with which to make informed Space Radar decisions.

Question. If you believe a demonstration is needed, what type of demonstration do you believe would provide the most useful information to the program?

Answer. Until such time as I have a better understanding of the total Space Radar program, any comment I would make would be premature. If confirmed, I will work closely with DOD leadership and this committee to ensure that, if required, we create a demonstration that provides the best information with which to make informed Space Radar decisions.

NATIONAL SECURITY SPACE POLICY

Question. If confirmed, what role do you expect to play in the development of the new National Security Space Policy that is now being drafted?

Answer. If confirmed, I look forward to taking a significant role in the interagency collaborative process on this update to our national space policy.

NATIONAL SECURITY PERSONNEL SYSTEM

Question. If confirmed as Under Secretary of the Air Force, what role would you play in the implementation of the National Security Personnel System (NSPS)?

Answer. If confirmed, I will support the Department of Defense position and approach to implement NSPS within the Air Force.

Question. What are your views on the strengths and weaknesses of the implementation steps undertaken within the Department thus far?

Answer. My views on implementation of NSPS within the Department are somewhat influenced by the fact my current organization, AT&L, was involved in acquisition workforce demonstration programs that supported the development of NSPS. A key implementation step is an effective training program that must be in place to educate the organization from top to bottom.

Question. What do you believe will be the benefits of NSPS when implemented, and what steps would you take, if confirmed, to ensure a smooth and effective transition?

Answer. NSPS is expected to provide DOD a more agile, dynamic, and efficient workforce. If confirmed, I will help foster an environment of support for our employees. For an example, to help ensure a smooth and effective transition, it is important to provide quality training to managers and employees in the program.

HEALTH BENEFIT COSTS

Question. The cost of the Defense Health Program, like the cost of medical care nation-wide, is escalating rapidly. General Jumper recently stated that the cost of military health care is "the single most daunting thing that we deal with out there today."

If confirmed, how would you approach the issue of rising personnel costs, including health care costs, as a component of the annual Air Force budget?

Answer. While I am not completely familiar with this issue, I can certainly understand the concern with rising costs. If confirmed, my goal will be to ensure that our members and their families receive the highest quality care, whether deployed or at home station, as the Air Force maximizes its return on healthcare investments.

AEROMEDICAL EVACUATION

Question. The committee included a provision in the National Defense Authorization Act for 2006—pending consideration by the full Senate—that would authorize $200 million for up to two fully equipped, dedicated, aeromedical evacuation aircraft for seriously wounded and ill patients. In answers to advance policy questions submitted by General Moseley prior to his confirmation as Air Force Chief of Staff, he disagreed with the purchase of unique, dedicated platforms for aeromedical evacuation. "With the retirement of the C–9," he wrote, "we have intentionally moved away from a small, dedicated AE fleet to a concept that uses any available aircraft that can be configured to provide AE capability." The committee is concerned that the use of any available aircraft, in particular cargo and refueling aircraft, has resulted in unnecessary suffering for wounded personnel, especially those with severe injuries.

If confirmed, what steps would you take to implement a requirement for dedicated medical aircraft, if such a requirement is approved by Congress?

Answer. I am not familiar with the details of options under consideration. If confirmed, I will work with Air Force and DOD leadership, and Congress to ensure that the Air Force is positioned to meet the needs of the Department of Defense with timely and quality aeromedical evacuation, consistent with legislation.

QUALITY OF LIFE PROGRAMS

Question. If confirmed, what priorities would you establish to ensure that military quality of life programs are sustained and improved for Air Force members and their families?

Answer. If confirmed, I intend to strongly support for quality of life programs and other activities that contribute to improving quality of life for Air Force members and their families.

BATTLEFIELD AIRMEN

Question. Operations in Iraq have required Air Force personnel to provide direct support to ground forces, including participation in convoy duty. The adequacy of the training provided to deployed airmen who may be required to defend a convoy and installations against insurgents has been questioned.

What training is being provided to airmen who are assigned to, or who volunteer to perform, convoy duty or other duties requiring proficiency in small arms or crew served weapons?

Answer. I am not fully aware of the specific training that is provided for this emerging mission. If confirmed, I will, within my purview, ensure that our Airmen receive the necessary training and resources for them to be successful.

Question. What is your assessment of the sufficiency of the training currently being given to Air and Space Expeditionary Force airmen deploying to Iraq and Afghanistan?

Answer. Training is a key element in any organization; particularly, in organizations like the Air Force that must adapt to new and emerging missions. The strength of our Armed Forces has been the ability to react to ever-changing environments, rapidly develop solutions, and implement them rapidly. The foundation of this competency is grounded in basic and advanced training. If confirmed, I will, within my purview, ensure that our airmen receive an appropriate amount of training commensurate with the missions to which they may be assigned.

INDEPENDENCE OF THE JUDGE ADVOCATE GENERAL

Question. In section 574 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, the statutory responsibilities and authority of the service Judge Advocates General were amended to make it clear that interference by any

officer or employee of the Department of Defense with the ability of the Judge Advocates General to give independent legal advice is not permitted. In the statement of managers language accompanying this provision (H. Rept. 108–767), the Secretary of the Air Force was directed to rescind his order of May 15, 2003, regarding "Functions and Duties of the General Counsel and the Judge Advocate General." Additionally, the General Counsel of the Air Force was required to rescind all internal operating instructions and memoranda issued in reliance on the Secretary's May 15, 2003, order.

What is the current status of the Secretary of the Air Force's order of May 15, 2003?

Answer. The Secretary of the Air Force order of May 15, 2003, was superseded with a new order as of July 14, 2005.

Question. What are your views about the responsibility of the Judge Advocate General of the Air Force to provide independent legal advice to the Secretary of the Air Force, the Chief of Staff, and the Air Staff?

Answer. I believe it is critical that Air Force senior leaders receive independent legal advice and counsel from the senior uniformed judge advocate.

ACQUISITION ISSUES

Question. The Acting Secretary of the Air Force has announced that the Air Force will no longer pursue leases of major equipment, but will instead rely on the traditional acquisition system.

Do you support this decision?

Answer. Yes.

Question. At his confirmation hearing earlier this year, the Air Force Chief of Staff testified that the Air Force has gone too far in reducing its acquisition work force, undermining its ability to provide needed oversight in the acquisition process.

Do you agree with the Chief of Staff's assessment?

Answer. Yes.

Question. If so, what steps do you believe the Air Force should take to address this problem?

Answer. I believe that we need to review the acquisition processes from the time the concept is developed to the time retirement decisions are made on major weapons and weapons systems. It is equally important to have the right mix of government civil service, military, and contractor support personnel with the appropriate education, experience, and training. We must also ensure that the mix we choose is appropriately distributed throughout the decision-making process. If confirmed, I will work with the acquisition community to determine a proper course of action.

Question. Major defense acquisition programs in the Air Force and the other military services continue to be subject to funding and requirements instability.

Do you believe that instability in funding and requirements drives up program costs and leads to delays in the fielding of major weapon systems?

Answer. Yes.

Question. What steps, if any, do you believe the Air Force should take to address funding and requirements instability?

Answer. I believe that performing a review of the Air Force development and acquisition programs in the context of QDR is required. Continuous involvement of the warfighter, technology, acquisition and logistics communities is important in a systems development program. If confirmed, I would work with Air Force and DOD leadership, Congress, and our customer/stakeholder bases to define solid system baselines, and develop stable funding plans.

Question. The Comptroller General testified earlier this year that DOD programs often move forward with unrealistic program cost and schedule estimates, lack clearly defined and stable requirements, use immature technologies in launching product development, and fail to solidify design and manufacturing processes at appropriate junctures in development.

Do you agree with the Comptroller General's assessment?

Answer. I agree that there are challenges in defense acquisition. The areas that I have been most familiar with include technology maturity, systems engineering, integration, and requirements. The desired result is a system that provides operationally safe, suitable, and effective best-value products to the warfighter in the least amount of time.

Question. If so, what steps do you believe the Air Force should take to address these problems?

Answer. The Air Force has taken some good steps but there is more work to be done. There is an ongoing DOD-wide acquisition review of policies, regulations, and procedures, which will provide an assessment that considers many aspects of acqui-

sition including: requirements, organization, legal foundation, decision methodology, oversight, and checks and balances. I look forward to the study's recommendations.

MILITARY SPACE ACQUISITION POLICY

Question. The present generation of military space systems is being modernized in virtually every mission area, including: (1) strategic missile warning; (2) assured communications; (3) navigation; and (4) intelligence and surveillance. At the same time, virtually every one of these modernization programs has suffered substantial problems with regard to cost, schedule, and technical performance.

To what do you attribute the execution problems on present space development programs?

Answer. Some good steps have recently been taken, but more work remains to be done. We need to return to a more disciplined approach to acquisition. The areas that I have been most familiar with include technology maturity, systems engineering, integration, and requirements. The goal is to provide operationally safe, suitable, and effective best-value products to the warfighter in the least amount of time.

Question. If confirmed, what steps would you take to correct problems in the space acquisition process?

Answer. If confirmed, one of my top priorities will be to ensure we are taking the proper steps to address the problems we have seen in space acquisition programs. To ensure that we have a robust space acquisition approach we must continue our focus on mission success, consistently apply sound space acquisition policies, reconstitute our systems engineering capability, and—perhaps most importantly—develop an educated, trained, experienced space acquisition workforce for the future.

Question. Given past difficulties with space acquisition, what is your level of confidence that the Space Radar and Transformational Satellite (TSAT) programs will meet schedule and cost targets?

Answer. I have not examined the details on these programs to make an informed decision. If confirmed, I will conduct a review of these programs, determine the progress to date and challenges that lay ahead, and work with Congress, Air Force and DOD leadership, and key partners/stakeholders, to set a roadmap for the future.

AIR FORCE SCIENCE AND TECHNOLOGY

Question. During testimony earlier this year on the fiscal year 2006 budget request, General Jumper noted that, "The Air Force is committed to providing the Nation with the advanced air and space technologies required to protect our national security interests and ensure we remain on the cutting edge of system performance, flexibility, and affordability. Air Force Science and Technology (S&T) investments are focused on achieving the warfighting effects and capabilities required by the Air Force Concepts of Operations." In your role as Director of Defense Research and Engineering, you focused on three main initiatives for department-wide research efforts: Knowledge and Surveillance, Energy and Power and the National Aerospace Initiative.

If confirmed, how would you further the goals of these research focus areas in meeting capabilities required by Air Force Concepts of Operations?

Answer. The goals for these research focus areas were developed in cooperation with the military services and DOD agencies, and are tied to the desired Air Force capabilities defined in the Concept of Operations master planning process. The knowledge gained in these areas provided a foundation for future systems development options. If confirmed, I would review, and if appropriate, integrate technology into the Concept of Operations planning process.

Question. If confirmed, what direction would you provide regarding the importance of innovative defense science in meeting Air Force missions?

Answer. I support a robust Air Force Science and Technology (S&T) Program that provides for the innovation needed to enable Air Force capabilities. If confirmed, I would continue to support an adequate and stable investment in Air Force S&T that is in balance with an overall investment strategy.

Question. For fiscal year 2006, the Air Force plans to dedicate approximately $2.0 billion to science and technology programs, 1.6 percent of the total Air Force budget and $346 million to basic defense research, or 0.3 percent of the total Air Force budget.

Do you believe that the current balance between short- and long-term research is appropriate to meet current and future Air Force needs?

Answer. The Air Force S&T Program spans a broad foundation of basic research, applied research, and advanced technology development efforts. The output of an S&T investment enables the development of capabilities needed to respond to a rap-

idly changing world. If confirmed, I will review the Air Force S&T Program with respect to a balanced investment in the research, development, demonstration, and transition of various technologies, and ensure that the Air Force S&T Program supports the needs of the warfighter.

Question. If confirmed, what role would you play in ensuring research priorities that will meet the needs of the Air Force in 2020?

Answer. If confirmed, I will strive to continue to ensure we have a high correlation between S&T programs and warfighting capabilities, now and in the future.

Question. If confirmed, how would you work to ensure that appropriate S&T plans are utilized by the Air Force during the budget, planning, and programming process?

Answer. My understanding is that the Air Force closely links technologies in its S&T plan to warfighter capability needs and focuses on those technologies of the highest priority to the warfighter. If confirmed, I look forward to working with Air Force and DOD leadership, and Congress to ensure a strong Air Force S&T Program.

TECHNOLOGY TRANSITION

Question. The Department's efforts to quickly transition technologies to the warfighter have yielded important results in the last few years. Challenges remain in institutionalizing the transition of new technologies into existing programs of record and major weapons systems and platforms.

What challenges to transition do you see within the Air Force?

Answer. While I am unfamiliar with specific transition initiatives currently underway in the Air Force, if confirmed, I will bring to the Air Force some of the experiences gained in the Office of the Under Secretary of Defense for Acquisition, Technology and Logistics. Some examples included efforts to rapidly identify, mature, develop, test, assess, acquire, and field technologies to satisfy immediate warfighter needs. I expect to work closely with Air Force and DOD leadership, and Congress to examine streamlining the technology transition and acquisition processes.

Question. If confirmed, how would you ensure that technologies are rapidly transitioned from the laboratory into the hands of the warfighter?

Answer. If confirmed, I would support a robust Air Force Science and Technology (S&T) Program with the investment and focus needed to bring technologies to maturity, and transition these technologies into warfighting capabilities.

Question. What steps would you take to enhance the effectiveness of technology transition efforts?

Answer. If confirmed, I would support close collaboration with the technology community and the warfighter to identify current needs and to anticipate future operational needs arising from a changing national and world security environment.

TECHNICAL WORKFORCE

Question. You have stated that "the quality of our S&T workforce and the management of the laboratory infrastructure in which they work are very important factors in the overall research and engineering equation. They are critical elements in our transformation. Our S&T workforce has been downsized considerably in the last 12 years. This has left us with a very knowledgeable workforce, but one that is also reaching retirement age. We are at a critical point that requires a focused effort to bring stability to the workforce that will attract and retain talent."

What is your current assessment of the health of the defense S&T workforce and the management of the laboratory infrastructure?

Answer. We anticipate an attrition of an estimated 13,000 science, math, engineering, and technology employees at the DOD labs within the next 10 years. The Air Force Research Laboratory relies on a strong technical workforce to conduct research for development of new weapons systems, platforms, and capabilities to meet emerging threats. To address the S&T workforce needs, the Department has several education programs within the basic research program. Fellowship programs are also available, such as the National Defense Science and Engineering Graduate Fellowship Program. Additionally, the Department has recently put forward to Congress for consideration an expansion of the Science, Mathematics, and Research for Transformation, also called the National Defense Education Act-Phase One. It is my understanding that the Air Force is committed to continuing to shape its S&T workforce with the vision to enhance excellence and relevance of Science and Technology into the 21st century.

Question. If confirmed, what plans would you pursue to continue work to ensure a future supply of experts in defense critical disciplines to hold positions in defense laboratories?

Answer. If confirmed, I will continue to work hard to make sure we have the right mix of talent, expertise, and skill to meet our needs in the Department of Defense, and to find innovative measures to attract bright individuals from America's youth to science, math, engineering and technology career fields. For example, the Science, Mathematics and Research for Transformation (SMART)/National Defense Education (NDEA) Act-Phase One program could provide an important option to address critical shortfalls in the DOD scientific and engineering workforce.

SPACE ACQUISITION WORKFORCE

Question. The previous Under Secretary of the Air Force, Peter B. Teets, as the Department's Executive Agent for Space, issued a defense-wide space human capital strategy in February 2004 in response to a mandate in the National Defense Authorization Act for Fiscal Year 2004. In December 2004, the Executive Agent issued an implementation plan for the space human capital strategy that included defense-wide tasks related to space personnel management, education and training, and critical space positions. The Department is currently behind schedule but has begun to implement the plan's tasks.

In your view, does the Executive Agent for Space possess sufficient authorities to make necessary changes and advances in the management and pursuit of space programs?

Answer. My understanding is that sufficient authorities exist, but I would like to check into this area if confirmed.

Question. If confirmed, how would you promote the development of the services' space cadres and ensure that the needs of the Department's total force, including joint requirements, are met?

Answer. As Director, Defense Research and Engineering, we advanced ways of increasing the number of professionals in defense-related fields of Math, Science, and Engineering that are eligible to obtain a security clearance. It is my understanding that as the DOD EA for Space, I would chair the Space Professional Oversight Board which is responsible for developing the DOD space cadre. This board was chartered by my predecessor, with representation from all of the stakeholders, and, if confirmed, I will review its effectiveness in synchronizing and integrating the efforts of the Services in the development of their DOD space cadres.

Question. If confirmed, how would you advance implementation of the Department's space human capital strategy to ensure it is completed in a timely manner?

Answer. Through the Space Professional Oversight Board discussed above.

Question. If confirmed, what steps would you take to improve the expertise of the space acquisition workforce in both acquisition management skills and space technical knowledge?

Answer. If confirmed, I would exercise oversight through the Space Professional Oversight Board discussed above.

LABORATORY PERSONNEL DEMONSTRATION PROGRAMS

Question. A number of Air Force laboratories now operate under congressionally-authorized personnel demonstration programs. These programs are intended to provide lab commanders with flexibility in managing their personnel, and to operate as test beds for innovative personnel systems that could help the Air Force recruit and retain highly qualified scientists and engineers. Lab demonstration programs have not been modified since 2001.

How will you work to ensure that Air Force laboratory demonstration programs and authorities are fully utilized?

Answer. My understanding is that the Laboratory Personnel Demonstration or Lab Demo pilot personnel program authorized by Congress has been effective in providing the Air Force with the flexibility to help shape its Scientist and Engineer (S&E) workforce. If confirmed, I would support having management flexibilities with the vision to enhance excellence and relevance of our laboratories into the 21st century.

Question. What advantage, if any, do you believe there are in laboratory mission performance when laboratory commanders are allowed to exercise control over their own personnel systems?

Answer. I believe the authority granted by Congress under the Laboratory Personnel Demonstration Project, or Lab Demo pilot personnel program, provides commanders the flexibility needed to hire and retain a technical employee with specific talents, expertise, and skills. This infusion of talent helps revitalize and bring new ideas into the scientific and engineering community—this not only improves mission performance, but also provides a larger talent pool to continue transformation.

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, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Under Secretary of the Air Force?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN WARNER

INSTALLATION DEFENSE, PROTECTION AND SECURITY

1. Senator WARNER. Dr. Sega, Mr. Eastin, and Mr. Anderson, in 2004, the Department of Defense (DOD) initiated the defense-wide Guardian Installations Protection Program (IPP). Upon completion, Guardian IPP will provide warning and protection for 200 critical DOD installations and facilities in the United States and abroad from potential chemical, biological, radiological, and nuclear (CBRN) attacks. The committee has fully supported this important initiative and, in fact, has authorized an additional $10.2 million within the program to provide greater protection of our military's mail system. Do you believe that our military installations are vulnerable to potential CBRN attacks?

Dr. SEGA. Our military installations worldwide remain subject to terrorist attacks with chemical, biological, radiological, nuclear (CBRN) weapons in addition to the potential effects of high-yield explosive attacks (E). Currently, CBRN defense shortfalls are identified as capability gaps in several General Accounting Office (GAO) audits, a Joint Functional Needs Analysis for CBRN Defense, and a Joint Baseline Capability Assessment for Consequence Management. As part of the Air Force's ongoing efforts to institutionalize counter-CBRNE improvements and integrate them into strategy, planning, and operational capabilities, we continue to work with the Chemical and Biological Defense Program officials in the Office of the Secretary of Defense and the Joint Staff to increase our capabilities to prevent, prepare, respond, and recover from potential CBRNE attacks. The Air Force supports the Joint Guardian Installation Protection Program, providing enhanced CBRN defense capability. Through material and nonmaterial solutions, Guardian provides bases with the increased capability to protect personnel, continue critical missions, and conduct consequence management activities in the event of a CBRN attack.

2. Senator WARNER. Dr. Sega, Mr. Eastin, and Mr. Anderson, given the significant capital our government has invested at these high-value military installations, do you believe it is necessary to protect these assets from possible CBRN attacks?

Dr. SEGA. Yes. The President charted the course in the National Security Strategy of 2002 when he stressed that the United States will prevent our enemies from threatening our allies, our friends, and us with weapons of mass destruction. As part of that charge on June 24, 2005, Acting Deputy Secretary of Defense Gordon England signed out the memorandum entitled Implementation of the Strategy for Homeland Defense and Civil Support that calls for the "protection of high priority installations and personnel from chemical, biological, radiological, nuclear attacks." The Wing Commander must be able to execute the installation's primary warfighting mission. To the best of my abilities, I will help ensure the Air Force supports this strategy with the appropriate resources.

3. Senator WARNER. Dr. Sega, Mr. Eastin, and Mr. Anderson, as these 200 installations and facilities are under the jurisdiction of the DOD, how do you intend to

ensure the program is fully and effectively implemented within your respective Service?

Dr. SEGA. The Air Force has a number of efforts underway that are responsive to the possibility of enemy attacks with chemical, biological, radiological, and nuclear high-yield explosives (CBRNE), both offensive and defensive, and designed to be effective both in the homeland and forward regions. We are also closely linked with the Chemical and Biological Defense Program. The Air Force is developing a Counter-CBRNE Concept of Operations involving operational, logistical, security forces, medical, intelligence, inspection, and training disciplines. We must continue to assess our capabilities in this area and will bring forward shortfalls for consideration of additional resource commitments. Finally, we are increasing research in this area through university research, defense industry collaboration, and partnerships with coalition experts.

QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

DEPOT MAINTENANCE IMPROVEMENT FUND

4. Senator INHOFE. Dr. Sega, Mr. Bell, and Mr. Anderson, since the Bush administration came into office, we have seen a renewed interest in the Air Force's depots. A key to this overall reinvigoration has been the Depot Maintenance Strategy and Master Plan that will ensure America's air and space assets are ready to rapidly respond to any national security threat. Because of this plan, we have begun a restoration of our Air Force's three depot facilities, one of which is located at Tinker Air Force Base, Oklahoma. This modernization will ensure the United States is able to maintain world-class aircraft repair and overhaul facilities. Tinker Air Force Base is the largest single employer in the State of Oklahoma. It is important to sustain and upgrade Tinker's facilities and equipment along with that of the other depot facilities. There is currently an amendment that I support which calls for full funding of the Depot Maintenance Strategy and Master Plan at a level of $150 million a year, over a 6-year period. Secretary Gibbs supported fully funding the Depot Maintenance Improvement Fund. Do you have any concerns about sufficiently funding the Improvement Fund at the same percentage level as Secretary Gibbs?

Dr. SEGA. The Air Force continues its commitment to managing world class organic depot maintenance capability for our warfighters. I will make every effort to meet our responsibilities to modernize and transform our depot maintenance equipment, facilities, and personnel.

5. Senator INHOFE. Dr. Sega, Mr. Bell, and Mr. Anderson, will you commit to this same level of funding?

Dr. SEGA. The Air Force remains committed to managing world-class organic depot maintenance capability for our warfighters. I will work to meet our commitment to modernize and transform our depot maintenance equipment, facilities, and personnel.

MOBILITY CAPABILITY STUDY

6. Senator INHOFE. General Schwartz and Dr. Sega, I am concerned about the Mobility Capability Study. Actually, when Secretary Teets testified before this committee last March at the Air Force's posture hearing, we had been informed that the Mobility Capability Study would be ready "shortly," but the timing keeps moving to the right. This study was commissioned in order to determine exactly just how short we are in strategic and tactical airlift resources. Other Members of the committee and I have raised concerns about decisions made by the Air Force with regard to programming and budgeting without the benefit of this study. I am sure you are well aware of termination costs associated with DOD's reversed decision to stop production of the C–130J, with its domino effect on the cost of the Marine Corps' KC–130. I am truly concerned that this study has not been completed. DOD and this committee need the results to validate our airlift decisions and plan for future mobility and refueling needs. Can you give us an idea of when we might have the Mobility Capability Study finished and share any of it preliminary findings?

Dr. SEGA. As I understand it, the primary analysis is complete and the initial insights on inter-theater, intra-theater, Continental United States (CONUS), Homeland Defense and Air Refueling capabilities were briefed on June 6, 2005 to the Mobility Capability Study Executive Committee (co-chaired by Office of the Secretary of Defense and the Joint Staff), the senior oversight body and final approval authority for the study.

I believe Office of the Secretary of Defense and the Joint Staff are now preparing the report for final coordination. We will fully support their efforts to finalize this study.

QUESTION SUBMITTED BY SENATOR SAXBY CHAMBLISS

THE DIRECTOR OF THE NATIONAL RECONNAISSANCE OFFICE

7. Senator CHAMBLISS. Dr. Sega, in the past Secretary Teets as the Under Secretary of the Air Force also served as the Director of the National Reconnaissance Office (NRO). This arrangement, however, is no longer the case. With the standing-up of the Director of National Intelligence, the DOD seems to be in the process of redefining this relationship for national security space matters. As DOD Executive Agent for Space, your responsibilities would include planning, programming, and acquiring space systems. Likewise the Director of the NRO is designated as the DOD agency within the intelligence community that designs, builds, launches, and operates the Nation's reconnaissance satellites. What challenges do you see in coordinating the efforts of the NRO with the rest of DOD space activities?

Dr. SEGA. As the Under Secretary of the Air Force (USECAF) and the Department of Defense Executive Agent for Space, my staff and I work very closely with Dr. Kerr and his staff at the NRO to ensure space activities are coordinated. There has been much progress made over the past several years. Our goal is to ensure space programs meet warfighter needs while remaining on schedule and within cost. Dr. Kerr and I will work together to improve space planning, programming, and acquisition to include policy, personnel, and industrial base considerations.

QUESTIONS SUBMITTED BY SENATOR CARL LEVIN

TOTAL INFORMATION AWARENESS

8. Senator LEVIN. Dr. Sega, the Total Information Awareness (TIA) program was established in Defense Advanced Research Projects Agency (DARPA) as part of the reaction to the events of September 11, 2001. Although a few of the technologies included in the system were under early-stage development at that point, the first budget request that included funding for TIA was in fiscal year 2003, when you had been the Director of Defense Research and Engineering (DDR&E) for more than a year. TIA was also the subject of a number of congressional inquiries, newspaper articles—including the front page of the New York Times—was the cause of the establishment of an internal and external review panel by then Secretary Aldridge, and suffered a highly publicized termination by Congress in fiscal year 2004. Given that history, the fact that the Director of DARPA reports to you as DDR&E, and that you were the head of all DOD science and technology programs at the time, it is important that you clarify your role in the TIA program. How did you participate in the establishment of the TIA program as part of DOD's response to September 11?

Dr. SEGA. Approval and establishment of the TIA program's major elements predate my tenure as the DDR&E. The fundamental information, database, prediction, terrorist detection, language translation, and bio-metric technology research elements were established at DARPA starting in the mid and late 1990s and made use of disparate programs like the Small Business Innovative Research Program, University Research Initiative, and others.

In the wake of the September 11, 2001, terrorist attacks, DARPA formed the Information Awareness Office and initiated the TIA Program to consolidate these established technology projects, increase synergy, and improve management.

9. Senator LEVIN. Dr. Sega, how did you exercise your oversight over DARPA in their development and execution of the program?

Dr. SEGA. As Director of Defense Research & Engineering, I exercised broad, top-level oversight for a very large, diversified portfolio of science and technology programs sponsored by DARPA, the military services, and the other Under Secretary of Defense Acquisition, Technology & Logistics organizations.

10. Senator LEVIN. Dr. Sega, how did you, as DDR&E, participate in shaping DOD's public and internal review activities in response to congressional and public interest in the program?

Dr. SEGA. As DDR&E, my office supported the internal and external reviews of Total Information Awareness (TIA).

I directly provided concurrence, with comments, to the Report of the DOD Inspector General on TIA (December 2003) for the Under Secretary of Defense Acquisition, Technology and Logistics.

Additionally, my staff and I interacted with Ms. Lisa Davis, the Executive Director and Designated Federal Official for the Technology and Privacy Advisory Committee, which reported their findings and recommendations to the Secretary of Defense in March 2004.

11. Senator LEVIN. Dr. Sega, what major lessons did you learn from these experiences and activities?

Dr. SEGA. I concur with the recommendations of the Technology and Privacy Advisory Committee. Advanced technology, and information technology in particular, promises to improve United States (U.S.) and allied counterterrorism capabilities; however, development and execution of these new technologies must not compromise the privacy of U.S. citizens.

These lessons underscore the need for greater oversight and accountability in our technical programs. The Total Information Awareness discussion helped address the broader issues on the balance between a necessarily large, robust, and diverse technology portfolio and the attendant need for oversight and accountability. It also added impetus to my efforts to increase the level of detail captured by management level metrics and to galvanize the oversight process within and throughout the Director, Defense Research and Engineering organization, to include more detailed office-by-office reviews within Defense Advanced Research Projects Agency.

12. Senator LEVIN. Dr. Sega, how will experiences as DDR&E shape your approach to performing the functions of Under Secretary of the Air Force?

Dr. SEGA. The Air Force, like all the Services, has a large, diverse, and challenging set of technology goals. My tenure as DDR&E clearly demonstrated to me both the need and value of increased oversight and accountability in our management of ambitious technology programs. I fully intend to advocate and emphasize the increased use of metrics tied to strategic goals, and improved program tracking techniques throughout the Air Force. As DDR&E, I focused on the technology aspects of acquisition and in this new position I will emphasize the broader acquisition issues as well.

SPACE COMMISSION RECOMMENDATIONS

13. Senator LEVIN. Dr. Sega, the Space Commission, chaired by Secretary Donald Rumsfeld, was established by the National Defense Authorization Act for Fiscal Year 2000. There were several key recommendations of the Commission but I would like to discuss two of these, recommendations numbered 5, 8, in the Commission report. Recommendation Number 5: "An Under Secretary of Defense for Space, Intelligence, and Information should be established." The Commission recommended that this individual should be assigned the responsibility to oversee the DOD's research and development, acquisition, launch and operation of its space, intelligence, and information assets. Recommendation Number 8: "Assign the Under Secretary the Air Force as the Director of the National Reconnaissance Office. Designate the Air Force Under Secretary as the Air Force Acquisition Executive for Space." The Commission recommended the appointment of a single official within the Air Force with the authority for the acquisition of space systems for the Air Force and the NRO based on the 'best practices' of each organization. The approach that the Secretary took was to combine the responsibilities for space that the Commission had recommended for the Under Secretary of Defense and all of the responsibilities recommended for the Under Secretary for the Air Force, and assign them all to the Under Secretary of the Air Force. In addition, milestone decision for all space acquisition was assigned to the Under Secretary of the Air Force. At the time many in Congress were skeptical of this approach but decided to support the decision. Now the consensus is that this was a good decision, and that progress has been made in coordinating black and white space programs. Some improvements have also been made in fixing a space acquisition program that has been badly broken for the last 10 years. Now DOD is reversing its course, splitting up the position, and again establishing a separate director of NRO. What we need to understand is how this will affect the progress that has been made in the last few years and will the management of space revert to the problems previously identified by the Commission?

Dr. SEGA. Working with both the DOD and NRO staffs over the last few years, I recognized the many accomplishments and the substantial progress we have made for the Nation, especially the Warfighter and Intelligence Community (IC) support

to the global war on terrorism, Operation Iraqi Freedom and Operation Enduring Freedom. The cooperation between the DOD and IC on the National Security Space Strategy, the National Security Space Plan, and the National Security Space Program Assessment helped to build unity of effort across our various agencies. We are on the way to addressing the problems identified by the Commission, and, in cooperation with Dr. Kerr, I am confidant that we will make steady progress.

14. Senator LEVIN. Dr. Sega, with this breakup how will black and white space integration be maintained?

Dr. SEGA. I am committed to integration and alignment of National Reconnaissance Office and Department of Defense space programs. In cooperation with Dr. Kerr, we must support both the Director of National Intelligence and the Secretary of Defense on space matters to achieve unity of effort. We must strive for consistency in planning, programming, and acquisition processes; application of lessons learned across the community; coordination of approaches to processing, fusing, and disseminating information to customers; and building and maintaining a community of space professionals.

15. Senator LEVIN. Dr. Sega, who will have milestone decision authority for space acquisition programs?

Dr. SEGA. In March of this year, the Under Secretary of Defense Acquisition, Technology and Logistics (USD/AT&L) redesignated all Air Force Acquisition Category (ACAT) 1C programs as ACAT 1Ds and in so doing, assumed Milestone Decision Authority responsibility for space acquisitions. This action was taken as a result of vacancies in the Air Force due to the departures of the former Secretary and Under Secretary of the Air Force.

With my confirmation, the Air Force requested USD/AT&L redesignate all ACAT 1D space systems as ACAT 1C programs and return Milestone Decision Authority to the Air Force.

16. Senator LEVIN. Dr. Sega, will there be a single individual with milestone acquisition decision authority for black and white space?

Dr. SEGA. Not to my knowledge.

17. Senator LEVIN. Dr. Sega, will there still be a single approach to space acquisition?

Dr. SEGA. I will need to better understand the different oversight and policy requirements levied for both the National Reconnaissance Office (NRO) and Department of Defense (DOD) and how the DOD's National Security Space Acquisition Policy, 03–01, is aligned with the NRO's acquisition policy, NRO Directive (NROD) 7. I recognize that it is important to continue to work together to ensure common practices.

18. Senator LEVIN. Dr. Sega, how will joint programs, such as Space Radar, or complementary programs be managed?

Dr. SEGA. Several organizations are involved in current and future space acquisition programs including all the military services, Defense Advanced Research Projects Agency, the National Reconnaissance Office, National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration. Management of these programs will require an assessment on a case-by-case basis. Space radar will be one of the first ones I review.

19. Senator LEVIN. Dr. Sega, who will assume responsibility for ensuring that there is not duplication and that there is full coordination between black and white space?

Dr. SEGA. The Nation must avoid duplicative systems. We strive to make our national security space capabilities more efficient and effective. Although some duplication is desirable for assuring capability, I will work closely with Dr. Kerr and the Intelligence Community to ensure we are integrating and aligning our efforts and resources. Recurring events such as the Space Partnership Council, Space Industrial Base Council, and the National Security Space Stakeholder's meetings expand cooperation and lead to better understanding of plans and activities in areas of mutual interest.

20. Senator LEVIN. Dr. Sega, who will coordinate space launch policies?

Dr. SEGA. As Under Secretary of the Air Force and Department of Defense Executive Agent for Space, I will work closely with the Office of the Secretary of Defense, the Air Force, and other Services, the National Reconnaissance Office, the National

Aeronautics and Space Administration, and our commercial and industrial partners to coordinate on space launch policies.

21. Senator LEVIN. Dr. Sega, will splitting up the position provide, as the Space Commission realized was urgently needed, "methods for resolving the inevitable issues between the defense and intelligence sectors on the priority, funding, and control of space programs?"

Dr. SEGA. I will work with the Director, National Reconnaissance Office (NRO) to coordinate efforts between Department of Defense (DOD) and NRO. Over the last couple of years, a variety of management initiatives have been put in place, such as creating a National Security Space Vision, a National Security Space Strategy, and a National Security Space Plan; and collaboratively developing architectures between NRO and DOD space programs. Our future efforts should also help ensure that the national security space programs become more efficient and more effective.

[The nomination reference of Ronald M. Sega follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 28, 2005.

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

Ronald M. Sega, of Colorado, to be Under Secretary of the Air Force, vice Peter B. Teets, resigned.

[The biographical sketch of Ronald M. Sega, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF RONALD M. SEGA

The Honorable Ronald M. Sega, Director of Defense Research and Engineering (DDR&E), is the chief technical advisor to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD–AT&L) for scientific and technical matters, basic and applied research, and advanced technology development. Dr. Sega also has management oversight for the Defense Advanced Research Projects Agency (DARPA).

Dr. Sega has had an extensive career in academia, research, and government service. He began his academic career as a faculty member in the Department of Physics at the U.S. Air Force Academy. His research activities in electromagnetic fields led to a Ph.D. in Electrical Engineering from the University of Colorado. He was appointed as Assistant Professor in the Department of Electrical and Computer Engineering at the University of Colorado at Colorado Springs in 1982. In addition to teaching and research activities, he also served as the Technical Director of the Laser and Aerospace Mechanics Directorate at the F.J. Seiler Research Laboratory and at the University of Houston as the Assistant Director of Flight Programs and Program Manager for the Wake Shield Facility. Dr. Sega became the Dean, College of Engineering and Applied Science, University of Colorado at Colorado Springs in 1996. Dr. Sega has authored or co-authored over 100 technical publications and was promoted to Professor in 1990. He is a Fellow of the American Institute of Aeronautics and Astronautics (AIAA), the Institute for the Advancement of Engineering (IAE), and the Institute of Electrical and Electronic Engineers (IEEE).

In 1990, Dr. Sega joined NASA, becoming an astronaut in July 1991. He served as a mission specialist on two Space Shuttle Flights, STS–60 in 1994, the first joint U.S. Russian Space Shuttle Mission and the first flight of the Wake Shield Facility, and STS–76 in 1996, the third docking mission to the Russian space station Mir where he was the Payload Commander. He was also the Co-Principal Investigator for the Wake Shield Facility and the Director of Operations for NASA activities at the Gagarin Cosmonaut Training Center, Russia, in 1994–1995.

Dr. Sega has also been active in the Air Force Reserves. A Command Pilot in the Air Force with over 4,000 hours, he has served in various operational flying assignments, including a tour of duty as an Instructor Pilot. From 1984 to 2001, as a reservists assigned to Air Force Space Command (AFSPC), he held positions in planning analysis and operational activities, including Mission Ready Crew Commander

for satellite operations—Global Positioning System (GPS) Defense Support Program (DSP), and Midcourse Space Experiment (MSX), etc. He was promoted to the rank of Major General in the Air Force Reserves in July 2001.

[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 Ronald M. Sega in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Ronald Michael Sega.

2. **Position to which nominated:**
Under Secretary of the Air Force.

3. **Date of nomination:**
July 28, 2005.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
December 4, 1952; Cleveland, OH.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Ann E. Flemke.

7. **Names and ages of children:**
Ronald John Sega, age 3.
Matthew Karl Sega, age 2.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
University of Colorado (08/1979–08/1982) Ph.D. Electrical Engineering, 1982.
Ohio State University (06/1974–03/1975) M.S. Physics, 1975.
U.S. Air Force Academy (06/1970–06/1974) B.S. Math and Physics, 1974.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
2001–Present: Director. Defense Research and Enqineering, 3030 Defense Pentagon - RM 3C638, Washington, DC.

1996–2001: Dean, College of Engineering and Applied Science, Professor (1982–present (on leave of absence)), Department of Electrical and Computer Engineering, University of Colorado at Colorado Springs, CO.

1990–1996: Astronaut, NASA Johnson Space Center, 2101 NASA Road 1, Houston, TX.

1982–Present: U.S. Air Force Reserve Officer.

2001–present: Major General, Reserve Assistant (RA) to the Chairman of the Joint Chiefs of Staff.

2000–2001: Major General, Mobilization Assistant (MA) to the Commander Air Force Space Command (AFSPC).

1998–2000: Brigadier General, MA to the Commander, Space Warfare Center.

1996–1998: Colonel, RA to the Director, Operations, AFSPC.

1993–1996: Colonel, RA to the Director, Plans, AFSPC.

10. **Government experience:** List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above.

2000 - International Space Station Operations Architecture Study. Conducted for NASA (MOBIS contract through Computer Sciences Corporation).

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

American Institute of Aeronautics and Astronautics (AIAA).

Association of Space Explorers (ASE).

Eta Kappa Nu.

Institute of Electrical and Electronics Engineers (IEEE).

Order of Daedalians.

Reserve Officer Association (ROA).

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

None.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Fellow, American Institute of Aeronautics and Astronautics (AIAA), 2003.

Elected Member, International Society of Astronautics, 2002.

Fellow, Institute of Electrical and Electronics Engineers (IEEE), 2001.

Aerospace Education Foundation - Elected Trustee, 2000.

Educator of the Year 1998–1999, INROADS, Colorado.

Honorary Doctorate, Bridgewater State College, 1998.

NASA Outstanding Leadership Medal (Payload Commander, STS–76), 1997.

American Astronautical Society Flight Achievement Award, 1996.

NASA Acquisition Improvement Award (X–33), 1996.

NASA Space Flight Medal (STS–76), 1996.

Institute of Electrical and Electronics Engineers - Elected Senior Member, 1996.

Group Achievement Award (NASA - Crew Exchange Working Group with Russia), 1995.

Superior Achievement Award (NASA - Director of Operations, Russia), 1995.

Group Achievement Award (Microgravity Measurement Device Development Team), 1994.

NASA Space Flight Medal (STS–60), 1994.

Ohio Veterans Hall of Fame, 1994.

Honorary Doctorate - Clarkson University, 1993.

Fellow, Institute for the Advancement of Engineering, 1992.

Associate Fellow, American Institute of Aeronautics and Astronautics (AIAA), 1992.

Selected as an Astronaut, 1991.
Reserve Officer (IMA) of the Year - U.S. Air Force, 1988.
Reserve Officer (IMA) of the Year - Air Force Space Command, 1988.
Sustained Superior Service Award - Frank J. Seiler Research Laboratory, 1988.
Academic Hall of Fame - Nordonia High School, Macedonia, Ohio, 1988.
Outstanding Faculty Award - Department of Electrical Engineering, University of Colorado at Colorado Springs, 1985.
Air Force Research Fellow - Air Force Office of Scientific Research, 1985.
Regional Finalist - White House Fellowship, 1984.
Officer of the Year in the Physics Department, U.S. Air Force Academy, 1980.
Top Graduate of Pilot Instructor Training Course, 1976.
Distinguished Graduate, U.S. Air Force Academy, 1974.

Military Decorations:
Distinguished Service Medal
Legion of Merit
Defense Meritorious Service Medal
Meritorious Service Medal with one oak leaf cluster.
Air Force Commendation Medal with one oak leaf cluster.
Air Force Achievement Medal.
Air Force Outstanding Unit Award.
Air Force Organizational Excellence Award with one oak leave cluster.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

J.R Clifford, R.M. Sega, G.D. Foos and A.A. Throckmorton, "SEM Examination of the Au-Al Intermetallic on IC lead Bonds," Scanning Electron Microscopy/I 974, ITT Research Institute, Chicago, IL, 1974.

J.F. Morgan, R.M. Sega, R.J. Schraeder, H.R. Switer and S.L. Blatt, "^{3}He-and ^{4}He-Induced L-subshell Ionization of Gold: Coulomb Deflection Effects," Physical Review ¢ Volume 16, Number 5, November 1977.

D.J. Redman, R.M. Sega and R Joseph, "Alpha Particle-Induced Soft Errors in Microelectronic Devices, Part One," Military Electronics/Countermeasures, March 1980.

D.J. Redman, R.M. Sega and R. Joseph, "Alpha Particle-Induced Soft Errors, Part Two," Military Electronics/Countermeasures, April 1980.

R.M. Sega and V.M. Martin, "Determination of Electromagnetic Wave Absorption and Reflection Through Thermography," The Infrared Observer, Number 2180, June 1980.

R.W. Burton, R.M. Sega and V.M. Martin, "Experimental Determination of Electromagnetic Pulse (EMP) Absorption on Complex Shapes," Proceedings of the Nuclear Electromaqnetic Pulse Meeting (NEM 1980), Anaheim, CA, August 1980.

V.M. Martin, R.M. Sega, C.V. Stewart and R.W. Burton, "Application of Infrared Thermography in the Analysis of Induced Surface Currents due to Incident Electromagnetic (EM) Radiation on Complex Shapes," Infrared Systems, SPIE Volume 256, September 1980.

R.M. Sega and R.W. Burton, "Experimental Determination of Electromagnetic Energy Absorption on Complex Shapes," Proceedings of the National Radio Science Meetinq (URSI), Boulder, CO, January 1981.

R.M. Sega and V.M. Martin, "Experimental Determination of Electromagnetic Energy Absorption on Complex Shapes; A Progress Report," Proceedings of the 1981 International Union of Radio Science (URSI), Los Angeles, CA, June 1981.

R.M. Sega, V.M. Martin, D.B. Warmuth and R.W. Burton, "An Infrared Application to the Detection of Induced Surface Currents," Modern Utilization" of Infrared Technology VII, SPIE Volume 304, August 1981.

R.M. Sega and R.W. Burton, "Correlation of Known Surface Current Values With Measurements Utilizing Infrared Techniques," Proceedings of the National Radio Science Meeting, Boulder, CO, January 1982.

R.M. Sega, C.V. Stewart and R.W. Burton, "Induced Surface Currents Obtained Through Infrared Techniques Correlated with Known Values for Simple Shapes," Proceedings of the IEEE Region 5 Conference, Colorado Springs, CO, May 1982.

R.M. Sega, V.M. Martin and R.W. Burton, "Microwave Induced Surface Current Measurement via Infrared Detection," 1982 IEEE International Symposium Digest Antennas and Propagation, Albuquerque, NM, May 1982.

R.M. Sega, "Infrared Detection of Microwave Induced Surface Currents on Flat Plates," Technical Report RADC–TR–82–308, December 1982.

R.M. Sega and R.W. Burton, "Surface Current Analysis on Flat Plates," Proceedings of the National Radio Science Meeting, Boulder, CO, January 1983.

V.M. Martin, R.M. Sega and S.K. Angell, "Fiber Optic Microwave Power Probe: A Preliminary Report," Fiber Optic and Laser Sensors, SPIE Volume 412, April 1983.

K.W. Harper, R.W. Burton, J.P. Jackson and R.M. Sega, "Infrared Detection of Electromagnetic Field Magnitudes at the Surface of Irradiated Dielectrics," 1983 IEEE International Symposium Digest - Antennas and Propagation, Houston, TX, May 1983.

J.P. Jackson, D.A. Kelley, R.M. Sega and R.W. Burton, "Determination of Microwave Induced Resonant Patterns in Symmetrical Targets by Infrared Detection of Joule Heating," Proceedings of the 1983 International Union of Radio Science (URASI) Meeting, Houston, TX, May 1983.

V.M. Martin, S.K. Angell and R.M. Sega, "A Fiber Optic Microwave Power Probe," 1983 International IEEE Symposium Digest - Antennas and Propagation, Houston, TX, May 1983.

R.M. Sega, M.H. Hellbusch, J.P. Jackson, R.W. Burton and V.M. Martin, "An Infrared Investigation of Surface Currents on Metal Plates," Proceedinqs of the 1983 International Union of Radio Science (URSI, Houston, TX, May 1983.

R.M. Sega and G.J. Genello, "Infrared Thermography Techniques for EMI/EMC Measurements," Proceedings of Electromagnetic Compatibility 1983, Arlington, VA, August 1983.

J.P. Jackson, R.W. Burton and R.M. Sega, "Thermal Patterns of Induced Surface Currents on Flat Plates," Proceedings of the National Radio Science Meeting, Boulder, CO, January 1984.

M.T. Avalos and R.M. Sega, "Optimizing an Electromagnetic Field Sensor for Microwave Amplitude and Phase Detection via Fiber Optic Transmission Link," 1984 IEEE MTT–S International Microwave Svmposium, San Francisco, CA, May 1984.

R.M. Sega, "Infrared Detection of Microwave Scattering and Diffraction," Proceedings of the National Radio Science Meeting, Boston, MA, June 1984.

S.K. Rogers, RM. Sega and S.A. Woods, "Microwave Measurement for Wavefront Reconstruction via Infrared Detection," Thermosense, SPIE Volume 520, November 1984.

W.C. Diss and R.M. Sega, "Techniques for Measuring Microwave Interference Using Infrared Detection," Technical Report, RADC, 1984.

R.M. Sega and C.A. Benkelman, "Measurement of Antenna Patterns at 94GHz Using Infrared Detection," Millimeter Wave Technoloqy III, SPIE Volume 544, April 1985.

R.M. Sega, "Infrared Detection of Metallic Surface Currents," Final Technical Report, Rome Air Development Center, May 1985.

R.M. Sega and G.D. Wetlaufer, "Optimizing Thin Magnetic Material for the Thermographic Detection of Microwave Induced Surface Currents," 1985 North American Radio Science Meeting and International IEEE/AP–S Symposium, Vancouver, Canada, June 1985.

R.M. Sega and J.D. Norgard, "An Infrared Measurement Technique for the Assessment of Electromagnetic Coupling," Proceedinqs of the Nuclear and Space Radiation Effects Conference, Monterey, CA, July 1985.

R.M. Sega, "Chemical Laser Research on the Iodine Monofluoride (IF) System," Final Technical Report, Air Force Office of Scientific Research, September 1985.

R.M. Sega and J.D. Norgard, "An Infrared Measurement Technique for the Assessment of Electromagnetic Coupling," IEEE Transactions on Nuclear Science. Vol. 32, No. 6, December 1985.

R.M. Sega and J.D. Norgard, "Infrared Detection of Microwave Scattering from Cylindrical Structures," Proceedings of the National Radio Science Meeting, Boulder, CO, January 1986.

D.W. Metzger, RM. Sega, J.D. Norgard and P. Bussey, "Experimental and Theoretical Techniques for Determining Coupling Through Apertures in Cylinders," 1986 Nuclear Electromaonetic Pulse Meeting, Albuquerque, NM, May 1986.

J.D. Norgard and R.M. Sega, "Infrared Measurement of Scattering and Electromagnetic Penetrations Through Apertures," Nuclear and Space Radiation Effects Conference, Providence, RI, July 1986.

"Infrared Diagnostic for High Power Microwave Application," Technical Report, Defense Nuclear Agency, October 1986.

C.A. Benkelman, J.D. Norgard and R.M. Sega, "Infrared Measurements of Millimeter Wave Antenna Patterns," GACIAC/IIT Research Institute, Conference on Millimeter Wave/Microwave Measurements and Standards for Miniaturized Systems, Huntsville, AL, November 1986.

R.M. Sega, D. Fredal and J.D. Norgard, "An Infrared Diagnostic Technique for High Power Microwave Measurements," Conference on High Power Microwave Technology for Defense Applications, Albuquerque, NM, December 1986.

R.M. Sega and J.D. Norgard, "Infrared Measurement of Scattering and Electromagnetic Penetrations through Apertures," IEEE Transactions on Nuclear Science, Vol. NS–33, No. 6, December 1986.

J.D. Norgard and R.M. Sega, "Three-Dimensional Field Determination of Cavity Resonance and Internal Coupling," Proceedings of the National Radio Science Meetino, Boulder, CO, January 1987.

V.M. Martin, RM. Sega and R. Durham, "A Fiber Optic Microwave Power Probe," Optical Enoineerino, Volume 26, Number 2, February 1987.

J.D. Norgard and R.M. Sega, "Closed-Form Series-Expansions for the Quasi-Static Capacitance Matrix of an Insulated Shielded-Pair Transmission Line," Electromaqnetic Compatibility 1987. Proceedings of the 7th International Zurich Symposium, Switzerland, March 1987.

D. Fredal, R.M. Sega, P. Bussey and J.D. Norgard, "Hardware and Software Advancement for Infrared Detection of Microwave Fields," Infrared Image Processing and Enhancement, Volume 781, May 1987.

J.D. Norgard and R.M. Sega, "Microwave Fields Determined from Thermal Patterns," Thermal Infrared Sensinq for Diagnostic Control: Thermosense IX, SPIE Volume 780, May 1987.

R.M. Sega, D. Fredal, and J.D. Norgard, "Initial Feasibility Tests of and Infrared Diagnostics for High Power Microwave Applications," Proceedings of the 1987 SPIE Symposium, Orlando, FL, May 1987.

J.D. Norgard and R.M. Sega, "Measured Internal Coupled Electromagnetic Fields Related to Cavity and Aperture Resonance," Proceedings of the 1987 NSRE Conference, Snowmass, CO, July 1987.

R.M. Sega and J.D. Norgard, "Expansion of an Infrared Detection Technique Using Conductive Mesh in Microwave Shielding Applications," Infrared Technology XIII, SPIE Volume 819, August 1987.

J.D. Norgard and R.M. Sega, "Resonant Coupling Through a Slot to a Loaded Cylindrical Cavity, Part I: Preliminary Experimental Results," RADC Technical Report, October 1987.

R.M. Sega, "A Transient Electromagnetic Detection and Shielding Study," Technical Report to Universal Energy Systems (Air Force Office of Scientific Research), October 1987.

R.M. Sega, J.D. Norgard and G.J. Genello, "Measured Internal Coupled Electromagnetic Fields Related to Cavity and Aperture Resonance," IEEE Transactions on Nuclear Science, Vol. NS–34, No.6, December 1987.

D.W. Metzger, R.M. Sega and J.D. Norgard, "Numerical Calculation and Experimental Verification of Near Fields from Horns," Proceedings of the National Radio Science Meeting, Boulder, CO, January 1988.

P.E. Bussey, J.D. Norgard and R.M. Sega, "Three-Dimensional Theoretical and Experimental Analysis of Internal Cylindrical Fields Coupled Through a Slot Aperture," Proceedings of the National Radio Science Meeting, Boulder, CO, January 1988.

J.P. Jackson, E. Arthurs, L.A Schwalbe, R.M. Sega, D. Windish, W.H. Long and E.A Stappaerts, "Accelerated Aging of Cellulose by Laser Irradiation," Materials Research Society Symposium, Los Angeles, CA, March 1988.

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16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

Many presentations on Defense research and engineering (R&E) topics, primarily to technical audiences. Some examples:

- NDIA 6th Annual Science and Engineering Tech Conference
- Test Week 2005—Test and Evaluation Conference

- National Space Symposium
- Precision Strike Conference
- DARPA TECH Conference

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify before any duly constituted committee of the Senate?
Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

RONALD M. SEGA.

This 1st day of July 2005.

[The nomination of Ronald M. Sega was reported to the Senate by Chairman Warner on July 29, 2005, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 29, 2005.]

[Prepared questions submitted to Phillip Jackson Bell by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. Almost two decades have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes, I fully support implementation of the Goldwater-Nichols reforms.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. I believe that implementation of these reforms has been successful and consistent with congressional intent.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. The definition of joint warfighting commands with joint combat support and combat service support organizations is proving to be extremely important in our current warfighting environment. In addition, the placement of the acquisition and logistics policy functions under the control of civilian leadership strengthens the acquisition and logistics community's effectiveness in delivering the capabilities required by the joint warfighters.

Question. The goals of Congress in enacting the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms can be summarized as strengthening civilian control over the military; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; enhancing the effectiveness of military operations; and improving the management and administration of the Department of Defense (DOD).

Do you agree with these goals?

Answer. Yes, and I believe the Department is achieving those goals.

Question. Do you anticipate that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be necessary to address in these proposals?

Answer. I have not considered any prospective legislative changes. If confirmed, I look forward to working with the committee to determine if legislative proposals may be appropriate.

DUTIES

Question. Section 133b of title 10, United States Code, and DOD Directive 5134.12, provide that the Deputy Under Secretary of Defense for Logistics and Materiel Readiness is to serve as the principal advisor to the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) and the Secretary and Deputy Secretary of Defense on logistics and materiel readiness in the Department of Defense. Additionally, among other responsibilities, the Deputy Under Secretary of Defense for Logistics and Materiel Readiness is the principal logistics official within the senior management of the Department of Defense.

If confirmed as the Deputy Under Secretary of Defense for Logistics and Materiel Readiness, what would you view as your principal responsibilities to the Secretary of Defense?

Answer. If confirmed, I would fulfill the statutory responsibilities of being the principal advisor on logistics and materiel readiness issues to the Secretary and the Under Secretary of Defense for Acquisition, Technology, and Logistics, and serving as the principal logistics official within the senior management of the DOD. In this capacity, I would monitor and review all logistics, maintenance, materiel readiness, strategic mobility, and sustainment support programs.

Question. Assuming you are confirmed, what other duties do you expect that the Secretary would prescribe for you?

Answer. I do not know at this time what additional duties the Secretary might prescribe.

Question. What background and experience do you possess that you believe qualifies you to perform these duties and those outlined in the law and applicable DOD directives?

Answer. I believe my experience in both the public and private sector qualifies me to perform the duties of this position.

In my current position, I am engaged in efforts relating to the logistics and material readiness programs in Iraq and elsewhere. Some of these efforts relate to, LOGCAP contracts and IRRF contract management activities. The Army has transitioned from a peace-time "Cold War" logistics and material readiness system through a start-up phase of military operations, to a phase of sustained support of our military forces on a war-time footing. On a more strategic level, I am participating in efforts to integrate logistics and acquisition efforts through such programs as life cycle management.

In my position as Chief of Staff of the State Department's Afghanistan Reconstruction Group, I invested a significant amount of time working with both U.S. Government agencies and with Government of Afghanistan senior officials to address supply chain management problems that were creating obstacles and adding significant costs to our reconstruction efforts in that country.

Most of my private sector career over the last 30 years has focused on strategic transformations of large, complex organizations that depend on effective logistics and material readiness programs for their survival and success. Several are significant logistics partners with some of the largest companies in the world, as well as supporting the important DOD logistics efforts. I was CFO of the largest railroad in the U.S. when we began testing bar code and RFID shipment tracking technology, and served as the lead official on aircraft acquisitions in major airlines and was well versed on the issues of CRAF fleet operations.

Equally important, private sector companies are applying and evolving "Best Management Practices" (BMP) in the logistics and material readiness area that DOD seeks to adopt in its business transformation efforts.

Question. Do you believe that there are any additional steps that you need to take to enhance your expertise to perform these duties?

Answer. I believe I am prepared to commence these duties if confirmed.

RELATIONSHIPS

Question. If confirmed, what would your relationship be with:

The Secretary of Defense.

Answer. If confirmed, I would serve as the principal advisor to the Secretary of Defense on logistics and materiel readiness in the DOD.

Question. The Deputy Secretary of Defense.

Answer. If confirmed, my relationship with the Deputy Secretary of Defense will be the same as that described above in relation to the Secretary of Defense.

Question. The Under Secretary of Defense for Acquisition, Technology, and Logistics.

Answer. If confirmed, I would serve as the principal advisor to the Under Secretary of Defense for Acquisition, Technology, and Logistics on logistics and materiel readiness in the Department of Defense, and would also perform such duties relating to logistics and materiel readiness as the Under Secretary assigns. Those duties include monitoring and reviewing all logistics, maintenance, materiel readiness, and sustainment support programs within the Department of Defense, in accordance with applicable DOD policies.

Question. The Under Secretary of Defense for Personnel and Readiness.

Answer. If confirmed, I would work closely with the Under Secretary of Defense for Personnel and Readiness so we can both carry out our statutory obligations relating to readiness.

Question. The Director for Logistics (J4), the Joint Staff.

Answer. If confirmed, my relationship with the Director for Logistics (J4), the Joint Staff, would be based on my role as principal advisor to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on logistics and materiel readiness in the Department of Defense, and his role as principal advisor to the Chairman of the Joint Chiefs of Staff on logistics and materiel readiness. If confirmed, I would need to work with him as well as the U.S. Transportation Command Commander to identify and implement more cost effective approaches to logistics and materiel readiness.

Question. The Director for Operational Plans and Joint Force Development (J7), the Joint Staff.

Answer. If confirmed, I would coordinate and exchange information with the Director for Operational Plans and Joint Force Development, the Joint Staff, to ensure that DOD logistics and materiel readiness policies are coordinated with operational planning and joint force development requirements.

Question. The Director for Force Structure, Resources, and Assessment (J8), the Joint Staff.

Answer. If confirmed, I would coordinate and exchange information with the Director for Force Structure, Resources, and Assessment (J8), to ensure DOD logistics and materiel readiness policies are coordinated with force structure and resource requirements.

Question. Commander, U.S. Transportation Command.

Answer. If confirmed, I would expect to work closely with the Commander, U.S. Transportation Command, to ensure a seamless distribution process to meet warfighter requirements.

Question. The Defense Logistics Agency.

Answer. If confirmed, I would exercise authority, direction, and control over the Defense Logistics Agency through its Director.

Question. The Army Materiel Command.

Answer. If confirmed, I would coordinate and exchange information with the Commanding General, Army Materiel Command, to ensure DOD logistics and materiel readiness policies are coordinated with Army materiel requirements.

Question. The Naval Sea Systems Command.

Answer. If confirmed, I would coordinate and exchange information with the Commander, Naval Sea Systems Command, to ensure DOD logistics and materiel readiness policies are coordinated with Navy materiel requirements.

Question. The Naval Air Systems Command.

Answer. If confirmed, I would coordinate and exchange information with the Commander, Naval Air Systems Command, to ensure DOD logistics and materiel readiness policies are coordinated with Navy materiel requirements.

Question. The Marine Corps Systems Command.

Answer. If confirmed, I would coordinate and exchange information with the Commander, Marine Corps Systems Command, to ensure DOD logistics and materiel readiness policies are coordinated with Marine materiel requirements.

Question. The Air Force Materiel Command.

Answer. If confirmed, I would coordinate and exchange information with the Commander, Air Force Materiel Command, to ensure DOD logistics and materiel readiness policies are coordinated with Air Force materiel requirements.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges confronting the Deputy Under Secretary of Defense for Logistics and Materiel Readiness?

Answer. If confirmed, I anticipate that the major challenges would be:

(1) providing to our engaged forces the most effective support possible within the resources provided by Congress;

(2) improving the cost-effectiveness of DOD logistics and material readiness efforts; and

(3) integrating strategic logistics planning with acquisition strategies and programs.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I would plan to:

(1) accelerate ongoing actions to improve asset and cost visibility across our support structure;

(2) work closely with other key organizations to identify and implement supply chain improvement; and

(3) work with DLA, the U.S. Transportation Command, and the Military Departments to implement a logistics performance improvement effort, focused on customer outcomes and cost effectiveness.

CONTINGENCY OPERATIONS LOGISTICS CHALLENGES

Question. A number of supply distribution problems occurred during the beginning phases of Operation Iraqi Freedom. These problems, which included limited asset visibility, a shortage of ground transportation vehicles, limited communications, and in-theater distribution difficulties, constrained the ability of the DOD to provide effective and timely logistics support to the warfighter.

Based on your experience as a member of the Army leadership, what did you observe as the top logistics challenges in support of Operation Iraqi Freedom?

Answer. Army logistics soldiers moved forces farther and faster than during any War in history and should be commended for their support of OIF. As a result of several factors—this rapid tactical progress, operations in a difficult environment and asymmetric tactical threats, and the changing nature of tactical operations—the Army has faced challenges during OIF. Early on, information flow for logisticians was inadequate in locating and identifying critical supplies and parts. The lack of a reliable joint service database in the tactical supply chain caused major breaks in asset visibility and continuity of support. Next, supply and distribution chains were segmented, with multiple owners, aged systems and sometimes incompatible processes. This contributed to either not having the right supplies at the right place or being unable to respond with precision.

Question. What solutions would you propose, for the near term and beyond, to ensure a more seamless flow of equipment and supplies from factory to foxhole in support of contingency operations and the global war on terrorism?

Answer. The development of joint logistics capabilities, including integrated databases and effective tracking systems is key to providing efficient logistics support. Programs to improve procurement and distribution surge capabilities are critical in supporting a fast changing tactical environment. Finally, we need to develop more responsive life cycle management programs geared to support the requirements of ongoing tactical operations.

DEGRADATION OF EQUIPMENT READINESS DUE TO OPERATIONS TEMPO

Question. The committee has received testimony from senior DOD officials and the military services citing the effects of operations tempo on the materiel readiness of equipment deployed in support of contingency operations.

What is your understanding of the extent to which current operations are impacting the service life of major equipment items?

Answer. A number of factors involved in current operations are impacting the service life of major equipment items. The operations tempo is one. Others include the unusually harsh operational environment and the need to up-armor vehicles, the additional weight of which is accelerating the degradation of equipment performance, and deterioration of components.

Question. If confirmed, what would your approach be to regenerating materiel readiness that has been degraded by operations tempo?

Answer. If confirmed, I would lead efforts to ensure that repair and maintenance requirements are adequately forecasted and defined, that comprehensive planning and parts provisioning is done, and that programs are properly resourced and managed. I would also work to ensure that accurate, timely information is flowing regarding materiel readiness and maintenance procedures are streamlined to reduce cycle time.

BALANCED SCORECARD AND LOGISTICS PERFORMANCE MANAGEMENT

Question. The Defense Department's logistics leadership has adopted the Balanced Scorecard concept as one of the important components of logistics performance management. The process of adapting and implementing the Balanced Scorecard in the Department of Defense is almost 2 years old.

In your view, what are the benefits of the Balanced Scorecard for logistics performance management?

Answer. The Balanced Scorecard benefits logistics performance management by allowing us to focus on results oriented metrics in primary areas. This approach will enable us to better assess how effectively and efficiently we are supporting the warfighter.

Question. Do you believe that implementation of the Balanced Scorecard in the Department of Defense can be accelerated?

Answer. Yes, and if confirmed I will work toward acceleration.

CORROSION PREVENTION AND CONTROL

Question. Congress and the Department of Defense have significantly increased emphasis on the prevention and management of corrosion in equipment and materiel of the services. Actions to address corrosion challenges include establishment of a central corrosion program management office and the institutionalization of corrosion prevention and mitigation as a key component of the Department's Planning, Programming, Budgeting, and Execution (PPBE) process.

What is your understanding of the challenge to the readiness of the military services as a result of corrosion in equipment and materiel and the extent to which the services are coordinating their efforts.

Answer. Corrosion is one of several factors contributing to degrading operational readiness. While severe operational environments cannot be avoided, efforts to minimize or mitigate corrosion are important. The recent formation of the DOD Corrosion Policy and Oversight Office (and the associated Corrosion Prevention and Control Integrated Product Team (CPCIPT)) is greatly improving the coordination of anti-corrosion effort among the services.

Question. If confirmed, what would be your relationship with the director of the Corrosion Policy and Oversight Office?

Answer. I would continue L&MR's close relationship with the director of the Corrosion Policy and Oversight Office. The ADUSD/Materiel Readiness and Maintenance Policy coordinates with the director frequently, has him brief corrosion requirements and status during Materiel Readiness Senior Steering Group (MRSSG) meetings, and has a senior staff member as an active member of the CPCIPT.

Question. If confirmed, how would you assess the implementation and effectiveness of corrosion prevention and control efforts in programs under your purview and, working with other responsible officials, address identified areas of concern?

Answer. If confirmed, I would lead L&MR efforts to identify corrosion mitigation improvements such as identifying changes needed in parts design, material and manufacture, and preventive maintenance procedures to mitigate corrosive effects.

RADIO FREQUENCY IDENTIFICATION

Question. Congress has supported the DOD's Radio Frequency Identification (RFID) program in order to improve the visibility and identification of, and access to, equipment and supplies.

What experience and familiarity do you have with RFID technologies and their implementation?

Answer. As indicated earlier, I was the CFO of the largest railroad in the U.S. during the time testing was undertaken on both bar coding and RFID technologies for shipment tracking. The superiority of RFID was demonstrated early for external markings on cars, containers, and modular packages on shipments, while bar coding remained more cost effective for individual piece parts not exposed to outdoor conditions. More recent developments in passive RFID technology offer significant improvements in the cost effectiveness of this technology.

Question. If confirmed, what actions would you take to ensure that standardized training on the use of RFID and other tracking technologies is being provided to all necessary military and civilian logistics personnel?

Answer. RFID is an evolving technology which holds great promise for the Department of Defense. DOD has been using active RFID on an ad hoc basis for the last 12 years, and like our commercial counterparts, DOD has just begun implementation of passive RFID technology. As with any new and/or emerging technology, the true benefit is derived from standardizing this enabling technology platform across

the services. DOD's July 30, 2004 RFID policy sets the parameters for standard implementation of both active and passive RFID across the Department, and provides the foundation to ensure that DOD will reap the full benefits of RFID.

If confirmed, I would lead efforts to ensure implementation of RFID technology across the services and to ensure that adequate training is provided to successfully implement RFID technologies.

DATA VALIDATION FOR DEPOT MAINTENANCE PUBLIC-PRIVATE WORKLOAD DISTRIBUTION REPORT

Question. Section 2466 of title 10 U.S. Code directs the Secretary of Defense to submit a report to Congress by April 1 of each year outlining the percent distribution of depot-level maintenance and repair workload between the public and private sectors for the preceding fiscal year and the projected distribution for the current and ensuing physical years. One of the continuing problems noted in the preparation of this report is the validity and accuracy of data submitted by the services. As a result, the actual percentage of work completed at public depots is less than what is reported by the department in some cases.

If confirmed, what steps will you take to ensure the accuracy of DOD public-private workload distribution reporting?

Answer. If confirmed, I would accelerate efforts to ensure timely and accurate reporting in compliance with Section 2466.

FLEET READINESS CENTER INITIATIVE

Question. The Secretary of Defense's proposed base closure and realignment actions include a recommendation which permits the Navy to establish aviation Fleet Readiness Centers. These centers would integrate intermediate and depot maintenance levels.

What challenges, if any, does the establishment of Navy aviation FRCs present for the Department in the accounting and reporting of depot level work under the provisions of 10 USC 2466, and how would you address those challenges if confirmed?

Answer. Section 2466 states that not more than 50 percent of the total depot maintenance and repair funding for each Military Department or Defense Agency may be used to contract for performance by non-Federal Government personnel. The implementation of Fleet Readiness Centers (FRC) should not directly impact 2466 in the near term. Federal Government personnel would still perform at least 50 percent of the depot level work regardless of where that work is performed within an FRC or one of the FRC sites. It is anticipated that the challenges, if any, will involve the budgeting and reporting of depot maintenance workload under the FRC construct. If confirmed, I would work closely with the Navy to ensure they have a disciplined reporting mechanism in place to meet 10 USC 2466 requirements.

REFUELING AIRCRAFT

Question. In September, 2004, the Commander of the U.S. Transportation Command grounded 29 KC–135E aerial refueling aircraft because these aircraft had not received an extended interim repair of the engine struts. The cost of the extended interim repair of the struts for these aircraft is estimated to be $8.4 million for all 29 aircraft.

What role do you believe the Office of the Secretary of Defense should play in monitoring situations, such as this one, that could have long-term, negative impacts on needed aerial refueling capabilities?

Answer. I believe the Deputy Under Secretary of Defense for Logistics and Materiel Readiness should monitor, review and assess the strategic policy implications of all logistics, maintenance, materiel readiness, and sustainment support programs in the Department of Defense.

Question. Do you believe the Office of the Secretary of Defense should become more involved in inventory management and depot loading for systems critical to national security?

Answer. If you mean day-to-day management decisions regarding inventory management or depot loading, that is the responsibility of the military service and in some cases, the Defense Logistics Agency. However, the Office of the Secretary of Defense is responsible for overall management, integration, and direction of Defense logistics systems to include monitoring operational capabilities and performance for critical systems and for identifying corrective actions needed.

OUTSOURCING OF MILITARY MAIL OPERATIONS

Question. The efficiency of DOD systems for delivery of U.S. mail to and from overseas locations has frequently come under criticism. In 2000, following a 2-year review of military postal operations, the DOD Military Postal Service (MPS) concluded that "much, if not all, of the MPS mission could potentially be outsourced." Private contractors with in depth experience in logistics/supply chain visibility and security have asserted that outsourcing of overseas military mail operations can, in time, yield enormous savings in manpower and costs, as well as improved mail service. Additionally, the vulnerability of military mail as a means of potential terrorist attacks on military personnel is a matter of importance that the committee has addressed in section 1061 of S. 1042, the National Defense Authorization Act for Fiscal Year 2006.

Question. What is your assessment of the feasibility and potential savings associated with "outsourcing" of military mail functions to private contractors?

Answer. Important parts of the existing military postal system are already outsourced. Important transportation links of the system are already outsourced as well. Major mail processing activities in a number of facilities are outsourced to perform duties such as mail processing, loading/unloading of vehicles and aircraft, and redirection of mail for units that moved. However, consideration of outsourcing of operations must proceed carefully, because there is a complex array of laws and regulations that govern the operation of the military postal system.

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, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. I will always be prepared to offer my best professional judgment.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Deputy Under Secretary of Defense for Logistics and Materiel Readiness?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

DEPOT MAINTENANCE IMPROVEMENT FUND

1. Senator INHOFE. Dr. Sega, Mr. Bell, and Mr. Anderson, since the Bush administration came into office, we have seen a renewed interest in the Air Force's depots. A key to this overall reinvigoration has been the Depot Maintenance Strategy and Master Plan that will ensure America's air and space assets are ready to rapidly respond to any national security threat. Because of this plan, we have begun a restoration of our Air Force's three depot facilities, one of which is located at Tinker Air Force Base, Oklahoma. This modernization will ensure the United States is able to maintain world-class aircraft repair and overhaul facilities. Tinker Air Force Base is the largest single employer in the State of Oklahoma. It is important to sustain and upgrade Tinker's facilities and equipment along with that of the other depot facilities. There is currently an amendment that I support which calls for full funding of the Depot Maintenance Strategy and Master Plan at a level of $150 million a year, over a 6-year period. Secretary Gibbs supported fully funding the Depot Maintenance Improvement Fund. Do you have any concerns about sufficiently funding the Improvement Fund at the same percentage level as Secretary Gibbs?

Mr. BELL. Depot maintenance infrastructure is critical to ensure maintenance depots can be both responsive and cost effective providers of DOD materiel readiness. The depot maintenance transformation investments should be focused on improving

cost-effectiveness, reducing cycle times, and creating a safer work environment. I have no concern with funding programs which provide such returns on investment.

2. Senator INHOFE. Dr. Sega, Mr. Bell, and Mr. Anderson, will you commit to this same level of funding?

Mr. BELL. I fully support the Department's funding the modernization and transformation of their depot maintenance equipment, facilities, and personnel between fiscal year 2004–2009.

QUESTIONS SUBMITTED BY SENATOR SAXBY CHAMBLISS

INTER-SERVICE WORK AT DEPOTS

3. Senator CHAMBLISS. Mr. Bell, I was pleased to read in your responses to the advance policy questions that you would accelerate efforts to ensure timely and accurate reporting in the Depot Maintenance Public-Private Workload Distribution Report to ensure that the distribution of work at our service depots stays in compliance with the law. My concern, though, is how will you ensure that logistics management contracts for large-scale weapon systems like the next generation tanker or the Future Combat System, for example, will not be outsourced in their entirety to the private sector?

Mr. BELL. I will work to ensure that logistics support plans for all weapon systems are carefully reviewed to meet title 10 core capability requirements for public sector depots and that these essential capabilities are regularly reviewed and adjusted when needed. In addition, I will endeavor to expand the use of public-private partnerships as a means of leveraging the unique repair and manufacturing capabilities of the DOD's organic depots in mutually beneficial arrangements with logistics management contractors.

4. Senator CHAMBLISS. Mr. Bell, I also noted in your responses to the advance policy questions that you had thought through to some extent how you would lead efforts to regenerate materiel readiness in systems that have been degraded by the high level of operations tempo in the war on terror. Our service depots will no doubt be a major part of your plan to regenerate combat power. I'd like to hear your thoughts on the amount of inter-service work that could be performed at the depots. For example, would examining how much Army work could be done at a Marine Corps depot, or how much Navy work could be done at an Air Force depot, be part of your analysis?

Mr. BELL. Our service depots face the dual challenge of recapitalizing aging weapon systems while regenerating combat systems affected by the high operations tempos of Operations Iraqi Freedom and Enduring Freedom. Accommodating these workloads will require exploiting the full range of the DOD's organic capabilities. To that end, I will to explore all opportunities for interservice work to qualified sources of repair.

5. Senator CHAMBLISS. Mr. Bell, do you see this as an area where further growth is possible?

Mr. BELL. Yes, especially in addressing the Army and Marine Corp's reset (regeneration) requirements for wheeled and tracked vehicles.

[The nomination reference of Phillip Jackson Bell follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 28, 2005.

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

Phillip Jackson Bell, of Georgia, to be Deputy Under Secretary of Defense for Logistics and Materiel Readiness, vice Diane K. Morales, resigned.

[The biographical sketch of Phillip Jackson Bell, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF PHILLIP JACKSON BELL

Jack Bell was sworn in as Deputy Under Secretary of the Army on April 4, 2005. In this role, he assists the Secretary of the Army and the Under Secretary of the Army in fulfilling the Army Title X responsibilities for recruiting, organizing, supplying equipping, training, and mobilizing the Army; managing its $98.5 billion budget; and supporting its 1.3 million Active-Duty, National Guard, Army Reserve, and civilian personnel.

Prior to this appointment, Mr. Bell served as the first Chief of Staff of the State Department's Afghanistan Reconstruction Group (ARG) in Kabul, Afghanistan, advising the President's Special Envoy and Ambassador to Afghanistan, and Ministers of the government of Afghanistan on efforts to accelerate political stability, reconstruction, and economic development, including private sector development.

Before that, Mr. Bell had a successful career in the private sector, specializing in change management in large complex organizations facing major challenges in their operational, market, and/or competitive environments. His work included service as Chief Financial Officer and other senior management positions at U.S. Airways, American Airlines, Burlington Northern Railroad, Adobe Systems, and Conner Peripherals. He also served as a venture advisor to and board member of start-up information technology companies in Silicon Valley. Earlier, he was a consultant with McKinsey & Company, working on similar challenges with such clients as the World Bank, Office of Management and Budget, and the Peace Corps.

Mr. Bell began his career as an officer in the United States Marine Corps. He served tours in Vietnam, Okinawa and the Caribbean rising to the rank of Captain. He was awarded the Navy Commendation Medal with Combat "V," the Presidential Unit Citation, the National Defense Service Medal, the Armed Forces Expeditionary Medal, the Vietnam Service Medal, and the Republic of Vietnam Campaign Medal.

Mr. Bell earned a Bachelor's Degree in Business Administration from Northwestern University, and a Master of Arts Degree in International Relations from the University of South Carolina.

[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 Phillip Jackson Bell in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)

Phillip Jackson (Jack) Bell.

2. **Position to which nominated:**

Deputy Under Secretary of Defense for Logistics and Material Readiness.

3. **Date of nomination:**
June 28, 2005.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
December 31, 1941; Portsmouth, VA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Virginia Phillips Inman Bell.

7. **Names and ages of children:**
Scarlett Lee Talamantes, age 40.
Christopher Jackson Bell, age 39.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
University of South Carolina, 1963–1964, MA in International Relations, 6/1964.
Northwestern University, 1959–1963, BS in Business Administration, 6/1963.
Marietta High School, 1954–1959, diploma in College Prep studies.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Deputy Under Secretary of the Army, Pentagon, April 2005–present.
DOD consultant (Afghanistan support and lessons learned——Pentagon, January 2005–April 2005.
Chief of Staff, Afghanistan Reconstruction Group, U.S. State Department, Kabul, Afghanistan, November 2003–June 2004.
Board member, advisor, and audit committee member, Centurion Wireless Technologies, Lincoln, NE, November 1996–September 2004.
Board member and audit committee member, Asyst Technologies, Inc., Milpitas,CA, June 2000–January 2005.
Executive VP, CFO, and Chief Administrative Officer, Adobe Systems, Inc., San Jose, CA, November 1996–August 1998.
Executive VP & CFO, Conner Peripherals, Inc., San Jose, CA, September 1993–February 1996.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
McKinsey & Company, inc. consulting assignments with U.S. Government Departmetns and Agencies: Department of the Army; U.S. Postal Service; Peace Corps; and Office of Management and Budget.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Member, Tehama Golf Club, Carmel, CA.
Member, Sharon Heights Golf and Country Club, Menlo Park, CA.

13. **Political affiliations and activities:**
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.
None.
(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.
None.
(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.
2,000—2003 Bush-Cheney 2004.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.
Navy Commendation Medal w/Combat "V".
Presidential Unit Citation.

Armed Forces Expeditionary Medal.
Armed Forces Service Medal.
Vietnam Service Medal, with three bronze campaign stars.
Vietnamese Campaign Medal.
Richardson Foundation Fellowship, University of South Carolina.
Austin Scholarship, Northwestern University.
Lockheed Management Club Scholarship.
Beta Gamma Sigma.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.
Civil War Heavy Explosive Ordnance, University of North Texas Press, 2003.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.
None.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?
Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

JACK BELL.

This 6th day of July 2005.

[The nomination of Phillip Jackson Bell was reported to the Senate by Chairman Warner on July 28, 2005, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 29, 2005.]

[Prepared questions submitted to John G. Grimes by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. Almost two decades have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.
Do you support full implementation of these defense reforms?
Answer. Yes, I whole-heartedly support full implementation of the Goldwater-Nichols and Special Operations reforms.
Question. What is your view of the extent to which these defense reforms have been implemented?
Answer. I am not yet fully familiar with the Department's efforts to implement these reforms. However, if confirmed, I will review the extent to which these reforms have been implemented and assess appropriate actions I can take to promote further implementation.
Question. What do you consider to be the most important aspects of these defense reforms?
Answer. It is my understanding that these reforms have significantly improved the organization of the Department of Defense, focused our joint warfighting capabilities, enhanced the military advice received by the Secretary of Defense and provided for more efficient and effective use of defense resources in responding to national security challenges.

Question. The goals of Congress in enacting these defense reforms can be summarized as strengthening civilian control over the military; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; enhancing the effectiveness of military operations; and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes, I agree with these goals.

Question. Do you believe that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in such proposals?

Answer. My understanding is that the Department is continuing to examine ways to better support the goals of the reform in light of our ever-changing environment. If confirmed, I will fully support the intent of the reforms and advocate legislative proposals and policies that will enhance the Department's ability to respond to national security challenges of the 21st century.

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of Defense for Networks and Information Integration (ASD)(NII)?

Answer. If confirmed, my understanding is that I will have two major duties. The first is to advise the Secretary of Defense on information integration, information resource management, networks, network-centric operations and command and control (C2) and communications matters across the Department. The second is to provide leadership, management, policy and governance to the development, deployment, support and integration of DOD-wide information infrastructure and supporting networks and C2 and communication capabilities in support of the Defense Mission. In that capacity, I would serve as the information architect for the DOD enterprise information environment, and provide oversight and policy guidance to ensure compliance with standards for developing, maintaining, and implementing sound integrated and interoperable architectures across the Department, including intelligence systems and architectures.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I have over 45 years of direct government and industry involvement in C^4ISR policy, programs and technology to include participation on four Defense Science Board Task Forces. I have a broad base of experience that has been multidimensional in terms of functions, industries and markets and has included both the commercial and government sectors. My industrial experience has been centered on C3I and also includes specialized technical, engineering and testing support to the Defense Agencies. I have had a great deal of experience in project management as well as success in streamlining organizational structures and improving business processes that have transformed organizations into much more efficient and effective operations. If confirmed, I believe I would be effective and supportive of Defense Transformation, which is one of the key elements of the Secretary's Defense Strategy. This approach can be characterized as both results and continuous improvement driven.

In the area of education, I am a graduate of the University of Arizona and the U.S. Army War College and have a master's degree in Public Administration from the Shippensburg University. In addition I was fortunate enough to study at the Harvard University National and International Security Policy Program.

I believe that my education, government and industry experience, and successful, executive level defense industry career have prepared me to face the exciting challenges and opportunities resident in the position of ASD(NII) and the DOD CIO.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the ASD(NII)?

Answer. I believe that I am fully capable of performing the duties of the ASD(NII).

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of Defense would prescribe for you?

Answer. The ASD(NII) is principal adviser to the Secretary of Defense for non-intelligence space and information superiority. As DOD's Chief Information Officer, the ASD(NII) is also responsible for oversight of all DOD information systems and information management activities. As I mentioned above, I expect the two major duties that the Secretary of Defense will prescribe for me will be to first, serve as

the information architect for the DOD enterprise information environment, and provide oversight and policy guidance to ensure compliance with standards for developing, maintaining, and implementing sound integrated and interoperable architectures across the Department, including intelligence systems and architectures. The second is to advise the Secretary of Defense on information integration, information resource management, networks, network-centric operations, command and control (C2) and communications matters across the Department.

RELATIONSHIPS

Question. In carrying out your duties, how will you work with the following:

The Secretary of Defense.

Answer. If confirmed, I will function as DOD Chief Information Officer (CIO) and as the principal staff assistant and advisor to the Secretary of Defense for all matters pertaining to information integration, networks and network-centric operations and DOD-wide command and control (C2) and communication matters.

Question. The Deputy Secretary of Defense.

Answer. If confirmed, my relationship with the Deputy Secretary of Defense will be the same as that described above in relation to the Secretary of Defense.

Question. The Under Secretary of Defense for Intelligence.

Answer. If confirmed, I will work very closely with the Under Secretary of Defense for Intelligence to ensure that intelligence systems are fully integrated with the Department's current and future communication and information systems, and information sharing is provided across DOD, the Intelligence Community, and other government entities.

Question. The Under Secretary of Defense for Acquisition, Technology, and Logistics.

Answer. With respect to acquisition of IT, if confirmed, I expect to work closely with the Under Secretary of Defense for Acquisition, Technology and Logistics so that we can both carry out our statutory obligations.

Question. The Under Secretary of Defense (Comptroller).

Answer. If confirmed, my relationship with the Under Secretary of Defense (Comptroller) will be based on my role as principal staff assistant in the areas of information integration, networks, and network-centric operations, command and control (C2), communications matters and as the DOD CIO and her role as the Comptroller of the Department of Defense.

Question. The Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

Answer. If confirmed, my relationship with the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict will be similar to that in relation to the other Assistant Secretaries of Defense.

Question. The Assistant Secretary of Defense for Homeland Defense.

Answer. If confirmed, my relationship with the Assistant Secretary of Defense for Homeland Defense will be similar to that in relation to the other Assistant Secretaries of Defense, with particular emphasis on improving the integration and flow of information to and among participating agencies in support of homeland defense and reducing the vulnerabilities of our critical information infrastructures.

Question. The General Counsel of the Department of Defense.

Answer. If confirmed, my relationship with the General Counsel will be based on my role as principal staff assistant in the areas of information integration, networks, and network-centric operations, command and control (C2), communications matters and as the DOD CIO and his role as the chief legal officer of the Department of Defense.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. If confirmed, I will coordinate and exchange information with the Chairman of the Joint Chiefs of Staff on information integration, networks, and network-centric operations and command and control (C2) and communication matters to ensure all policy and guidance issues under my cognizance are supportive of the combatant commanders and military services.

Question. The regional combatant commanders.

Answer. If confirmed, my relationship with the regional combatant commanders will be based on my role as principal staff assistant to the Secretary of Defense for networks and information integration, net-centric operations, and command and control (C2) and communication functions and as CIO, and I will coordinate and exchange information with them on matters of mutual interest to ensure management policy and guidance for network-centric operations are supportive of their warfighter roles and missions.

Question. The Director of the Defense Intelligence Agency.

Answer. If confirmed, I will work with the USD(I) to ensure that DIA's programs follow DOD guidance in the areas of information architecture, interoperability, and acquisition.

Question. The Director of the National Geospatial-Intelligence Agency.

Answer. If confirmed, I will work with the USD(I) to ensure that National Geospatial-Intelligence Agency's (NGA) (formerly NIMA) programs follow DOD guidance in the areas of information architecture, interoperability, and acquisition.

Question. The Director of the National Security Agency.

Answer. If confirmed, I will work with the USD(I) to ensure that NSA's programs follow DOD guidance in the areas of information architecture, interoperability, and acquisition and directly with the Director, NSA on matters pertaining to information assurance.

Question. The Director of the National Reconnaissance Office.

Answer. If confirmed, I will work with the USD(I) to ensure that NRO's programs follow DOD guidance in the areas of information architecture, interoperability, and acquisition and directly with the Director, NRO on matters pertaining to space information superiority.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the ASD(NII)?

Answer. I believe there are four major challenges that will confront the ASD(NII) and DOD CIO. The first challenge is the successful execution of the major communication and information systems programs which, as a whole, are intended to build the foundation of network-centric operations. Building this foundation is key to the Secretary's strategic initiative to fundamentally transform the way our forces fight and how the DOD does business.

The second challenge, which is closely related to the first, is the successful integration of the programs that are being developed and deployed to produce network-centric capabilities to support network-centric operations.

The third challenge is the smooth and seamless transition of legacy systems to the future, or "to be", network-centric GIG.

The final challenge is to promote and support dramatic improvements in the efficiency and effectiveness of DOD business processes. If confirmed, I plan to work very closely with other Principal Staff Assistants and DOD Components to ensure that the Department's efforts in this area are highly successful.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. Assuming that I am confirmed, my approach to addressing the first two challenges would be threefold. First, I would conduct periodic and in-depth reviews of all key programs to ensure that cost, schedule, and technical objectives are met and, if not, that recovery plans are developed and implemented. Second, I would continue to develop a strong end-to-end systems engineering function in the OASD(NII) to ensure that systems and services being developed fully meet the objective operational capabilities. Third, I would continue to develop robust governance processes to ensure that the evolving elements of the information infrastructure are consistent with the principles of network-centric warfare operations and that policies are enforced.

To meet the third challenge of transitioning of current to future systems, I would direct the development of comprehensive and high confidence execution plans for each element of the information infrastructure.

Finally, in regards to business process improvement, my understanding is that the Defense Business Systems Management Committee has established a broad based initiative to improve the efficiency and effectiveness of business process across the Department. If I am confirmed, I would be a member of the committee and work to ensure that the goals and objectives of this initiative are met, and preferably, exceeded.

Question. What do you assume will be the most serious problems in the performance of the functions of the ASD(NII)?

Answer. At the present time, I do not believe that I am sufficiently informed on the relevant details to be knowledgeable of specific problems. However, I do know from past experience that problems occur in the management of highly technical programs like the ones for which the ASD(NII) has oversight responsibility. These are related to the timely development of supporting technologies, meeting cost and schedule objectives and successfully integrating the elements of a system into the operational environment. If I am confirmed, I would ensure that I become fully aware of and directly involved in solving problems.

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

Answer. If confirmed, I will use the comprehensive program review process discussed above to discover and solve problems. Early recognition of problems through frequent program reviews is a very effective way to ensure success.

PRIORITIES

Question. If confirmed, what broad priorities would you establish in terms of issues which must be addressed by the ASD(NII)?

Answer. If confirmed, my priorities would be in direct support of the Secretary of Defense's transformational objectives and closely related to the challenges that I outlined above and enable the achievement of network centric operations throughout the Department.

TRANSITION OF C^3I TO NII

Question. The National Defense Authorization Act for Fiscal Year 2003 authorized the position of Under Secretary of Defense for Intelligence (USD(I)). The establishment of this position in early 2003 resulted in significant changes to the organization of the Assistant Secretary of Defense for Command, Control, Communications and Intelligence, that has now been designated as the ASD(NII).

In your view, how has the establishment of the USD(I) affected the mission and organization of the ASD(NII) organization?

Answer. Prior to the establishment of the USD(I), the mission of ASD(C^3I) was to enable the information age transformation of the Department of Defense by building the foundation for network-centric operations. In the creation of the USD(I) certain personnel responsible for policy, requirements review and acquisition oversight of intelligence programs were transferred from the ASD(C^3I) to the USD(I). My vision regarding net-centric operations is that it is critical to continue the existing partnership with the USD(I) on these matters.

Question. What do you see as the appropriate relationship between ASD(NII) and USD(I) in performing the Chief Information Officer responsibilities regarding the Combat Support Agencies which have intelligence support missions?

Answer. At this point I am not sufficiently informed to offer an opinion. However, I can assure you that I would continue to foster a close and cooperative relationship with the USD(I). If I am confirmed, I would be happy to discuss this topic with the committee at a later date.

SYSTEMS INVENTORY

Question. For fiscal year 2005, the department will spend over $13 billion to operate, maintain, and modernize over 4,000 non-integrated business systems.

If confirmed, what involvement do you anticipate that you would have in reviewing DOD's business systems inventory to identify and eliminate duplicative, non-compliant business systems within the various functional areas, such as logistics and financial management?

Answer. As the ASD(NII)/DOD CIO I will be a member of the Defense Business Systems Management Committee that will review DOD's business systems inventory to identify and eliminate duplicative, non-compliant business systems in addition to establishing strategic direction and plans for the Business Mission Area (BMA); approving metrics and targets for tracking of business systems transformation progress; approving the BMA Strategic Plan; overall Business Enterprise Architecture; and the transformation program baseline.

Question. If confirmed, what do you believe your role would be in developing and maintaining a complete and accurate inventory of DOD's business systems?

Answer. As the DOD CIO, it will be my responsibility to ensure that the Department has a complete and accurate inventory of DOD's business systems.

SYSTEM PROJECT MANAGEMENT OVERSIGHT

Question. Over the years DOD auditors have been critical of the Department's lack of oversight and accountability over its business systems development projects.

If confirmed, what actions would you take to improve business systems project management oversight and monitoring within the department?

Answer. I am not yet fully familiar with the Department's efforts to appropriately oversee and be accountable for its business systems development projects. However, if confirmed, I will review the procedures currently in use and assess what further actions need to be taken. I will give particular emphasis to ensuring that robust

governance processes are in place, and that oversight and monitoring reflects an enterprise-level perspective in preference to a system by system-level perspective.

CONTROL OVER SYSTEMS INVESTMENT

Question. The Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, established the Defense Business Systems Management Committee as the approval authority for the management of business systems investments. Each of the military services and defense agencies, however, continue to receive their own funding for business systems.

In your opinion, as DOD proceeds with its efforts to develop and implement a business enterprise architecture, would appropriating funds for business systems modernization directly to the designated approval authorities responsible for these modernization efforts, as opposed to the individual components, enhance the likelihood of successfully modernizing DOD's business systems environment?

Answer. I am not sufficiently informed at this time to render my opinion as to whether appropriating funds for business systems modernization directly to the designated approval authorities responsible for these modernization efforts would enhance the likelihood of successfully modernizing DOD's business systems environment. However, if confirmed, I will pursue this question in conjunction with the Department's ongoing effort to establish a single process for investment review of all defense business systems.

INFORMATION OPERATIONS

Question. Joint Vision 2020 describes "information superiority" as a critical element of success in 21st century conflict. Disrupting the information systems of adversaries, while protecting our own systems from disruption (i.e., information operations) will be a major element of warfare in the future.

What is your vision of the role of information operations in the conduct of military operations?

Answer. The Secretary of Defense has directed that Information Operations (IO) become a core military competency. The President assigned United States Strategic Command as the integrator for IO in support of other combatant commanders. The Department has made significant progress toward this goal and is committed to transforming our military capabilities to keep pace with emerging threats. IO is an important part of this transformation. In fact, IO has become a key part of current and planned military operations. It enhances the warfighting capability by giving combatant commanders non-kinetic capabilities to employ, contributing to integrated force options. In fact where non-kinetic capabilities are effectively integrated, the commander's options increase not only for the fight at hand but for ensuing operations in those instances where the Commander will be charged with 'winning the peace.' It's easier to operate where the infrastructure for communications has not been broken by the effects of the kinetic option. Ensuring robust defense of our networks is a high-priority during both peacetime and conflict.

Question. What is your assessment of the unity of the efforts across the Department, the Defense Agencies, and the respective military services in this area?

Answer. It is my understanding that IO efforts across the Department are more unified and cohesive than ever. All combatant commanders have incorporated IO activities in their operations and planning, as appropriate. Services have enhanced their efforts to organize, train, and equip to support combatant commander requirements to include developing a dedicated career force and improving Joint and Service education and training.

Question. In your view, what lessons have been learned regarding information operations in Operation Iraqi Freedom and Operation Enduring Freedom?

Answer. Although this does not fall under the area of responsibility now assigned to the ASD(NII), I understand that during Operation Iraqi Freedom and Operation Enduring Freedom, IO capabilities significantly contributed to achieving the combatant command objectives. IO capabilities were very effective when integrated into the combatant commanders' theater operations. IO achieves its maximum effectiveness when integrated into, and executed as part of, the combatant commanders' overall campaign plan under the combatant commander's authority.

NET-CENTRIC ENTERPRISE SERVICES (NCES)

Question. The Defense Information Systems Agency (DISA) established an architectural framework within the Global Information Grid (GIG) to collect and disseminate mission critical data through a series of common applications supporting the entire defense enterprise. This approach, known as Net Centric Enterprise Services (NCES), is intended to eliminate stovepipes, treat data as an enterprise asset and

ensure that the right information gets to the right people at the right time. This approach will require the services and support organizations within the defense community to work together to provide data and use a number of common enterprise applications.

Do you support the concepts behind the net-centric enterprise services program? If so, how do you think the Department might be able to accelerate the services' acceptance and transition to NCES?

Answer. Yes, I am in full support of NCES. NCES—a key enabler of information sharing across the Department and eventually with our partners—will provide a suite of core capabilities in support of all DOD missions. For example, its information services will enable the discovery of data, the ability to collaborate, and the reuse of information services by all DOD users. Integrating enterprise services with a ubiquitous Internet Protocol network will enable any authorized user to have assured, trusted access to shared data, when needed and where needed to accelerate decision making. The immediate benefit is improved agility of the DOD to field new information capabilities, to empower the warfighter and improve decision superiority.

If confirmed, I will continue the efforts already underway in the Office of the ASD(NII)/DOD CIO with the military services to determine programs of record that will be able to use the NCES core services as opposed to building their own services—as early adopters of these new enterprise assets. This will promote net-centricity by sharing information.

DATA SHARING AND NCES

Question. Data sharing is critical to maximizing the effectiveness of network-centric warfare and serves as the foundation of the NCES vision. Historically, services and/or agencies have owned data collection platforms and consequently "own" the underlying data. Many of these data owners have been reluctant to post or otherwise share this underlying data except on a need to know basis, often requiring time consuming and cumbersome permission processes that are inconsistent with and contrary to concepts of net-centricity and effective warfare in the information age.

If confirmed, how would you encourage the data and information sharing that is required not only for NCES but also to maximize the effectiveness of network-centric warfare?

Answer. As your question recognizes, data sharing is dependent upon a robust technology infrastructure provided by programs like NCES and the Department's Information Assurance initiatives to enable assured access. However, data sharing is even more dependent on changing the cultural attitudes and institutional processes of the Department. DOD Directive 8320.2, which codifies the Department's data sharing focus, recognizes the need for these changes. If confirmed, I will continue the work the Office of the ASD(NII)/DOD CIO has already begun in working with the Chairman of the Joint Chiefs of Staff and USD(AT&L) to embed data sharing mindset and practices into our training—both military and civilian. In addition, I will work with AT&L, Comptroller, USD(I) and the other DOD components to modify our institutional processes to promote data sharing. Finally, I intend to continue the Department's advocacy and awareness campaign—ensuring that all members of the Department hear and understand the importance of data sharing.

TESTING AND EVALUATION OF INFORMATION TECHNOLOGY SYSTEMS

Question. As information technology systems and infrastructure grow more sophisticated, networked, and software-intensive, DOD's ability to test and evaluate them becomes more difficult.

What concerns do you have, if any, with DOD's ability to test new information technology systems/infrastructures such as the Navy-Marine Corps Intranet (NMCI) and the Global Information Grid-Bandwidth Expansion (GIG–BE)?

Answer. Both developmental and operational testing are important to the overall acquisition process, and make important contributions to the development and implementation of IT systems. The testing process instills a discipline into the developmental cycle similar to that produced when the principles of good system engineering are applied.

It is my understanding that the current process provides excellent results, if testing is done against well-formed requirements. Since requirements are a key ingredient in a successful test event, my focus would be on ensuring that well vetted requirements that consider the individual needs of the Services/components/agencies and the collective needs of the Department are developed.

Question. What steps do you believe the Department should take to build and maintain a robust test and evaluation capability?

Answer. I believe that the Department's test and evaluation (T&E) processes and procedures are exceptional. The T&E community has supported the acquisition processes move to a spiral acquisition process where we develop capability and test that capability in small increments that are all aimed at the final capability need. Since this approach is gaining widespread acceptance within the IT Program Management community, I hope to continue to foster the work already underway between the testing and acquisition communities to ensure that the successful testing of system increments drives us to ultimate success with the final system.

In addition, the Department has already recognized the need to continue to strengthen Test & Evaluation not just for information technology systems but all its systems that will be operating in a networked DOD. This effort lead by the Director, Operational Test & Evaluation, has developed and published the initial version of a Testing in a Joint Environment Roadmap. Implementation planning is underway under the leadership of DOT&E in full partnership with USD(AT&L), USD(P&R), the Joint Staff, the military services, Joint Forces Command. The implementation plan covers changes in: the Test & Evaluation methods and processes; the T&E infrastructure; DOD's policies and regulations; and DOD's organization and resource considerations. One of the major elements of the implementation plan is how to create, maintain and use a distributed test (and training) infrastructure. It is seldom practical, and rarely affordable, to create a purely live test environment with all of the elements of the Department whether the day-to-day activities (e.g. NMCI) to deployed joint task forces. This capability will effectively integrate live, virtual, and constructive representations of the necessary elements in order to generate a realistic environment. This capability will also provide a persistent, repeatable, operationally realistic environment in a timely and cost-effective manner for any system or combination of systems and set of operations (or workflows).

Question. If confirmed, what would your plans be to ensure adequate test and evaluation of components of the Global Information Grid (GIG)?

Answer. Again, I think that it is critical that the GIG requirements be well-defined, and that the requirements support the direction my predecessors have laid out in the GIG architecture. When we do this, I am confident that the Department's T&E capability will reveal the strengths and weaknesses of our implementation of the GIG.

Question. If confirmed, how would you assess the current and potential future threats to military forces dependent on the IT systems?

Answer. It is my understanding that there are significant threats to military forces dependent on IT systems. These threats are growing in their sophistication and will continue to do so in the future. However, DOD's capability to combat and mitigate these threats has also increased. The Department is implementing a variety of enterprise-wide security solutions and increasing our capabilities to protect, detect and monitor potentially malicious activity through the efforts of entities such as the Joint Task Force-Global Network Operations.

INFORMATION SECURITY

Question. The Department of Defense has a significant portion of its budget devoted to information assurance activities. The National Security Agency has a significant portion of its budget devoted to administering the Information Systems Security Program.

What is the relationship between the Department's information assurance activities and NSA's Information Systems Security Program?

Answer. If confirmed, I will continue to working closely with the NSA, and as ASD(NII) I will continue to serve as the principal advisor to the Secretary of Defense on Information Assurance. Since the issuance of National Security Directive 42 in July 1990, the Secretary of Defense and the Director NSA respectively have served as the Executive Agent and National Manager for National Security Telecommunications and Information Systems Security.

Question. If confirmed, what oversight responsibilities would you have with regard to the administration of the Information Systems Security Program?

Answer. In general, I anticipate I will have oversight responsibility for information assurance (IA) policy development and implementation, resource and program management, acquisition and security compliance. Specifically, I will provide IA support to the DOD components in order to assess the threats to, and vulnerabilities of, information technologies; serve as the focal point for IA research and development; develop and maintain a systems security engineering process that implements the IA component of the GIG architecture; ensure interoperable IA solutions; and ensure IA awareness, training, education and certification of systems and personnel.

INTEROPERABILITY

Question. In the aftermath of each significant military operation over the past 25 years, the lessons learned process has revealed significant problems associated with the interoperability of communications, as well as information technology networks. Much of this has to do with systems developed by the Services that are not interoperable with other Service or joint systems. Blue Force tracking is such an example.

In your view, what role should the ASD(NII) play in formulating and enforcing standards for all defense communications and information technology systems to reduce or eliminate interoperability problems?

Answer. If confirmed, my role as the DOD Chief Information Officer is to ensure the interoperability of information technology systems throughout the Department of Defense and to prescribe standards that apply across the Department. I do this by working with the DOD Components to formulate the minimum set of IT standards needed to achieve interoperability among forces. I will also work with the Joint Staff, USD (Acquisition, Technology and Logistics), and the USD (Comptroller) to build-in and enforce interoperability requirements through the Joint capabilities development process, the Defense acquisition process, and the planning programming and execution process. Compliance with interoperability standards is independently validated and certified prior to program milestone decisions.

INFORMATION MANAGEMENT

Question. The Clinger-Cohen Act of 1996 introduced requirements emphasizing the need for the Department of Defense to significantly improve management processes, including how it selects and manages IT resources. For instance, a key goal of the Clinger-Cohen Act is that the Department of Defense should have institutionalized processes and information in place to ensure that IT projects are being implemented at acceptable costs, within reasonable time frames, and are contributing to tangible, observable improvements in mission performance.

What role do you expect to play, if confirmed, in the implementation of the Clinger-Cohen Act with regard to IT that is embedded in major weapon systems?

Answer. I am not yet fully familiar with how the Clinger-Cohen Act is implemented with regard to IT that is embedded in major weapons systems. However, if confirmed, I will assess the status of Clinger-Cohen Act implementation, and take actions to ensure that the oversight adds value to IT projects, and does not result in redundant oversight processes.

Question. What do you see as the appropriate relationship between the ASD(NII) and the service acquisition executives in this effort?

Answer. If confirmed, my relationship with the service acquisition executives will be based on my role as Principal Staff Assistant to the Secretary of Defense for networks and information integration, net-centric operations, and command and control (C2) and communication functions and as CIO, and I will work with the service acquisition executives to ensure that the oversight role of ASD(NII)/DOD CIO is both as effective and efficient as possible.

COMMERCIAL VS. MILITARY REQUIREMENTS FOR FREQUENCY SPECTRUM

Question. In recent years, growing demands for the use of the frequency spectrum for defense and civilian communication needs have increased the competition for this finite resource.

If confirmed, what would your role be in spectrum management issues within the Department of Defense?

Answer. If confirmed, my responsibility in spectrum management is to ensure DOD has assured access to the necessary spectrum it needs within CONUS and as part of worldwide operations to conduct operations and warfighter training to effectively execute those operational missions.

Question. What steps, if any, would you recommend the Department of Defense take to improve its spectrum management policies?

Answer. Clearly, the Department's continued efforts toward leveraging information technology toward Network-Centric Warfare requires assured and seamless spectrum access. The Department's efforts are enabling dynamic spectrum management, optimizing spectrum utilization and providing spectrum bandwidth on-demand. The Department's efforts to improve spectrum management policies are driven by expanded requirements by warfighters for spectrum-dependent technologies and the demands of a geographically dispersed, technologically advanced military. A key factor for consideration in addressing this challenge is the finite nature of

spectrum as a resource that the Department is addressing through more efficient use of its allocated spectrum.

Question. If confirmed, what actions would you take to review the Department's total spectrum requirements and ensure that new systems are designed to ensure efficient spectrum utilization by the Department of Defense?

Answer. The ASD(NII) is responsible for ensuring that the Department is a responsible steward of the frequency spectrum. To the best of my knowledge, the Department has focused more attention on critical spectrum management issues in recent years. If confirmed, I plan to continue to focus on accurately projecting future requirements for spectrum use for warfighter access and to enable efficient and effective operation.

The increased focus on improved spectrum management processes, in part, has been driven by real-world lessons learned as part of ongoing stabilization and reconstruction efforts in Iraq, in which the Department has been able to leverage the capabilities of its Network-Centric Operations. Spectrum management is critical in a battlespace environment that is increasingly dependent on wireless technology.

The Department's implementation of the President's Spectrum Policy Initiative will improve spectrum access for DOD's mission-critical requirements. The Department continues to face the ongoing worldwide contention for spectrum access. Effective implementation of the spectrum policy recommendations of this initiative will improve our effective use of the spectrum and enhance DOD's global spectrum use and interoperability. The strategic spectrum planning requirements of the Initiative also build on ongoing efforts within the Department to find efficiencies in spectrum usage that are in line with DOD's mission and standards of capability.

COORDINATION BETWEEN CIO AND CFO

Question. Chapter 25 of title 40 of the United States Code (40 U.S.C. § 1426) establishes accountability within each executive agency for accounting, financial, and asset management systems, and for ensuring financial and related program performance data are provided on a reliable, consistent, and timely manner. The law directs the head of each executive agency to consult with both the Chief Information Officer and the Chief Financial Officer in establishing appropriate policies and procedures.

If confirmed, how do you see your role as CIO with respect to the CFO?

Answer. I am unfamiliar with the details at this time, but it is my understanding that there have been significant improvements in collaboration between the CIO and the CFO, resulting in a better and more integrated process. To the extent possible, if confirmed, I intend to advance that process for even closer cooperation.

Question. What mechanisms do you believe are needed to ensure proper coordination between the CIO and CFO?

Answer. It is my understanding that as a part of the CFO's initiative to improve the efficiency of business processes across the Department, she has implemented a portfolio management approach, which I believe to be a very sound approach. The idea of domain leaders seems to be a good integrating step, and I will support and expand upon that approach if I am confirmed.

Question. If confirmed, what specific plans would you have as the CIO to ensure progress is made in providing accurate and timely financial and performance data?

Answer. I believe the validity of financial statements is the CFO's job, while the CIO's responsibility is to support the CFO's important responsibility in the area by ensuring that efficient and effective information systems are developed that will provide accurate and timely performance and financial data.

Question. What role do you expect to play in the implementation of such plans?

Answer. If confirmed, I believe my responsibility will be to provide oversight authority for all implementation; however, I will not be the implementer.

DEFENSE INFORMATION SYSTEMS AGENCY (DISA) OVERSIGHT

Question. The ASD(NII) has oversight over the Defense Information Systems Agency (DISA).

If confirmed, how do you plan to exercise your oversight authority to ensure that DISA provides the most effective support in the most efficient manner?

Answer. If I am confirmed, I would exercise my oversight authority by using the same approach I have used in the past to provide management oversight of large organizations such as DISA. I would ensure that the Agency has established a set of long-term goals and annual operating objectives with supported action plans that are both measurable and relevant. Relevancy is established by ensuring that these goals and objectives are closely aligned with DOD's network-centric vision, mission, strategies and goals. Quantitative measures would be established for each goal and

mission. The Agency's top-level objectives would be cascaded down to all levels of the organization to assure total alignment.

Question. In your view, what are the major challenges and problems that DISA currently faces in meeting its mission?

Answer. DISA is at the forefront of the Department's net-centric operations and warfare. It provides the infrastructure for the GIG and the GIG's enterprise services, e.g., the warfighting and business domains. DISA is the primary DOD organization for the provisioning and management of the Enterprise Information Environment Mission Area (EIEMA) in the GIG construct. Success here depends upon the maturation of the NetOps concept for operation and defense of the GIG, agile acquisition techniques and management to take advantage of the fast-paced world of information technology, agile and competent E2E systems engineering to provide joint interoperable systems, and continued movement toward increased capabilities commensurate with the pace of change in IT. I believe DISA is organized to successfully handle these challenges. My job will be to ensure they can continue to provide the Department the support needed.

SERVICE COMMUNICATIONS AND NETWORKING PROGRAMS

Question. A number of Service and Joint communications and networking programs are encountering significant technical and funding problems, leading to developmental delays and cost overruns.

In your view, what role, if any, should the ASD(NII) play in the oversight of Service or Joint communications and networking systems acquisition programs?

Answer. If confirmed, I would exercise oversight authority over those programs delegated by USD(AT&L). This includes providing day-to-day oversight, as the Milestone Decision Authority for Major Acquisition Information Systems and those other initiatives that are of special interest. I believe communications and networking programs supporting a joint mission or operating in a joint environment fall into one of these categories.

Answer. If confirmed, I would also continue to lead or participate in the current oversight review processes, ensuring these programs are reviewed on a reoccurring basis either through the Defense Acquisition Board process, IT Acquisition Board, or ASD(NII's) Net-Centric Program Review process. The ASD(NII) should lead the policy development and program oversight as the milestone decision authority for all major communications and networking programs. The ASD(NII) has the responsibility for providing policies, oversight, guidance, architecture, and strategic approaches for all communications and information network program and initiatives on an enterprise-wide basis across the Department, whether terrestrial, space-based or wireless.

Through the Department's acquisition process, the ASD(NII) can enforce these responsibilities through influencing the analysis and planning, acquisition strategy, and capability delivery of the programs. Additionally, my staff and I will continue regular program oversight reviews to look at programs status, program risks and risk mitigation actions that should be taken.

I will continue to implement a collaborative systems engineering effort to ensure joint interoperability across all major programs that constitute the Global Information Grid (GIG). This effort is generating the DOD Net Centric Implementation Document that will provide system level guidance on Networking and Information Technology (IT) programs across the GIG.

Question. What role, if any, should the ASD(NII) play in the management of the Joint Tactical Radio System program and the Army Warfighter Information Network-Tactical and similar programs?

Answer. If confirmed as the ASD(NII), I will play an active role in developing the appropriate management concept and structure for the Joint Tactical Radio System (JTRS), Warfighter Information Network-Tactical (WIN–T) and similar programs to ensure these programs provide support to the warfighter. I will continue ASD(NII) oversight activities, in partnership with USD(AT&L) acquisition process, to ensure the best possible management structure for vital transformational programs. My intent is to heavily influence this program from a technical, interoperable, and networking standpoint to ensure it meets warfighter needs and DOD net-centric objectives.

Our tactical networks are very important in supporting our warfighters in the field. JTRS, WIN–T, and Future Combat System provide the Army's next generation battle application and networking, increasing the warfighter's effectiveness considerably. The Air Force and the Department of Navy are developing their tactical networks as well. If confirmed, I will continue in-depth review processes to assure that

all DOD communications and networking programs meet DOD objectives, manage risk, avoid duplication, and ensure support to the warfighter.

JOINT BATTLE MANAGEMENT COMMAND AND CONTROL (JBMC2) ROADMAP

Question. What role should the ASD(NII) play in the development of the JBMC2 roadmap?

Answer. My understanding is that the Office of the ASD(NII) has actively supported USD(AT&L) and the Commander US Joint Forces Command in the development of both versions of the JBMC2 Roadmap. If confirmed, I would continue the organization's involvement and support if this effort, particularly in matters relating to data standards and architectures, IT and C4 policies, and specific network-centric systems under the purview of the ASD(NII)/DOD CIO.

Question. In your view, how should the JBMC2 Roadmap be used to shape Service and Agency investment decisions?

Answer. If confirmed, I plan, in my role as the C3 Principal Staff Assistant, to ensure the Roadmap becomes a vehicle for describing the Department's plans for transitioning C2 functions that currently support stovepipe Military Service tasks to one that supports the Joint Task Force Commander. I believe the Roadmap should describe how we are transitioning from a system-to-system connections environment to the net-centric environment and how we are designing our C2 processes around the Joint warfighter's needs.

INDUSTRIAL BASE AND WORKFORCE

Question. Do you have any concerns over the continued ability of the Department of Defense to procure needed networking and IT systems from secure and reliable sources in the near or far term?

Answer. Yes, I am concerned. Globalization of the information technology and telecommunications industries creates security and technological leadership challenges for DOD. As we become increasingly dependent upon IT products developed overseas and infrastructures owned and operated by foreign companies, adversaries are provided with the opportunity to destroy our war fighting capability by exploiting our supply chain, denying service and undermining the integrity of our command and control. To mitigate these risks, DOD has initiated a multi-pronged mission assurance strategy that consists of Information Assurance/defense-in-depth, hardware assurance and software assurance. ASD(NII) has a critical role in ensuring comprehensive and effective development and implementation of this strategy.

Question. Do you have any concerns over the continued ability of the Department of Defense to attract and retain the technical talent necessary to perform the various IT and networking missions of the Department?

Answer. Within the military services, military IT occupations are viewed as attractive career fields by new recruits. A 2004 RAND study recently reconfirmed this, finding that IT recruits were of higher quality, signed on for longer enlistment terms and generally had lower attrition than their non-IT counterparts. Military retention rates are being maintained through a combination of tools including retention bonuses and opportunities for continued education, training and developmental assignments.

DOD's civilian IT workforce demographics mirror those of the overall Federal workforce; both have a large retirement-eligible population. We are using a proactive, holistic approach to address the various aspects of acquiring and sustaining a pool of skilled IT professionals and working with DOD's Chief Human Capital Officer, the Office of Personnel and Management, and our counterparts on the Federal CIO Council to implement innovative recruitment and retention initiatives. We expect these tools, the continued use of IT special salary rates, and your continued support for our education, training and certification programs, such as the Information Resources Management College and the Information Assurance Scholarship Program, will ensure that DOD maintains a cadre of highly skilled IT personnel.

Question. In your view, what is the role, if any, of the ASD(NII) in ensuring that the Department of Defense has reliable access to needed sources of technology and technical talent?

Answer. The ASD(NII) has a key role in articulating to vendors and private industry the emerging technical tools and capabilities needed to implement net-centricity within the Department of Defense. Some of these requirements, such as collaboration tools required for data management, are still in the infancy stage; however, they are continuing to mature.

The ASD(NII) is also responsible for establishing and implementing Department-wide IT workforce initiatives, in coordination with the Under Secretary of Defense for Personnel and Readiness and the components, to ensure the IT mission require-

ments of the Department are met. ASD(NII) works in partnership with stakeholders from DOD critical communities, the Joint Chiefs of Staff, the Services, the Office of Personnel Management and the Federal CIO Council to address current and emerging skill requirements impacting the IT workforce.

ASD(NII) also has a critical role in creating a long-term research and development strategy that enhances the industrial base and ensures that the United States remain a technological leader.

CONGRESSIONAL OVERSIGHT

Answer. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Question. Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes, I do.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes, I do.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of Defense for Networks and Information Integration?

Answer. Yes, I do.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes, I do.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

DOD AND INTERAGENCY COMPUTER OPERATIONS

1. Senator INHOFE. Mr. Grimes, in the aftermath of September 11, as we investigated and explored methods to prevent another such attack on our great Nation, it became apparent that agencies within our government had various pieces of information about the terrorists. We have since learned that our agencies need better interoperability and increased communication between information systems of some agencies. While this is only one part of providing better security for our Nation it is a critical in today's ever-expanding information environment. What potential systems needs do you foresee as we improve this interoperability within DOD and between DOD and other government agencies, should you be confirmed?

Mr. GRIMES. It is my understanding that the Department is implementing a Data Strategy to make information visible, accessible, and understandable and that will enhance information sharing between authorized users. A companion document, the Information Assurance (IA) Component of the Global Information Grid Architecture, was developed by the National Security Agency (NSA) under departmental direction. This document provides the vision for assuring the security and integrity of both the information and information environment. Both documents were extensively coordinated with the Intelligence Community.

If confirmed, I will continue to use these strategies as a basis for enabling and facilitating the broadest possible collaboration and authorized access to information within the Department. Essential to these strategies is our Global Information Grid, which is based on commercial standards and practices and provides robust connectivity and interoperability across the Department and with other Federal departments and agencies.

Your question though is broader. I strongly support your position that we need this same broad authorized access to all government information, supported by collaborative services across and among all of our government agencies. It is my intent to work closely with the Director of National Intelligence (DNI) to complete the implementation of these capabilities within our organizations. If confirmed, I intend to work with the DNI to provide the basis for implementing these data and information assurance strategies across the Federal Government, thus enabling authorized access to all government information.

2. Senator INHOFE. Mr. Grimes, how can we ensure that as the agencies upgrade their computer systems, we won't find ourselves again with pre-September 11 information firewalls?

Mr. GRIMES. It is my understanding that the Department is implementing a Data Strategy focused on making information visible, or discoverable, similar to the World Wide Web. The complication occurs when you add the requirement to adequately protect our information and our information environment. The National Security Agency (NSA) has done a superb job in developing an approach to protecting information in an environment where the guidance is no longer "need to know" as in the past, but is built upon the idea of "need to access." This approach is documented in the Information Assurance (IA) Component of the Global Information Grid Architecture. At this time, the Department has the support of the Intelligence Community on Increment 1 of this IA vision. I believe these two strategies, data and IA, provide a basis for broad, authorized information sharing. If confirmed, I am anxious to drive their implementation within DOD and will work with the Director of National Intelligence (DNI) and other Federal agencies to enable authorized access to all government information.

QUESTIONS SUBMITTED BY SENATOR MARK DAYTON

DEFENSE INFORMATION SYSTEMS AGENCY

3. Senator DAYTON. Mr. Grimes, there are reports that a good deal of the IBM/Tivoli software sold to Defense Information Systems Agency (DISA) has been shelved as being inappropriate and/or ineffective in addressing problems with the accurate and timely processing of transactions. Could you please explain the situation and discuss what DISA proposes to do to address it?

Mr. GRIMES. It is my understanding that DISA uses the IBM/Tivoli software extensively for the foundation of enterprise systems management (ESM) across our operating sites. ESM functionality supported by IBM/Tivoli products includes: distributed monitoring, software distribution, console consolidation, and event management and notification. System/data base administrators and Operational Support Teams (OSTs) currently use the IBM/Tivoli software for system management and monitoring. In addition, the IBM Tivoli Monitor for Business Integration software successfully monitors message queue (MQ) transactions in DISA's distributed server environment.

The product currently in use for IBM's Tivoli Monitor for Business Integration is version 5. Although we are satisfied with the performance of this product in the distributed server environment, we have experienced deficiencies with the product in the mainframe environment only. Consequently, we are working with the vendor to validate the functionality of the latest version for this specific environment.

4. Senator DAYTON. Mr. Grimes, last year, Congress provided DISA with a $1 million appropriation for a Transaction Monitoring Improvement Project. Could you please update the committee on the status of that project, and explain how the course of action DISA has chosen or will choose will address the ongoing problems DISA is having with the accurate and timely processing of the many critical transactions they execute every day?

Mr. GRIMES. It is my understanding that DISA is pursuing a competitive acquisition for an end-to-end transaction monitoring solution. This solution will provide end-to-end monitoring of a transaction through its entire path in both DISA's distributed and mainframe environments. At a very high level, a transaction path consists of three primary components:

- Client
- Network
- Host (Server/Mainframe)

The scope of DISA's end-to-end transaction monitoring project requires visibility of a transaction as it crosses anyone of these components.

This will include the ability to locate and troubleshoot transaction latency and capture detailed transaction data in a central collection server for historical analysis and trending. This will enable DISA to pro actively identify and respond to end-user transaction delays or potential transaction failures. The Request for Proposal was advertised in June 2005. At present, DISA is hosting oral presentations with vendors in the competitive acquisition range, to give them an opportunity to present their proposed solution. Contract award is scheduled for September 2005. Product rollout will occur in fiscal year 2006.

5. Senator DAYTON. Mr. Grimes, if a transaction fails to reach its destination how do you discover that and what is the average time to fix?

Mr. GRIMES. It is my understanding that various mechanisms are used to discover failed transactions within DISA's networks. The IBM Tivoli Monitor for Business Integration notifies DISA support teams of message queue (MQ) transaction failures. Other mechanisms used to identify processing problems in "non MQ" environments are environment specific and can be viewed as specialty or point solutions (i.e., BMC's Mainview suite of performance monitors for products such as Customer Information Control System (CICS), Information Management System (IMS) and DataBase2 (DB2)). In addition, DISA has network-monitoring tools such as Mercury Topaz and HP's Openview.

For those cases in which the automated tool does not detect a transaction failure, a manual discovery process is necessary. The time to fix varies with the specific type of error and personnel required to fix the problem.

DISA is in the process of acquiring another tool which will become the Department's software standard for end-to-end transaction monitoring throughout the enterprise. This software product will be a broad-spectrum transaction monitor, which is not limited to MQ type transactions. IBM's Tivoli Monitor for Business Integration will be retained to augment the standard solution and to provide an additional layer of granularity for functions specific to MQ type transactions.

[The nomination reference of John G. Grimes follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 16, 2005.

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

John G. Grimes, of Virginia, to be an Assistant Secretary of Defense, vice John P. Stenbit.

[The biographical sketch of John G. Grimes, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF JOHN G. GRIMES

John G. Grimes is Vice President, IIS Washington Operations for Raytheon Company. He is a principal point of focus with government and industry organizations and senior leaders for C^3I and telecommunications policy, planning, and technology programs in the Washington area. He also provides management oversight of the C^3I Directorate, which provides specialized technical, engineering, and testing support to the Defense Agencies, to include Joint Chiefs of Staff, Office of Secretary of Defense, White House, and other proprietary customers. Mr. Grimes has served on three Defense Science Board Task Forces and is on the Board of Directors of AFCEA International. He is currently a member of the Industry Executive Subcommittee, of the President's National Security Telecommunications Advisory Committee (NSTAC), the DOD Highland Forum and Federal Government Leadership Forum.

Mr. Grimes was Vice President of Electrospace Systems Incorporated (a Chrysler Company) from 1994 to 1996 prior to being acquired by Raytheon Company. He was Deputy Assistant Secretary of Defense Counterintelligence/Security Countermeasures and was the Deputy Assistant Secretary of Defense for Defense-wide C^3 respectively, from 1990 to 1994. He was Senior Director of the White House Situation Support Staff, National Security Council from 1989 to 1990. Mr. Grimes was the Associate Director for Engineering and Technology, Defense Communications Agency (now DISA) in 1989. He was a professional staff member of the National Security Council (NSC), Executive Office of the President, White House, from 1984 to 1989 serving as Director of National Security Telecommunications Policy and the Director of Defense C^3 Programs. From 1981 to 1984, Mr. Grimes was the Deputy Manager of the National Communications System (NCS). Mr. Grimes held senior technical and staff positions with the U.S. Army from 1961 to 1981, as Assistant Deputy Chief of Staff for Operations and Plans, U.S. Army Communications Command; Deputy Director for Engineering, U.S. Army Communications-Electronics Engineering Installation Agency, and Foreman of the Electronics Section at the U.S.

Army East Coast Telecommunications Center, Fort Detrick, Maryland. He served in the U.S. Air Force from 1956 to 1960, assigned to the Air Defense SAGE Program.

He is a graduate of the University of Arizona and has a Masters of Science Degree from Shippensburg University, PA. He is a graduate of the U.S. Army War College, Carlisle Barracks, PA, the Federal Executive Institute, Charlottesville, VA and is a graduate of Harvard University's National and International Security Policy Program.

Mr. Grimes' Awards include the U.S. Army Civilian Exceptional Meritorious Award, the AFCEA Meritorious Service Award, two U.S. Presidential Rank Awards for Meritorious Senior Executives, and two Secretary of Defense Civilian Meritorious Service Awards. He is the recipient of the American Institute of Aeronautics and Astronautics' Command, Control, Communications, and Intelligence (C^3I) Award.

[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 John G. Grimes in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
John G. Grimes.

2. **Position to which nominated:**
Assistant Secretary of Defense (Networks and Information Integration).

3. **Date of nomination:**
June 16, 2005.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
October 29, 1935; Frederick, MD.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Divorced.

7. **Names and ages of children:**
Tammy L. Schubel, 47.
Terree A. Long, 46.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.

Frederick High School, Frederick, MD; Graduated 1953.
Cochise Jr. College, Douglas, AZ; AA Degree 1973.
University of Arizona, Tucson, AZ; BSPA Degree 1974.
Shippensburg University, PA; MSPA Degree 1975.
U.S. Army War College, Carlisle Barracks, PA; Graduated 1975.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

Raytheon Company, Vice President, Washington Operations, Arlington, VA; Feb. 1, 1994 to present.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

Defense Science Board Task Forces.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Board of Director, National Science Center Foundation/Discovery Center.
Board of Director, Armed Forces Communications-Electronics Association.
Note: Both are profession non-profit associations which I plan to resign from.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Armed Forces Communications Electronics Association.
Association of U.S. Army (AUSA).
U.S. Air Force C4 Association.
U.S. Air Force Association (AFA).
U.S. Naval Institute.
Federal Government Leadership Forum.
National Defense Industrial Association (NDIA).
Security Affairs Support Association—Intel (SASA).
American Institute Aeronautics and Astronautics (AIAA).
Kennedy Center.
Wolf Trap.
Lewistown United Methodist Church.Q02

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

Raytheon PAC, $1,000 in each of 2003 and 2004.

Following are total estimates over the past 5 year period:

RNC, $600.
Virgnia Republican Party, $400.
Bush Victory Campaign, $200.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

U.S. Army Civilian Exceptional Meritorious Award.
Armed Forces Communications—Electronics Association Meritorious Award (2).
U.S. Presidential Rank Awards for Meritorious Senior Executives (2).
Secretary of Defense Civilian Meritorious Awards (2).
American Institute for Aeronautics and Astronautics' Command, Control, Communications, and Intelligences (C^3I) Award.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

None.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

18. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

JOHN G. GRIMES.

This 28th day of June 2005.

[The nomination of John G. Grimes was reported to the Senate by Chairman Warner on October 27, 2005, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on October 28, 2005.]

[Prepared questions submitted to Keith E. Eastin by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. Almost two decades have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes, I fully support the Department of Defense Reorganization Act of 1986 and related Special Operations initiatives for defense reform.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. From what I have learned to date, these defense reforms have been implemented and have achieved the desired results. Having said that, I believe it is important, and consistent with the intent of the reform legislation, that the Army continues to assess and modify its operations and internal procedures to meet the challenges of a dynamic security environment.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. In my judgment, the most important aspects of these reforms were strengthening civilian control; streamlining the operational chain of command, improving the efficiency in the use of defense resources, improving the military advice provided to the National Command Authorities, clarifying authority for combatant commanders, and enhancing the effectiveness of military operations.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes, I fully support the congressional goals reflected in the Department of Defense Reorganization Act of 1986 and other defense reform legislation.

Question. Do you believe that any changes to this act may be appropriate? If so, why?

Answer. I do not know of any changes to these laws that have been proposed at this time. If such a proposal is so made, I would if, confirmed, work with others in the Department regarding changes as they might affect the operations of the Army under my purview.

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of the Army (Installations and Environment)?

Answer. My understanding is that the principal duties and functions of the position of the Assistant Secretary of the Army (Installations and Environment) are to assist in the formulation of policy, and establish and continue procedures for the effective management of Army's installations, real property, housing, and other facilities, environmental protection, safety and occupational health for both military and civilian personnel. This includes seeing that Soldiers and their families are well-housed and that other parts of the Army's infrastructure are maintained and brought to an effective platform for training and quality of life. The position further requires that attention be paid to treaty compliance in the Chemical Demilitarization Program, and the efficient and timely implementation on recommendations under Base Realignment and Closure (BRAC).

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I have spent more than 30 years in the environmental field as a private attorney, serving as the director of an environmental practice for two large consulting firms and working as a senior official in the Federal Government. As Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics) from mid-1986 through 1988, I dealt with many of the installation, housing, environmental, and military construction matters that, if confirmed, I would expect to be confronted with in the position as Assistant Secretary of the Army (Installations and Environment).

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Assistant Secretary of the Army (Installations and Environment)?

Answer. If confirmed, I will familiarize myself with the current activities of the staff of the Assistant Secretary, review conditions of some of the components of the Army's infrastructure, and consider authorities and funding available to deal with the challenges and opportunities of the position. One of my initial priorities if confirmed will be to meet with commanders of key Army facilities to learn of their challenges and with leaders of the communities affected by the operations of the Army's installations to understand their concerns with Army operations as well as the coming activities surrounding the BRAC process.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of the Army would prescribe for you?

Answer. If confirmed, I would expect the Secretary to ask that I perform those functions delegated to the Assistant Secretary under the Army's General Order Number 3. I expect him to look to the Assistant Secretary to assist him in formulating policies and programs that will enhance the quality of life for soldiers and family members. I expect that the Secretary would also want to continue searching for efficiencies in and effectively manage the Army's real property, housing, and other facilities, environmental protection programs, and safety and occupational health programs for military and civilian personnel. Further, I expect he would ask that the Assistant Secretary to ensure timely completion of closures and realignments of installations under BRAC mandates. If confirmed, I will be responsible for these duties within the overall priorities of the Secretary of the Army and will pursue any other duties the Secretary assigns to me.

RELATIONSHIPS

Question. In carrying out your duties if confirmed, how will you work with the following:

The Secretary of the Army.

Answer. I will work closely with the Secretary of the Army in furthering the goals and priorities of the President. Consistent with Army General Orders, I expect the Secretary to rely on me to oversee the management of the Army's installations real property, housing and other facilities, environmental programs, and safety and occupational health for both military and civilian personnel.

Question. The Under Secretary of the Army.

Answer. I will work closely with the Under Secretary of the Army in furthering the goals and priorities of the President and the Secretary of the Army.

Question. The Chief of Staff of the Army.

Answer. I will establish and maintain a close, professional relationship with the Chief of Staff as he performs his duties as the senior military leader of the Army.

Question. The Deputy Under Secretary of Defense for Installations and Environment.

Answer. I am generally aware of the responsibilities of this position and working through the Secretary of the Army, look forward to developing and maintaining a constructive relationship, with the Deputy Under Secretary of Defense for Installations and Environment, in areas of mutual interest.

Question. The other Assistant Secretaries of the Army.

Answer. As part of the "One Army" team, I would immediately on confirmation, establish and maintain a strong professional relationship with the other Assistant Secretaries of the Army and commit to working collaboratively and cooperatively in meeting the Army's goals and objectives.

Question. The Assistant Secretaries of the Navy and the Air Force for Installations and Environment.

Answer. I am generally aware of the responsibilities of these positions and look forward to developing and maintaining a constructive and personal relationship with both the Assistant Secretary of the Navy and Air Force for Installations and Environment, in areas of mutual interest, pursuing opportunities to enhance cooperation among the Services.

Question. The General Counsel of the Army.

Answer. My relationship with the General Counsel of the Army must involve close and regular consultation, given the legal complexities of the programs for which I will be responsible, if confirmed. I will work diligently to maintain a strong and productive relationship with the General Counsel and his or her staff.

Question. The Judge Advocate General of the Army.

Answer. If confirmed, I will develop and maintain a strong professional relationship with the Judge Advocate General of the Army in all areas of mutual interest.

Question. The Army Chief of Engineers.

Answer. The relationship between the Assistant Secretary of the Army (Installations & Environment) and the Chief of Engineers should be based on mutual respect, trust and cooperation. Our respective commitments and abilities to be responsive to the President's priorities and to the policy directives of Congress depend greatly on the success of this relationship.

Question. The Assistant Chief of Staff of the Army for Installation Management.

Answer. I believe strongly in a team approach to problem solving and issue development. If confirmed, I will work with the Assistant Chief of Staff of the Army for Installation Management in responding to the policies and goals of senior leadership of the Army and the Department.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that confront the Assistant Secretary of the Army (Installations and Environment)?

Answer. The major challenges of the office are to provide for a decent quality of life for our soldiers and families, high quality and efficient installations and facilities, and effective training ranges for mission training all in a time when the Army is transforming and at war and while working with limited available funding and addressing environmental challenges.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I will consult with staff of the Assistant Secretary as well as those in uniform to analyze possible improvements in efficiency of each of the operations under my cognizance and will investigate ways to finance base operations and improve family and single enlisted housing. Further, I will explore cooperative approaches to effectively balance environmental and mission requirements and address encroachment issues.

Question. What do you consider to be the most serious problems in the performance of the functions of the Assistant Secretary of the Army (Installations and Environment)?

Answer. With the reality of limited resources, it will continue to be a major challenge for the Army to achieve an effective balance between the quality of life for Army soldiers and their families, force sustainment, and the necessary modernization to build an effective Army for the future. Moreover, it will be a continuing challenge for the Army to achieve the optimum balance among the competing tools available to meet these needs, such as private sector performance of functions, use

of multiple emerging technologies, and the development of innovative government programs.

Protection of human health and safety and the environment are also major challenges that impact the Army's ability to dispose of real property and address requirements for munitions and other hazardous material cleanups.

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

Answer. If confirmed, I will work to obtain adequate funding for our installations, including Base Operations Support (BOS) and Sustainment, Restoration, and Modernization (SRM). I understand that the Secretary of Defense has established a goal of meeting the "1+1" standard for single soldier barracks by 2008. There is also a goal to have funding in place to improve military family housing by fiscal year 2007. These are important examples of efforts that the Army is currently implementing to improve the quality of life for our soldiers and their families and will contribute significantly to the quality of our force. I will also study the Army transformation, BRAC execution actions, and overseas restationing to determine the impact of these initiatives on these goals.

PRIORITIES

Question. If confirmed, what broad priorities would you establish in terms of issues which must be addressed by the Assistant Secretary of the Army (Installations and Environment)?

Answer. I view this position as an advocate for quality installations and the working and living environment for our troops and their families. My first priority, if confirmed, will be to bring the quality of the Army's installations up to a more acceptable level. Another critical priority will be to ensure the efficient and speedy implementation of the actions mandated under BRAC.

MILITARY CONSTRUCTION

Question. The Department of Defense is using the rate of recapitalization of the physical plant to justify the levels of annual investment required for facilities and infrastructure. The Department had established a goal for the military services to propose levels of funding for military construction and facility modernization in the fiscal year 2008 President's budget request that would equal a recapitalization rate of 67 years. To date, the services have been requesting, in the annual budgets, a level of investment that results in a recapitalization rate of 110–140 years.

Do you believe the goal of a 67-year recapitalization rate of investment by fiscal year 2008 can be achieved for the Army?

Answer. If confirmed, I will study the Army's plans and the challenges to achieving this goal. I understand that Army transformation initiatives, BRAC execution actions, and overseas restationing may impact attaining this goal by 2008.

Question. If confirmed, what other goals and metrics, if any, could be established to improve facility recapitalization?

Answer. The current methods appear to be satisfactory. If confirmed, I would continue to look for opportunities to improve this important area.

ARMY MODULARITY INFRASTRUCTURE

Question. The Army used emergency authorities in 2004 to spend over $100 million to procure and install temporary facilities to support modularity units preparing for deployments to Southwest Asia, and will receive an additional $261 million in the fiscal year 2005 supplemental budget for the same purpose. This will result in hundreds of trailers each at 10 locations around the country to house and provide work areas for over 30,000 troops for an undetermined amount of time.

In your opinion, how long should trailers be used to satisfy facility requirements?

Answer. I have been informed that temporary facilities will be used for the duration of their design life, approximately 7–8 years. The Army plans to use this time to program and construct permanent facilities using Military Construction.

Question. Do you believe the Army should develop a long-term plan to address basing requirements resulting from the modularity initiatives?

Answer. I understand that the Army conducted an analysis of restationing overseas units as well as validating the final location for all modular units within BRAC 2005. I believe that further refinements, as needed, should be made as conditions develop.

Question. If confirmed, what plans would you propose to address the Army's requirement to provide adequate living quarters and work facilities for personnel affected by Army modularity plans?

Answer. If confirmed, I would seek resources to construct permanent living quarters and work facilities that are built to Army standard and fully meet Army modularity requirements.

Question. In your view, how should the Army support the families of military members impacted by modularity moves forced in relation to housing, child care, and schools?

Answer. One of my highest priorities, if confirmed, would be to work with the local communities to ensure that adequate resources are available off-post as well as on-post to support the needs of our Army families.

HOUSING AND BARRACKS PRIVATIZATION

Question. In recent years, the Department of Defense and Congress have taken significant steps to improve family housing. However, it will take many more years and a significant amount of funding to adequately meet the Department's housing needs. The housing privatization program was created as an alternative way to speed the improvement of military family housing and relieve base commanders of the burden of managing their family housing. If confirmed for the position of Assistant Secretary of the Army (Installations and Environment) you would have a key role in any decisions regarding military family housing.

What are your views regarding the privatization of family housing and barracks?

Answer. I am impressed by the significant improvements to family housing that have been accomplished as a result of housing privatization. It appears to me that the Army has been able to successfully partner with industry to leverage private sector resources to improve the quality of life for soldiers and their families. By partnering with developers, I believe the Army has been able to capitalize on private sector expertise and creativity. If confirmed, I look forward to continuing to work with the private sector to obtain quality housing as quickly and efficiently as possible.

Question. What is your view of the structure and general goals of the Army's current housing privatization program? Do you believe the program should be modified in any way? If so, how?

Answer. It is important, in my view, for the Army to retain a level of oversight necessary to protect its capital investments and allow soldiers to reside in housing comparable to that of the citizens off post they have sworn to protect. It is my understanding that changes to enhance various components of the program are being studied. If confirmed, I will work with those exploring potential modifications and pursue recommended changes.

Question. If confirmed, how would you recommend that the Army use privatization as a means to address the Army's barracks requirements?

Answer. To date, I understand that the Army has focused its attention on the Family Housing Privatization program. I believe that the lessons learned from this initiative can serve as a template for the Army in assessing the desirability and feasibility of barracks privatization.

Question. The Army has contracted for a major housing privatization effort at Fort Hood, Texas, using a request for qualifications (RFQ) process instead of the request for proposals (RFP) process.

What are your views of the relative merits of these contracting approaches?

Answer. I understand that the Army believes that the RFQ process offers several advantages, such as flexibility in selecting partners and in developing the scope, funding, and management of the project. If confirmed, I will study this matter and assess the relative advantages and disadvantages with these procurement processes.

Question. The Department of Defense has established fiscal year 2007 as a goal to improve the military family housing in the United States.

Do you believe the Department of the Army will achieve this goal?

Answer. Yes. I understand the Army is doing exceptionally well in the area of family housing improvement and is committed to meeting the DOD goal. If confirmed, I expect the Army to include this as a high priority area for soldiers and families throughout BRAC execution and implementation of transformation initiatives. If confirmed I will work to maintain the commitment to achieve the 2007 goal in the U.S. through privatization and conventional Military Construction, as well as divestiture of uneconomical or excess units. I will also study the Army transformation, BRAC execution actions, and overseas restationing to determine the impact of these initiatives on the goals.

OVERSEAS INSTALLATIONS

Question. The Army maintains a global basing infrastructure to support a substantial number of forward deployed troops. The Department of Defense's study of

overseas basing will result in substantial changes in the Army's current overseas presence.

If confirmed, what would your role be in the development and implementation of facility investment programs for the consolidation of army units at Camp Humphreys, Republic of Korea?

Answer. It is my understanding that Camp Humphreys plays a significant role in the movement of forces from the Korean Demilitarized Zone. This is reflected in the Land Partnership Plan and the Yongsan Relocation Agreement. If confirmed, I will work to see that facility investment programs and projects at Camp Humphreys are consistent with combatant commanders' requirements, the Department of Defense's stationing plan, and with the Land Partnership Plan and the Yongsan Relocation Agreement.

Question. If confirmed, what would your role be in the establishment of installation development master plans for forward sites in the CENTCOM and EUCOM areas of responsibility?

Answer. If confirmed, I will fully support the regional combatant commanders in their development and updating of master plans for changing infrastructure requirements at overseas facilities. Most importantly, I will endeavor to resource their requirements where the Army has responsibility to do so.

Question. If confirmed, how would you ensure a prudent investment in facilities overseas that will have an enduring presence?

Answer. If confirmed, I will advocate that our investments overseas support the Integrated Global Presence and Basing Strategy and our combatant commanders' requirements. I will also focus our resources on the enduring locations.

BASE CLOSURES AND REALIGNMENTS

Question. The 2005 Defense Base Realignment and Closure (BRAC) process is currently underway.

What do you see as the roles and responsibilities of the Department of the Army in implementing BRAC decisions?

Answer. I believe the Army will execute the Commission's final BRAC decisions within the statutorily mandated 6-year implementation period. For those Army installations affected by joint recommendations, the Army should closely coordinate its actions with other affected military departments. During implementation, the Army should work closely with affected communities to smooth the transition from military to civilian uses at affected installations.

Question. What would your role be, if confirmed, in carrying out these responsibilities?

Answer. If confirmed, I would act under the direction of the Secretary of the Army, and be responsible for Army BRAC 2005 policy, program oversight, direction, and execution.

Question. If confirmed, what priorities would you set for the process of disposal of any property at Army bases affected by BRAC decisions?

Answer. If confirmed, I would work to make property available for redevelopment as expeditiously as possible. I would also work closely with affected communities through open communication, partnering, consultation, and cooperation. I would seek to rapidly implement BRAC 2005 decisions to enable military units to relocate with minimal disruption in warfighting capability and readiness and to maintain the quality of life for effected soldiers and families.

Question. The DOD installation closure process resulting from BRAC decisions has historically included close cooperation with the affected local community in order to allow these communities an active role in the reuse of property.

In your view, what are the roles and responsibilities of the Department of the Army within the 2005 BRAC property disposal process to work with local communities?

Answer. I understand the Army is committed to effectively communicating and working cooperatively with local redevelopment authorities during BRAC implementation. The BRAC law envisions the formation of a local redevelopment authority as the single community entity responsible for interfacing with the military departments and developing re-use plans for affected BRAC property. If confirmed, I would work with these entities during the re-use planning and disposal decisionmaking process in order to expedite BRAC property conveyances and put property back into productive re-use as quickly as possible.

Question. If confirmed, what goals would you establish to assist affected communities with economic development, revitalization, and re-use planning of property received as a result of the BRAC process?

Answer. The Office of the Secretary of Defense, Office of Economic Adjustment is responsible for working with local communities to provide re-use planning and economic adjustment assistance. If confirmed, I would work closely with the Office of Economic Adjustment and local communities to help mitigate the impacts of base closure and realignment decisions and once re-use plans are developed, expeditiously transferring property in a manner consistent with the BRAC law and DOD guidance.

INSTALLATION MANAGEMENT AND FACILITY MAINTENANCE

Question. The military departments have consistently struggled to maintain their base infrastructure. The backlog of real property maintenance is made worse by the Services diverting facility sustainment, restoration, and modernization funds to pay for base operating support. Also, the military is far behind industry standards for recapitalizing and modernizing its facilities.

Are there any new approaches to this issue that you believe could help the Army move toward a solution of this perennial problem?

Answer. I do not believe appropriated dollars alone will satisfy all Army installation management and facility maintenance requirements. If confirmed, I would aggressive pursue efforts to leverage private sector funding and host nation support. Some examples include the privatization of family housing, utility systems privatization, enhanced use leasing, and real property exchanges for the Reserve components. In addition, I would look for opportunities in implementing BRAC, transformation initiatives, and the Integrated Global Presence and Basing Strategy to promote efficiencies and improve the Army's installation infrastructure.

Question. How will the recently established Installation Management Agency (IMA) help ensure that the funds provided by Congress for facility sustainment are actually applied to the facility requirements identified by Army installations?

Answer. I understand that IMA helps control the expenditure of installation resources so that base support funds are spent for their intended purpose. This is a focused effort versus the Army's past practice of having all major commands allocate funds as they decided.

Question. How will centralizing the management of installations under one agency affect the ability of operational commanders at the installation level to direct resources to those requirements that impact their mission?

Answer. Centralized management of installations has standardized procedures for operational commanders at installations to ensure resources for garrison services are directed to garrison requirements impacting their missions. Establishment of common levels of support enables the Army to clearly define funding requirements in order to support quality of life and readiness. Garrison commanders remain responsive to mission requirements of operational commanders.

ENERGY EFFICIENCY

Question. Executive Order 13123 lays out a number of specific steps that agencies should take to promote energy conservation. These include the use of energy savings performance contracts, utility energy efficiency contracts, and other contracts designed to achieve energy conservation; conducting energy efficiency audits for approximately 10 percent of an agency's facilities each year; and exploring opportunities for energy efficiency in industrial facilities for steam systems, boiler operation, air compressor systems, industrial processes, and fuel switching.

Do you support the use of these energy conservation approaches?

Answer. Yes. I fully support these approaches.

Question. Are there other steps that you would take, if confirmed, to promote energy conservation by the Department of the Army?

Answer. If confirmed, I will strongly encourage energy conservation within the Army and, where appropriate, adopt industry "best practices" and innovative ideas from outside the Army.

Question. Do you believe that the energy conservation goals established in the executive order are achievable?

Answer. Yes, however, I have not had the opportunity to fully review all of the Army's efforts toward realizing the goals of the executive order. If confirmed, I will closely examine this important area.

ENCROACHMENT ON MILITARY INSTALLATIONS

Question. The Senior Readiness Oversight Committee is currently reviewing a group of readiness challenges it has characterized as "encroachment" issues. These include population growth near military installations, environmental constraints on

military training ranges, airspace restrictions to accommodate civilian airlines, and the conflicts with civilian users over the use of radio frequency spectrum.

In your opinion, how serious are these problems for the Department of the Army?

Answer. These problems are serious and have the potential to severely impact training requirements for the Army.

Question. If confirmed, what role do you expect to play in addressing these challenges?

Answer. If confirmed, I would attempt to work to minimize restrictions on training ranges while ensuring the Army's environmental stewardship. I would work with Congress and various stakeholders in adopting measures to ensure the readiness of Army forces and their survivability and success on the battlefield. If confirmed, I would see that the Army works proactively with local communities as they develop land use plans to ensure those plans consider the Army's operational requirements and avoid adverse impacts on operational ranges now and in the future. I also envision working closely with local, State, and Federal environmental regulators and with natural and cultural resource agencies to minimize encroachment challenges. Further, I would expect the Army to continue its compatible use program authorized by Congress.

ENVIRONMENTAL CHALLENGES

Question. In your view, what are the most critical environmental challenges facing the Army, and what is the best way for the Army to address these challenges?

Answer. I believe the most critical environmental challenge for the Army is to ensure that natural infrastructure is available in the quantity, quality, and configuration to meet current and future training, testing, and operational requirements. The Army must sustain its installations, and most importantly, its operational ranges so that it can provide soldiers the opportunity to conduct live fire operations and training in varying climates and diverse environments to ensure soldier readiness. To meet this challenge, I believe that the Army must manage range activities to maintain the resiliency and buffering needed to protect the environment and surrounding communities from impacts of testing and training. The Army should in my opinion apply an ecosystem-based approach to manage natural resources and collaborate with stakeholders to protect ecosystems. If confirmed, I would work with local communities and foster open relationships to increase their understanding of our training requirements.

Question. If you are confirmed for this position, how would you balance the need to maintain military readiness and the goal of protecting the environment?

Answer. The Army should, in my view, sustain its operational ranges, now and in the future, in a manner that ensures their availability for testing, training, and soldier readiness. I believe the Army recognizes that protecting the environment is integral to providing tough, realistic, battle-focused training for our soldiers. If confirmed, I would seek to fully integrate the concept of sustainability, which is the foundation of one of the most innovative environmental strategies in the Federal Government.

Question. The Army proposed an environmental compliance budget for fiscal year 2006 that is $36 million, or 6 percent, below the fiscal year 2005 appropriated level.

How is the Army prioritizing funding for environmental compliance expenditures necessary to comply with requirements of law and regulation?

Answer. I understand that the Army has programmed sufficient funds in fiscal year 2006 for environmental compliance to meet the critical requirements and to comply with legal mandates. If confirmed, I would closely review the sufficiency of these funding levels.

Question. The Army has estimated its potential liability for the cleanup of unexploded ordnance on closed, transferred, and transferring ranges to be in the range of $10 to $77 billion. The Department of Defense is now in the process of conducting a comprehensive inventory of unexploded ordnance cleanup requirements and costs.

Question. What steps do you plan to take, if confirmed, to address the Army's unexploded ordnance problems?

Answer. If confirmed, I would see that the Army continues to do what is right for the safety of its soldiers and the public and the environment. I would work cooperatively with Congress and others to identify property to be transferred from Army control for which end uses should be restricted to those consistent with the explosives hazards present. I would also work closely with environmental regulators, safety officials, and with local reuse authorities to determine the most appropriate end use of property and to design response actions that will allow a property's safe reuse. Finally, I would take a proactive role in developing policy and guidance to

govern cleanup of former ranges and in working with other concerned agencies and organizations to address public concerns about unexploded ordnance.

REPORTS AND NOTIFICATIONS TO CONGRESS

Question. A responsibility of the Department of the Army is to satisfy statutory report and notification requirements to Congress. Many notifications require a wait period of a specific number of days after notification is received by Congress before the Department can carry out the action. The current Army policy is to answer all questions generated by Congress regarding the notification before proceeding with the action.

If confirmed, would you adhere to this policy?

Answer. Yes.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of the Army for Installations and Environment?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN WARNER

INSTALLATION DEFENSE, PROTECTION AND SECURITY

1. Senator WARNER. Dr. Sega, Mr. Eastin, and Mr. Anderson, in 2004, the Department of Defense (DOD) initiated the defense-wide Guardian Installations Protection Program (IPP). Upon completion, Guardian IPP will provide warning and protection for 200 critical DOD installations and facilities in the United States and abroad from potential chemical, biological, radiological, and nuclear (CBRN) attacks. The committee has fully supported this important initiative and, in fact, has authorized an additional $10.2 million within the program to provide greater protection of our military's mail system. Do you believe that our military installations are vulnerable to potential CBRN attacks?

Mr. EASTIN. The very nature of these types of weapons and the difficulty in detecting their manufacture and transport allows the terrorist threat great latitude in determining when and where they will be employed. The current program initiatives help to significantly reduce the vulnerability of critical military installations to a CBRN attack but do not eliminate the threat. The capabilities provided by the IPP help to ensure the continuation of essential military operations and the protection of essential operational personnel in the event of such an attack. The program also provides capabilities to quickly restore essential operations if they are impacted. The Army supports the continuing DOD efforts to refine and improve operational capabilities as well as improve joint operational concepts.

2. Senator WARNER. Dr. Sega, Mr. Eastin, and Mr. Anderson, given the significant capital our government has invested at these high-value military installations, do you believe it is necessary to protect these assets from possible CBRN attacks?

Mr. EASTIN. Yes. Our 62 installations represent the most important and critical operational assets in the Army inventory. These installations are essential for the timely and effective execution and support of both Army and Joint military operations on a global scale. The effects of a successful CBRN attack would have an im-

mediate detrimental impact on current operations and could result in significant log term degradation in our ability to pursue future military operations.

3. Senator WARNER. Dr. Sega, Mr. Eastin, and Mr. Anderson, as these 200 installations and facilities are under the jurisdiction of the DOD, how do you intend to ensure the program is fully and effectively implemented within your respective Service?

Mr. EASTIN. The Army is an active participant in the execution of both the IPP Program and the program to protect the military's mail system. The Army G–8 and G–3 work closely with the J–8 and the Joint Requirements Office to develop and establish operational requirements and priorities. We also work closely with the Joint Program Executive Office for Chemical and Biological Defense and the Joint Project Manager Guardian on the execution of these programs. Representatives from the G–8, G–3, and the IMA participate on the JPMG OIPT for example. The Army staff helped to develop and vet the actual Family of System capabilities that will be provided to each Army installation.

QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

MILITARY INFRASTRUCTURE MAINTENANCE

4. Senator INHOFE. Mr. Eastin, we have neglected the Army's infrastructure for many years. Traditionally the Army and other Services underfunded the Base Operations pot of money in the budget and funded the Sustainment, Restoration and Modernization (SRM) account at about 90 percent. However, the Base Operations account includes costs like paying emergency responders, the electric bill, the water bill, etc. So, over the course of the year, money migrated from SRM to Base Operations and all those projects required to maintain the infrastructure were postponed. We now have millions and millions of dollars worth of postponed SRM projects on our bases. In some cases this neglect has forced multi-million dollar military construction (MILCON) projects to be erected long before their time. In other cases, we simply force our troops to live and work in very substandard conditions. I remember I visited Fort Bragg, North Carolina, during the Clinton administration and stood inside a building where rain was literally pouring through the roof and soldiers were trying to cover equipment with tarps to keep it dry. You will be responsible for reversing this deplorable trend in the condition of our infrastructure and changing the failed budget process that caused it. I thought the new Secretary of the Army took a bold step this summer to fix this problem. He announced a 90/90 policy where both SRM and Base Operations would be funded at 90 percent this year, thus eliminating the need to rob SRM funds. But, as of Friday, bases have not seen the additional money in SRM as promised and we are running out of time in this fiscal year for base engineers to execute much needed SRM projects. What are your thoughts on this subject?

Mr. EASTIN. The Secretary's announcement of the Army's 90/90 policy is a good news story for our soldiers and their families—they deserve nothing less. However, unforeseen expenses of the global war on terror are having an impact on our ability to reach the 90/90 goal as quickly as we desire. Despite these challenges, we will fund the global war on terror, modularity, and our installations through the end of the fiscal year and, at the same time, remain fully committed to the 90/90 goal.

We are working hard to manage available funds and will continue to monitor and administer resources weekly until the end of the fiscal year. We will give commanders at every level the opportunity to actively participate in this process. Our garrison commanders and their staffs have accomplished much this year—supporting the global war on terror, improving single soldier barracks, stationing the modular force, and keeping our installations ready to support any and every call. They are making good things happen every day for our soldiers and their families.

I appreciate your understanding while we take these measures to continue to provide our "front line" soldiers fighting the global war on terror in Iraq and Afghanistan the best equipment and resources to accomplish their missions as effectively as possible.

5. Senator INHOFE. Mr. Eastin, can we count on you to fix this downward spiral in our military infrastructure?

Mr. EASTIN. I fully support the Army's 90/90 goal, and will make every effort to achieve this in fiscal year 2006. The Army intends to begin programming for a minimum of 90 percent of requirements in Base Operations beginning with the fiscal year 2007 budget request. This new policy would eliminate the need to migrate

funding from sustainment and fix the downward spiral in our military infrastructure.

UTILITIES PRIVATIZATION

6. Senator INHOFE. Mr. Eastin and Mr. Anderson, as part of a very important effort to save money on our military installations, the Department of Defense initiated two very important programs. One was the privatization of military housing under subchapter IV of chapter 169 of title 10, United States Code. This program is projected to save the government millions of dollars and put our fighting men and women in modern, well-maintained housing. Thus far the results are amazing. The other program under section 2688 of title 10 is the privatization of utilities on bases. Likewise this program is projected to save millions of dollars over time. However, many bases cannot move forward on the utilities privatization because the Federal power marketing administrations have an inconsistent approach regarding the effects of such privatization on Federal power allocations at military installations. For example, Fort Sill, Oklahoma wanted to move to privatization, but according to policies at Southwestern Power Administration Fort Sill would lose its Federal power allocation. This makes the privatization of the utilities infrastructure uneconomical. Therefore the taxpayer cannot save money on the military installation because of this policy. Last year this committee directed a study that was just completed by DOD. It lays out all these issues. What can we do about this, short of passing a law?

Mr. EASTIN. Without clarifying legislation, some of the Federal power marketing administrations will likely continue their longstanding policies and legal interpretations that require preference customers retain ownership of their electrical distribution systems. At Fort Sill, the Army evaluated the economic benefits offered by two Federal programs—receiving a low-cost Federal power allocation from Southwestern Power Administration (SWPA) and achieving cost avoidances and improved utility services through utility privatization. The Army should have been able to obtain the benefits of privatization and retain the low cost power from SWPA. Because there is an inconsistent approach regarding the effects of utility privatization on Federal power allocations at military installations, SWPA determined that Fort Sill could not retain its Federal power allocation and privatize its electric system. The economic cost of losing the Federal power allocation was too great to be overcome by the potential benefits of privatization. The Army's determination not to privatize was the best economic decision for the Federal Government.

7. Senator INHOFE. Mr. Eastin and Mr. Anderson, can you assure me that you will look into this and help us fix this problem?

Mr. EASTIN. The Army will continue to work with the committee to fix this problem.

QUESTIONS SUBMITTED BY SENATOR SAXBY CHAMBLISS

BRAC AND MILCON

8. Senator CHAMBLISS. Mr. Eastin, under the recommendations to the Base Realignment and Closure (BRAC) Commission, both Forts McPherson and Gillem would be closed. The rationale for closing these bases is that the Army would be saving money, yet when I looked into the details of that decision, I saw that the military construction costs for building replacement headquarters for U.S. Forces Command and 3rd Army at the Pope-Bragg complex were greatly underestimated, a fact that was confirmed during a BRAC Commission base visit. My concern is that if the BRAC Commission upholds the Department's recommendation, then we will be facing a large shortfall in military construction funding. As a result, the Army's regular MILCON budget will end up making up the difference between the BRAC MILCON estimates and the real costs. This diversion of funds could have an impact on the MILCON plans for bases like Fort Gordon, which except for its U.S. Army Intelligence and Security Command tenant facilities, has seen very little in MILCON funding in the past (except for one $4.3 million congressional add in fiscal year 2004) and has not been given any priority in the MILCON Future Years Defense Plan (no other projects until fiscal year 2009). What will you do to balance the requirements of BRAC-related construction with already validated requirements for much needed military construction projects at Army bases?

Mr. EASTIN. The Army BRAC requirements are submitted as part of the DOD BRAC appropriation and as such do not directly compete with Military Construc-

tion, Army for funding in the budget process. During the program years, the Army will review all its military construction requirements for all installations and prioritize MILCON funding as appropriate. MILCON funding for closing installations will be redirected to best meet the Army's construction requirements.

PRIVATIZATION OF ARMY LODGING

9. Senator CHAMBLISS. Mr. Eastin, I understand that the Privatization of Army Lodging (PAL) program does for temporary lodging what the Residential Community Initiative does for family housing. Specifically, this program will help the Army overcome an $875 million lodging revitalization backlog while the developer would assume the business risks, pay for construction, and run the facility. One part of this backlog is at Fort Benning where a lodging study conducted by the Army in August 2003 concluded that Fort Benning would need an 844 room facility to meet its lodging needs at an estimated cost of $63 million. Now with Fort Benning looking at growing to accommodate the Armor Center, the transient population will only grow. Can you discuss the current status of the program, what actions the Army is taking to update its lodging studies, and what is the timeline for construction?

Mr. EASTIN.

(a) Current status of the PAL program: After several months of discussions a memorandum was recently released (2 August 2005) by the Office of Management and Budget (OMB) that included guidance on implementation of the PAL program. As a result of this guidance the Army has revised its implementation strategy. The new strategy has been briefed to and is strongly supported by the Army senior leadership. The PAL Office is now preparing to brief OSD and OMB, with hopes of releasing a Request for Qualifications on the project before the end of the calendar year.

(b) Actions to update lodging studies: The studies referred to in the question above were commissioned by the Army based on an internal Army plan to revitalize lodging. While these studies provide a good baseline of information, they are not representative of the perspective that would be used by the hotel industry in evaluating requirements under this program. Consequently, the PAL office is in the process of conducting due diligence assessments at each of the lodging sites throughout the continental United States, Alaska, and Hawaii. These assessments are taking into consideration impacts from BRAC as well as from the various transformation initiatives that are currently under development. The analysis derived from the PAL Office's due diligence assessments will provide a current model of installation lodging requirements, projections for future requirements, and estimated as to how these requirements would most likely be addressed by the hotel industry.

(c) The PAL Office must receive approval to proceed with its new strategy from OSD and OMB, and then must wait until the 30-day Congressional Notification of Intent to Solicit is satisfied. Once those conditions are met, it is estimated that construction at the first several installations in the program will begin in approximately 2 years (fiscal year 2008).

[The nomination reference of Keith E. Eastin follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 29, 2005.

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

Keith E. Eastin, of Texas, to be an Assistant Secretary of the Army, vice Mario P. Fiori, resigned.

[The biographical sketch of Keith E. Eastin, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF KEITH E. EASTIN

Mr. Eastin is the Senior Consultant to the Iraq Ministry of Environment and has served as such since June 2004. He has been engaged in the practice of environ-

mental law and consulting for the past 30 years and has managed environmental projects and operations as a corporate officer and as a high-level Federal Governmental official and director of significant environmental practices of two Big-Four professional services firms. He was a former Principal Deputy Assistant Secretary of the Navy, Deputy Under Secretary of the Interior and more recently, a Director of Price Waterhouse Coopers where he led a significant environmental practice group. Selected experience follows:

Mr. Eastin was a Director of the Environmental Dispute Analysis & Advisory Services practice for PricewaterhouseCoopers LLP in Washington and Houston. For the firm, he has advised clients on organizational matters as well as on environmental disputes and controversies involving governmental agencies and enforcement bodies. He was Project Director for the Moab Mill Reclamation Site in Utah, a Nuclear Regulatory Commission-regulated operation and directed the cleanup, capping and groundwater studies associated with this $20 million construction project.

A nationally recognized expert in the field of Natural Resource Damages and Valuation, he has written and spoken before numerous groups on the subject. Mr. Eastin is formerly Deputy Under Secretary of the U.S. Department of the Interior and its chief environmental counsel. At the Interior he organized and directed the CERCLA 301 team that conceived of and drafted the Regulations providing for the Assessment of Damages to Natural Resources under Superfund and other acts.

In a consulting capacity with PricewaterhouseCoopers and earlier as a practice director with Deloitte & Touche LLP, his work includes activities at significant hazardous waste and Superfund sites nationwide with potential natural resource damages of more than $100,000,000. He served in a key consulting role in the landmark state/industry cooperative natural resource damage assessment for the PCB contamination of a major Midwest river. He has valued the entire non-income producing natural resource inventory of a northwest State in connection with the development of its Asset Stewardship Plan. He has advised with respect to the petroleum contamination of sensitive fishing grounds off an eastern State and, on behalf of the State of Tennessee, assessed damages from activities associated with the Department of Energy's activities at Oak Ridge National Laboratory. He has assessed damages for the contamination of a major aquifer by a 2.5 million-gallon petroleum spill in Nevada, contamination resulting from a break in a primary petroleum pipeline in the Midwest and the dioxin contamination of Native American natural resources associated with an Eastern River. Also, he has worked with a large western State to create a GIS-compatible database of its more than 1,000 hazardous waste sites for purposes of identifying the State's natural resource damage problem areas and structuring a program for their settlement.

He served as Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics) and supervised real property and environmental matters and military construction for more than 300 installations worldwide with a value of more than $120 billion. The nature of the Navy's operations places it in constant conflict with some of the most sensitive wetlands and marine areas of the country. In this context, he negotiated with the Corps of Engineers in its Section 404 permitting process, advised on other Clean Water Act, RCRA, and Superfund problems in connection with the handling of toxics created in its industrial processes, and was the deciding official in the cleanup of a major nuclear Superfund site. Among his governmental experience, he personally negotiated settlements in the cleanup of USG-owned Superfund matters and has dealt with hazardous waste sites from time of their discovery to representation of the government in negotiation of remediation and RI/FS with the EPA and the State agencies.

Other Experience. As a practicing attorney for more than 35 years, Mr. Eastin is a former partner at Hopkins & Sutter, a 300 person, general practice national law firm where he was manager of the firm's environmental group. He was general counsel to two public companies, one a large petroleum retailer, and both with significant environmentally related activities. He continues to work with the American Arbitration Association, where he has acted as mediator or arbitrator in more than 25 environmental and construction disputes.

[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 Keith E. Eastin in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Keith E. Eastin.

2. **Position to which nominated:**
Assistant Secretary of the Army (Installations and Environment).

3. **Date of nomination:**
June 29, 2005.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
January 16, 1940; Lorain, Ohio.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
I am not married.

7. **Names and ages of children:**
None.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
University of Chicago Law School - JD - 1967.
University of Cincinnati: Graduate School of Business - MBA - 1964.
University of Cincinnati: College of Arts and Sciences - AB - 1963.
Brookside High School, Lorain, OH - Diploma - 1958.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
U.S. Department of State (and prior, U.S. Department of Defense for 3 days), Baghdad, Iraq. Senior Consultant to Ministry of Environment of Iraq. [June 2004 thru July 2005].
U.S. Department of the Interior, Washington, DC, Special Counsel. [2003–June 2004].
Cigarettes Cheaper! [Inc.] and related entities, Benicia, CA, Vice President, General Counsel [2000–June 2004].
PricewaterhouseCoopers, Houston, TX, Director. [1998–2000].
Deloitte & Touche LLP, Washington, DC, Director, Environmental Practice Group. [1993–1998].

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
None.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corpora-

tion, company, firm, partnership, or other business enterprise, educational, or other institution.

None other than as set forth in following question.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Board of Directors: Statue of Liberty-Ellis Island Foundation, New York, NY.

Advisory Board: Theatre Under the Stars, Inc. Houston, Texas.

Member: Sovereign Military Order of the Temple of Jerusalem (Knights Templar).

Member: Metropolitan Club of Washington.

Member: Capitol Hill Club of Washington.

Member of the Bar Associations of the States of Texas, California, Illinois, and the District of Columbia.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

I was a Republican Party Precinct Chairman, and Member of the Harris County (Texas) Republican Party Executive Committee from approximately 1978 through 1983.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

To the best of my recollection and estimates:

South Dakota Republican Party	$ 100
Republican National Committee	1,500
Republican Party of Texas	450
Republican Party of Houston	20
Texas for Kenn George	500
Dole 2000 Committee	100
Whitfield for Congress	1,200
Parke for Congress	250
Minge for Congress	400
Bush Chaney 04	500
RNC Presidential Trust	250
Friends of Giuliani	250
Ashcroft 2000	500
Lazio 2000	250
Bush Committee	1,000
Heartland Values PAC	100

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

Recipient, United States Marine Corps Commendation for outstanding efforts in advocating Marine Corps programs before Congress and outside community. [1988]

Recipient, United States Navy Medal for Distinguished Public Service. Highest civilian honor awarded by Navy. [1989]

Member, Beta Gamma Sigma, highest honorary society for Business Schools.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

The following articles have been published. No books or other items have been published:

Eastin, Keith 1997, 'Putting System Security First', Legal Times of Washington, 30–31, July 21, 1997.

Wunderlich, R., Eastin, K. and Frishberg, D. 1995, 'Natural Resource Damage Assessment", Litigation Services Notes, Trends in Financial and Economic Analysis, November 1995, Deloitte & Touche LLP.

Eastin, Keith, 'Natural Resource Damage Assessments: Ten Years in the Making', Environmental Management Review, September 1991, pp 106–113.

Eastin, Keith, 'Foreign Investor Facing Hurdles', Defense News, April 2, 1990.

Eastin, Keith, 'Bad Law Kills a Good Deal', The Asian Wall Street Journal, March 26, 1990.

Eastin, Keith E., 'Acquisitions of U.S. Defense Contractors by Foreign Entities', Foreign Investment in the U.S., News and Analysis, Vol. 9, 1990, Bureau of National Affairs, Inc., Washington, DC.

The Nevada Mining Association, Eastin, Keith and Henderson, Michael, 'Natural Resource Damages and Nevada Industry', Proceedings of 1996 Reno Conference, Reno, Nevada, March 30, 1995. Revised to October 1996.

Eastin, Keith, 'Lost Human Uses of the Environment', Proceedings of the Conference on Restoration of Lost Human Uses of the Environment, May 8, 1997, American Bar Assn., Section of Natural Resources, Energy & Environment, et. al.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

No such speeches made.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

KEITH E. EASTIN.

This 2nd day of July 2005.

[The nomination of Keith E. Eastin was reported to the Senate by Chairman Warner on July 28, 2005, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 29, 2005.]

[Prepared questions submitted to William C. Anderson by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. Almost two decades have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes, I fully support the implementation of these reforms. Since its inception, the Goldwater-Nichols Act has clearly improved the organization and capabilities within the Department of Defense.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. I believe these reforms have been fully implemented.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. The Act has improved both the organization and interoperability of the services through greatly improved integration of assets.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes.

Question. Do you believe that any changes to this act may be appropriate? If so, why?

Answer. Currently I am not aware of any specific proposals being considered. If confirmed, I would work with the Secretary of the Air Force on any proposed changes that pertain to installations, environmental or safety concerns.

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of the Air Force (Installations and Environment)?

Answer. There are numerous duties and functions in the Assistant Secretary of the Air Force for Installations and Environment portfolio. They cross a large spectrum of the Air Force mission. Central elements include providing quality housing to Air Force members and their families, a critical part of which is privatization. Privatization also extends to strategic outsourcing and utilities infrastructure. Environment, safety, and occupational health, as well as airspace and range issues, are also functions I will assume if confirmed. Currently base closure and realignment are important matters. These fall within the scope of assistant secretary for installations and environment. If confirmed, I will also exercise oversight of the Air Force logistics system.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. Over the last 9 years, I have served as a business general manager responsible for environmental affairs, safety, occupational health, and facilities for one of the world's largest corporations. During that time, I built a team that has developed programs and processes that have driven continuous improvement in hundreds of operating locations across the world. The team established actionable operating performance metrics that have allowed our leaders to regularly pulse progress, focus resources and drive performance that overall significantly exceeds the average performance in the industry. Dozens of those facilities have been awarded recognition by governmental or third party bodies for excellence in environmental, health and safety performance.

For more than 20 years, I have been involved in virtually all areas of real estate and facilities management issues including transaction structuring, due diligence, construction, facility maintenance and refurbishment, demolition and brownfields redevelopment. These activities have been conducted around the world, including negotiating the privatization of previously State-owned enterprises in Eastern Europe. These activities have included working with local communities in developing reuse options for obsolete real property assets. These efforts resulted in maximizing returns for the seller, while at the same time ensuring reuse conforms with the overall development plans of the local communities.

Over the last dozen years, I've been a senior staff leader managing the supply chain function, utilizing productivity and quality tools such as "Six Sigma", "5S", "Change Acceleration Process" and "Lean" to improve team performance and deliver expected results to the customer. A component of these activities has included development of performance metrics tied to external (customer/stakeholder) requirements, rather than internal requirements, to ensure that customer expectations are exceeded.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Assistant Secretary of the Air Force (Installations and Environment)?

Answer. I believe that upon the assumption of any new leadership assignment, significant work must be done to come up to speed on the team that will be managed; including current issues and programs, and relationships with other groups that will be necessary to successfully lead the function. If confirmed, I would develop a 90-day plan which includes, but is not limited to, site visits, briefing sessions (with team members, customers, stakeholders and other constituencies) and a leadership assimilation process focused on closing any knowledge gaps. This effort would take two distinct directions.

(1) Team, organizational accountability and relationships with other entities: Develop a thorough understanding of the capabilities of the Air Force Installations and Environment team, the current status of programs and the metrics that measure progress against commitments. Obtain a complete understanding of the interactions between this organization, its counterparts at Army and Navy, the balance of the Air Force and DOD team, as well as the Legislative and other executive branch organizations.

(2) Issue recognition and understanding: Immersion in site issue briefings, budget targets and tracking, benchmarking against Installations and Environment counterparts at Army and Navy and regular meetings with SASC staff in order to establish priorities, develop a list of deliverables and begin tracking progress on key issues.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of the Air Force would prescribe for you?

Answer. I would expect the Secretary to prescribe the duties and functions commensurate with the position and consistent with those specified in law.

Question. In carrying out your duties if confirmed, how will you work with the following?

The Secretary of the Air Force
The Under Secretary of the Air Force
The Air Force Chief of Staff
The Deputy Under Secretary of Defense for Installations and Environment
The other Assistant Secretaries of the Air Force
The Assistant Secretaries of the Army and Navy for Installations and Environment
The General Counsel of the Air Force
The Judge Advocate General of the Air Force
The Deputy Chief of Staff of the Air Force for Installations and Logistics
The Civil Engineer of the United States Air Force

Answer. If confirmed, I will assist the Secretary and the Under Secretary of the Air Force, the General Counsel, the other Assistant Secretaries, along with the Air Force Chief of Staff, in forming a close relationship with the Deputy Under Secretary of Defense (Installations & Environment) to carry out the goals and priorities of the Department. I understand the importance of teamwork and information sharing. I will make it a top priority.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that confront the Assistant Secretary of the Air Force (Installations and Environment)?

Answer. Enhancing our ability to carry out the Air Force mission in the most cost-effective method will always be a priority. I anticipate a challenge in finding the right balance between maintaining a high status of readiness while conserving our scarce resources. Implementing the Base Realignment and Closure recommendations in a timely and fiscally responsible manner that benefits the Air Force, while working with environmental regulators and local communities, will be a challenge. Diligence in the areas of training ranges and airspace, as well as improving our family housing and the utility infrastructure and overseeing an immense logistics system, will be challenging.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, my game plan would be as follows: (1) establish and communicate a clear vision for the organization consistent with the overall mission of the Air Force, (2) ensure that we have top talent in each position within the organization, then give these leaders the support and freedom to do their jobs, (3) engage in benchmarking and best practice sharing both inside and outside of the government to ensure we have the best tools and programs available to guarantee success, and (4) set up regular pulsing sessions within the organization to track progress against established goals and milestones.

Question. What do you consider to be the most serious problems in the performance of the functions of the Assistant Secretary of the Air Force (Installations and Environment)?

Answer. I am not in a position at present to have sufficient knowledge of the position, the team or the challenges of the function to know of any serious problems, if any. However, based on my past experience, every team and function has room for improvement. If confirmed, the process I detailed above in response to the question regarding enhancing my abilities to perform this duty will allow me to assess gaps and issues, large or small. After that evaluation is completed, I would be in a better position to provide a specific response to this question.

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

Answer. If confirmed, I will work hard to establish an interactive and trustworthy relationship with members of Congress and their staffs, as well as Air Force and Department of Defense officials, directly responsible for matters within the jurisdiction of my office. Management actions will be prioritized based on input from each

of these stakeholder groups. Based on this prioritization, I will lead the Installations and Environment team in establishing, communicating and tracking to specific initiative timelines.

PRIORITIES

Question. If confirmed, what broad priorities would you establish in terms of issues which must be addressed by the Assistant Secretary of the Air Force (Installations and Environment)?

Answer. If confirmed, I will establish priorities consistent with those of the Secretary of Defense and the Secretary of the Air Force.

MILITARY CONSTRUCTION

Question. The Department of Defense is using the rate of recapitalization of the physical plant to justify the levels of annual investment required for facilities and infrastructure. The Department had established a goal for the military services to propose levels of funding for military construction and facility modernization in the 2008 President's budget request that would equal a recapitalization rate of 67 years. To date, the services have been requesting in the annual budget a level of investment that results in a recapitalization rate of 110–140 years.

Do you believe the goal of a 67-year recapitalization rate of investment by 2008 can be achieved within the Air Force?

Answer. I understand the Air Force is currently programmed to achieve a facility recapitalization rate of 67 years by fiscal year 2008, in line with established Office of the Secretary of Defense goals.

Question. What other goals and metrics, if any, could be established to improve facility recapitalization?

Answer. If confirmed, I will review all current metrics associated with infrastructure replacement from both an installation and cost standpoint. In this review, I will examine other goals and consider additional metrics that might improve recapitalization.

HOUSING PRIVATIZATION

Question. In recent years, the Department of Defense and Congress have taken significant steps to improve family housing. However, it will take many more years and a significant amount of funding to adequately meet the Department's housing needs. The housing privatization program was created as an alternative option to speed the improvement of military family housing and relieve base commanders of the burden of managing their family housing. If confirmed for the position of Assistant Secretary of the Air Force (Installations and Environment) you will have a key role in any decisions regarding military family housing.

What are your views regarding the privatization of family housing?

Answer. Family housing is critical to the men, women, and families of the Air Force. If confirmed, I will review this matter in depth to ensure our military members and their families are provided quality housing so that they may better go about conducting the Air Force mission.

Question. What is your view of the structure and general goals of the Air Force's current housing privatization program? Do you believe the program should be modified in any way? If so, how?

Answer. I am generally aware of the Air Force's housing privatization program and schedules. If confirmed, I will seek to ensure the continued success of this program.

Question. If confirmed, how would you ensure that funds originally appropriated for military construction, which are then used to accelerate the pace of Air Force housing privatization, would be accounted for, and reported to Congress?

Answer. If confirmed, I will ensure funds appropriated by Congress for issues within the purview of the Assistant Secretary of the Air Force for Installations and Environment are assigned to specific projects, tracked through an appropriate project tracking mechanism, properly accounted for and reported to Congress.

Question. The Army has contracted for a major housing privatization effort at Fort Hood, Texas, using a request for qualifications (RFQ) process instead of the more traditional request for proposals (RFP) process.

What are your views of the relative merits of these contracting approaches?

Answer. Both approaches have received broad application in the contracting world. If confirmed, I intend to utilize the most appropriate contracting tool available for each particular circumstance, while driving for continuous improvement in these tools and processes.

Question. The Department of Defense has established 2007 as a goal to improve all of its military family housing in the United States.

Do you believe the Department of the Air Force can achieve this goal?

Answer. If confirmed, I will review the Air Force status of military housing. I will do everything in my power to meet goals and objectives of the Department of Defense. I understand the current budget and Future Years Defense Program (FYDP) is on track to meet the goal and I am fully committed to keep this process on track.

BASE CLOSURES AND REALIGNMENTS

Question. The 2005 Defense Base Realignment and Closure (BRAC) process is currently underway.

What do you see as the roles and responsibilities of the Department of the Air Force in implementing BRAC decisions?

Answer. I believe the Air Force's roles and responsibilities are to implement the final decisions of the 2005 BRAC expeditiously and efficiently in the best interest of the local community, the Federal Government, the Air Force, and the American taxpayer.

Question. What would your role be, if confirmed, in carrying out these responsibilities?

Answer. We need to develop strong relationships with State and local governments; those who have zoning authority, State environmental regulators, State and local development authorities and the private sector. If confirmed, I will seek to develop relations with the proper authorities within the government and in the local communities to implement the decisions in the best interest of all stakeholders.

Question. If confirmed, what priorities would you set for the process of disposal of any property at Air Force bases affected by BRAC decisions?

Answer. Local communities and the Air Force need to take advantage of and benefit from the private marketplace as much as possible. Community redevelopment plans and the Air Force disposal plans should be integrated to maximum extent possible to take into account the anticipated market demand for surplus military property with the goal of maximizing value, while being sensitive to community needs and long-terms plans. This approach will get property into reuse much more quickly, help accelerate job creation, and result in cost savings for military readiness.

Question. The DOD installation closure process resulting from BRAC decisions has historically included close cooperation with the affected local community in order to allow these communities an active and decisive role in the reuse of property.

In your view, what are the roles and responsibilities for the Department of the Air Force within the 2005 BRAC property disposal process to work with local communities?

Answer. Collaboration and communication are critical to success. If confirmed, I would develop a plan to quickly inventory the real property, personal property, and natural infrastructure assets at the bases to determine their value. Working with the communities, we can develop strategies to quickly market these assets. This approach can ensure that the community will quickly recover from the impacts of base closure and realignments.

Question. If confirmed, what goals would you establish to assist affected communities with economic development, revitalization, and re-use planning of property received as a result of the BRAC process?

Answer. The Air Force will take great care to work with communities and stand ready to provide support and assistance. If confirmed, I would ensure we work closely with the Office of Economic Adjustment (OEA) to ensure that effected communities have all the resources necessary to accomplish comprehensive planning for the reuse of base property. I will continue to foster this proactive approach to ensure that communities are treated fairly in the BRAC process.

INVESTMENT IN INFRASTRUCTURE

Question. Witnesses appearing before the committee in recent years have testified that the military services under-invest in both the maintenance and recapitalization of facilities and infrastructure compared to private industry standards. Decades of under-investment in our installations have led to substantial backlogs of facility maintenance activities, created substandard living and working conditions, and made it harder to take advantage of new technologies that could increase productivity.

If confirmed, what recommendations would you propose to restore and preserve the quality of our infrastructure?

Answer. If confirmed, I will review all issues associated with infrastructure investment. I believe I bring experiences in how to assess and improve infrastructure so it can best serve our warfighters and their families.

ENERGY EFFICIENCY

Question. Executive Order 13123 lays out a number of specific steps that agencies should take to promote energy conservation. These include the use of energy savings performance contracts, utility energy efficiency contracts, and other contracts designed to achieve energy conservation; conducting energy efficiency audits for approximately 10 percent of an agency's facilities each year; and exploring opportunities for energy efficiency in industrial facilities for steam systems, boiler operation, air compressor systems, industrial processes, and fuel switching.

Do you support the use of these energy conservation approaches?

Answer. As evidenced by my efforts at General Electric, I support energy conservation, and if confirmed, I will review the entire Air Force effort in this area to ensure we meet or surpass all of the standards and goals. In my experience, focused attention, along with leadership accountability as relates to the full range of energy conservation options, can result in significant conservation wins.

Question. Are there other steps that you would take, if confirmed, to promote energy conservation by the Department of the Air Force?

Answer. If confirmed, I will encourage energy conservation using both traditional and innovative strategies, as well as continually encouraging best practice sharing outside of the Air Force to ensure we have the largest pool of ideas to work from to maximize our likelihood for success.

Question. Do you believe that the energy conservation goals established in the executive order are achievable?

Answer. I have not had the opportunity to examine all of the Air Force's efforts towards realizing the goals of the executive order, but I understand they are making significant strides with several projects in a number of areas. If confirmed, I will closely examine this important issue.

ENCROACHMENT ON MILITARY INSTALLATIONS

Question. The encroachment of commercial development near military installations has negatively impacted Air Force operations at military airfields. For example, combat aircraft can no longer safely take off with live armaments on one end of the runway at Nellis Air Force Base, Nevada and Luke Air Force Base, Arizona due to the construction of private residential areas adjacent to the base.

If confirmed, what policies or steps would you take to curtail the negative impact on operations and training resulting from residential encroachment?

Answer. I believe we need to work closely with local communities as they develop land use plans. If confirmed, I will ensure encroachment issues are treated comprehensively and that the appropriate programs or initiatives are implemented to address potential readiness problems. We need to understand the community needs and they to know how land use planning can affect our ability to meet military training and readiness needs.

REPORTS AND NOTIFICATIONS TO CONGRESS

Question. A responsibility of the Department of the Air Force is to satisfy statutory report and notification requirements to Congress. Many notifications require a wait period of a specific number of days after notification is received by Congress before the Department can carry out the action. The current Air Force policy is to answer all questions generated by Congress regarding the notification before proceeding with the action.

Do you support and will you adhere to this policy?

Answer. Yes.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. As a political appointee, I consider it my duty to be an advocate for the policies of the administration. However, I will always be prepared to provide my best professional judgment when asked.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of the Air Force for Installations and Environment?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN WARNER

INSTALLATION DEFENSE, PROTECTION AND SECURITY

1. Senator WARNER. Dr. Sega, Mr. Eastin, and Mr. Anderson, in 2004, the Department of Defense (DOD) initiated the defense-wide Guardian Installations Protection Program (IPP). Upon completion, Guardian IPP will provide warning and protection for 200 critical DOD installations and facilities in the United States and abroad from potential chemical, biological, radiological, and nuclear (CBRN) attacks. The committee has fully supported this important initiative and, in fact, has authorized an additional $10.2 million within the program to provide greater protection of our military's mail system. Do you believe that our military installations are vulnerable to potential CBRN attacks?

Mr. ANDERSON. Our military installations worldwide remain targets for terrorist attacks from chemical, biological, radiological, and nuclear (CBRN) weapons. It is commonly understood that visible and comprehensive site protection measures will dissuade potential adversaries from targeting protected assets, including those of the Air Force (AF). In addition, fully prepared emergency response personnel supported by the proper infrastructure play a major role. Vulnerability occurs when site hardening initiatives and emergency response preparedness are insufficient as compared to the perceived threat for any particular installation. I am not privy at present to any analyses of site capability shortfalls. However, if confirmed, I intend to review (1) the progress on site hardening initiatives to date, (2) efforts toward institutionalizing improvements and integrating them fully into strategy, planning and operational capabilities, and (3) closure actions intended to address capability gaps. In summary, Department of Defense installations around the world will remain attractive targets due to the strategic and emotional value associated to them by a potential attacker. If confirmed, I will lead continuing efforts to increase our capabilities to prevent, prepare for, respond to and recover from potential attacks.

2. Senator WARNER. Dr. Sega, Mr. Eastin, and Mr. Anderson, given the significant capital our government has invested at these high-value military installations, do you believe it is necessary to protect these assets from possible CBRN attacks?

Mr. ANDERSON. Yes. It is critical to protect physical infrastructure, the people who serve on these military installations, information/data assets and the supply chain in order to ensure that each installation can, at all times, execute on its primary warfighting mission. If confirmed, I will provide leadership emphasis to ensure the Air Force supports this strategy with the appropriate resources.

3. Senator WARNER. Dr. Sega, Mr. Eastin, and Mr. Anderson, as these 200 installations and facilities are under the jurisdiction of the DOD, how do you intend to ensure the program is fully and effectively implemented within your respective Service?

Mr. ANDERSON. The Air Force has a number of efforts underway that are responsive to the possibility of enemy attacks with chemical, biological, radiological, and nuclear (CBRN), both offensive and defensive, and designed to be effective both in the homeland and forward regions. If confirmed, I intend to build on the progress to date and via collaboration with other functions within the Air Force to (1) review recommendations for site hardening at each installation and progress on completing these recommendations, (2) schedule audits to ensure continuing compliance to recommendations, (3) conduct crisis drills to confirm that hardware and process upgrades perform as expected, and (4) provide a feedback loop so that lessons learned

from audits and drills translate to continuous improvement of security processes and systems.

QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

DEPOT MAINTENANCE IMPROVEMENT FUND

4. Senator INHOFE. Dr. Sega, Mr. Bell, and Mr. Anderson, since the Bush administration came into office, we have seen a renewed interest in the Air Force's depots. A key to this overall reinvigoration has been the Depot Maintenance Strategy and Master Plan that will ensure America's air and space assets are ready to rapidly respond to any national security threat. Because of this plan, we have begun a restoration of our Air Force's three depot facilities, one of which is located at Tinker Air Force Base, Oklahoma. This modernization will ensure the United States is able to maintain world-class aircraft repair and overhaul facilities. Tinker Air Force Base is the largest single employer in the State of Oklahoma. It is important to sustain and upgrade Tinker's facilities and equipment along with that of the other depot facilities. There is currently an amendment that I support which calls for full funding of the Depot Maintenance Strategy and Master Plan at a level of $150 million a year, over a 6-year period. Secretary Gibbs supported fully funding the Depot Maintenance Improvement Fund. Do you have any concerns about sufficiently funding the Improvement Fund at the same percentage level as Secretary Gibbs?

Mr. ANDERSON. The Air Force continues to be fully committed to managing world-class organic depot maintenance capability for our warfighters. Such a commitment comes in the form of making strategic investments in support infrastructure that will ensure each installation can deliver expected value and results. If confirmed, I will continue to build on the successful effort already begun to meet our commitment to modernize and transform our depot maintenance equipment, facilities and personnel by sufficiently funding the Depot Modernization line set aside by the Air Force between fiscal year 2004–2009.

5. Senator INHOFE. Dr. Sega, Mr. Bell, and Mr. Anderson, will you commit to this same level of funding?

Mr. ANDERSON. The Air Force continues to be fully committed to managing world-class depot maintenance capability for our warfighters. If confirmed, I will work with my staff to make sure we continue to meet the milestones in the ongoing process of modernizing and transforming our depot maintenance equipment, facilities, and personnel, and to efficiently use available finding to meet that end.

UTILITIES PRIVATIZATION

6. Senator INHOFE. Mr. Eastin and Mr. Anderson, as part of a very important effort to save money on our military installations, the Department of Defense initiated two very important programs. One was the privatization of military housing under subchapter IV of chapter 169 of title 10, United States Code. This program is projected to save the government millions of dollars and put our fighting men and women in modern, well-maintained housing. Thus far the results are amazing. The other program under section 2688 of title 10 is the privatization of utilities on bases. Likewise this program is projected to save millions of dollars over time. However, many bases cannot move forward on the utilities privatization because the Federal power marketing administrations have an inconsistent approach regarding the effects of such privatization on Federal power allocations at military installations. For example, Fort Sill, Oklahoma wanted to move to privatization, but according to policies at Southwestern Power Administration Fort Sill would lose its Federal power allocation. This makes the privatization of the utilities infrastructure uneconomical. Therefore the taxpayer cannot save money on the military installation because of this policy. Last year this committee directed a study that was just completed by DOD. It lays out all these issues. What can we do about this, short of passing a law?

Mr. ANDERSON. I am not yet privy to the study recently completed by the Department of Defense, so I am not in a position to comment specifically on whether there are solutions to this problem short of legislative action. If confirmed, I will take an in-depth look at the study and the privatization policies of the Federal power marketing administrations in order to be in a position to advocate a solution that will provide cost savings for the taxpayer, while providing adequately for the needs of our Air Force personnel and our installations.

7. Senator INHOFE. Mr. Eastin and Mr. Anderson, can you assure me that you will look into this and help us fix this problem?

Mr. ANDERSON. I believe that deriving maximum value from each taxpayer dollar is an obligation of any government agency. If confirmed, I will work with my counterparts in the other service branches to review the various policies among the Federal power marketing administrations, determine the most economical alternatives for the Air Force and the Department of Defense, and advocate for any changes appropriate to achieve a cost-effective solution.

QUESTION SUBMITTED BY SENATOR SAXBY CHAMBLISS

ADDITION OF SOFTWARE AS A CORE REQUIREMENT FOR AIR LOGISTICS CENTERS

8. Senator CHAMBLISS. Mr. Anderson, in your responses to the advance policy questions, you note correctly that you would be responsible for exercising oversight of the entire Air Force logistics system. You also stated that upon the assumption of any new leadership assignment, you would develop a 90-day plan which would include site visits as part of a leadership assimilation process focused on closing any knowledge gaps. I would like to take this opportunity to encourage you to visit the Air Logistics Center at Robins Air Force Base in Georgia. The folks there are doing tremendous work regenerating our Air Force's combat power. One item you might inquire about while visiting there is the process of making software maintenance a core requirement for Air Logistics Centers. Can you comment on your understanding of the core workload requirement and give your thoughts on the importance of maintaining sufficient core workload capacity at our Air Force Logistics Centers?

Mr. ANDERSON. Each of the Air Logistics Centers will provide me with a tremendous opportunity to take in a broad scope of the Air Force mission as they are colocated with active air bases. If confirmed, I look forward to visiting all three during the leadership assimilation process. I am not yet familiar with the Department of Defense definition of core workload requirements. However, based on my private sector understanding of "core" being those essential operational processes where in-house capability is critical, if confirmed, I will make it a priority to review in general the core workload capacity at the depots, and specifically as it relates to your query on software maintenance.

[The nomination reference of William C. Anderson follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
May 26, 2005.

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

William Anderson, of Connecticut, to be an Assistant Secretary of the Air Force, vice Nelson F. Gibbs.

[The biographical sketch of William C. Anderson, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF WILLIAM C. ANDERSON

William C. (Bill) Anderson is the General Manager and Senior Counsel—Environmental, Health and Safety for GE Consumer & Industrial, a major business unit of the General Electric Company and a global industry leader in the manufacture of appliances, lighting products and electrical equipment. In his present position, Bill has responsibility for environmental matters, facility safety, occupational medicine, and facility management for an organization of 75,000 people in hundreds of locations worldwide. He has also served as International Tax Counsel for General Electric, Integration Manager for GE AEG (Germany), and as General Counsel, Director of Quality and Environmental Affairs to GE's electrical businesses in Europe. Previously, Bill was a financial consultant with Merrill Lynch, and a tax consultant at Arthur Andersen & Company and Ryder Systems, Inc.

He has served as Managing Director for GE Poland Sp. zoo, GE AEG Niederspannungstechnik and Vice President of Caribe GE Products, Inc. Previously, Bill served on the Board of Directors of the Puerto Rico—USA Foundation. He has acted as an Observer to the National Conference of Commissioners on Uniform State Laws Drafting Committee on the Uniform Environmental Covenants Act and has been a featured speaker at the University of Connecticut School of Law's Gallivan Conference on Real Property Law. Bill is a member of the Advisory Board for BNA's Environmental Due Diligence Guide.

Bill received his undergraduate degree in history (with honors) from Washington College in Chestertown, Maryland. He earned his law degree (with honors) from Syracuse University and studied in the masters program for international business at the University of Miami. Bill is a member of the Maryland and Florida Bar Associations.

For more than 20 years, Bill has been active in community service. His participation has included positions as Legal Counsel and Regional Advisor to the Florida Jaycees, Board Member and Treasurer of Big Brothers/Big Sisters of Broward, Inc., Chair of the GE Community Service Fund, Member of the Board of Directors for the American RedCross, Middlesex/Central Connecticut Chapter, Vice Chair of the Urban League of Greater Hartford, and Chair of the Urban League of Greater Hartford Development Corporation, Inc. Bill served as Business Champion/Advisor for GE's Asia Pacific American Forum.

[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 William C. Anderson in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
William Carl Anderson (Bill Anderson).

2. **Position to which nominated:**
Assistant Secretary of the Air Force (Installations and Environment).

3. **Date of nomination:**
May 26, 2005.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
July 9, 1958; Syracuse, New York.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Deborah Lynn Harding.

7. **Names and ages of children:**
I have no natural or adopted children. However, my wife's daughter, Shawna Faloona Anderson, age 23, has lived with us since our marriage in 1990 and I have treated and supported her as my own child.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Secondary: Dulaney Senior High, Timonium, Maryland, September 1974–June 1976. High School Diploma, June 1976.
Undergraduate: Washington College, Chestertown, Maryland, August 1976–May 1980, B.A., History, May 1980.
Law School: Syracuse University, Syracuse, New York, August 1980–May 1983, Juris Doctor, May 1983.
Graduate Studies: University of Miami School of Business, Coral Gables, Florida, January 1989–December 1990, degree not conferred.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
August 1996–Present: General Manager and Senior Counsel, Environmental Health and Safety, General Electric Company, Plainville, CT.
June 1994–August 1996: General Counsel and Director of Quality and Environmental Affairs, GE Power Controls, Gent, Belgium.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
N/A

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
Generations Resort Properties, Inc., a wholly-owned real estate investment company (Subchapter C) doing business in Maryland. Nominee is sole shareholder and director and serves as company president.
Bureau of National Affairs (BNA)—Environmental Due Diligence Guide. Nominee is a member of the Advisory Board.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Member: Maryland Bar Association.
Member: Florida Bar Association.
Vice Chairman: Urban League of Greater Hartford, Inc., Hartford, CT.

13. **Political affiliations and activities:**
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.
N/A.
(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.
1997–2004, Life Member, Republican National Committee
2004–2005, Republican Eagles.
No offices held nor services rendered in either case.
(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.
May 12, 2000, GEPAC, $300.
May 12, 2000, CONNPAC, $100.
November 8, 2001, GEPAC, $750.
November 8, 2001, CONNPAC, $300.
July 12, 2002, GEPAC, $750.
July 12, 2002, CONNPAC, $200.
September 16, 2002, Sanford for Assembly, $100.
November 24, 2002 Republican National Committee, $500.
February 22, 2003, Republican National Committee, 250.

See attached sheet for additional contributions. [Nominee responded and the information is contained in the committee's executive files.]

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Phi Alpha Theta National History Honorary (Undergraduate).
American Jurisprudence in Corporations Award (Law School).
Wall Street Journal Award (Law School).
Chairman's Award—Urban League of Greater Hartford, Inc., Hartford, CT.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

N/A.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

Appeared as speaker at 10th Annual Gallivan Conference on Real Property at the University of Connecticut School of Law, October 4, 2002. This was a panel discussion so no prepared text is available. Topic was brownfields redevelopment, an activity relevant to nominated position.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

WILLIAM C. ANDERSON.

This 2nd day of June 2005.

[The nomination of William C. Anderson was reported to the Senate by Chairman Warner on October 27, 2005, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on October 28, 2005.]

NOMINATIONS OF HON. MICHAEL W. WYNNE TO BE SECRETARY OF THE AIR FORCE AND DR. DONALD C. WINTER TO BE SECRETARY OF THE NAVY

THURSDAY, OCTOBER 6, 2005

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 10:02 a.m. in room SD–106, Dirksen Senate Office Building, Senator John Warner (chairman) presiding.

Committee members present: Senators Warner, McCain, Sessions, Collins, Talent, Chambliss, Thune, Levin, Lieberman, Reed, Bill Nelson, and Clinton.

Committee staff members present: Charles S. Abell, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: William C. Greenwalt, professional staff member; Ambrose R. Hock, professional staff member; Gregory T. Kiley, professional staff member; Thomas L. MacKenzie, professional staff member; Elaine A. McCusker, professional staff member; David M. Morriss, counsel; Lucian L. Niemeyer, professional staff member; Stanley R. O'Connor, Jr., professional staff member; Scott W. Stucky, general counsel; Diana G. Tabler, professional staff member; and Richard F. Walsh, counsel.

Minority staff members present: Richard D. DeBobes, Democratic staff director; Madelyn R. Creedon, minority counsel; Creighton Greene, professional staff member; Gerald J. Leeling, minority counsel; and Peter K. Levine, minority counsel.

Staff assistants present: Micah H. Harris, Jessica L. Kingston, Jill L. Simodejka, and Pendred K. Wilson.

Committee members assistants present: Christopher J. Paul, assistant to Senator McCain; Arch Galloway II, assistant to Senator Sessions; Dirk Maurer and Mackenzie M. Eaglen, assistants to Senator Collins; Lindsey R. Neas, assistant to Senator Talent; Bob Taylor and Stuart C. Mallory, assistants to Senator Thune; Frederick M. Downey, assistant to Senator Lieberman; William K. Sutey, assistant to Senator Bill Nelson; Kimberly Jackson, assistant to Senator Dayton; and Andrew Shapiro, assistant to Senator Clinton.

OPENING STATEMENT OF SENATOR JOHN WARNER, CHAIRMAN

Chairman WARNER. The committee will come to order. We're pleased to have before the committee this morning the Honorable Michael W. Wynne, the nominee to be Secretary of the Air Force, and Dr. Donald C. Winter, the nominee to be Secretary of the Navy.

This is a very important hearing in accordance with the advice and consent clause of the U.S. Constitution. Having had the privilege of serving in the position of Secretary of the Navy some many years, I always take a very special interest in the hearings for those who become the Service Secretaries. I think they play a vital role in the overall construct of our Department of Defense (DOD).

This morning, I hasten to add to all in attendance and those following this hearing that when I first came to the Senate some many years ago, one of the old Senators said to me, "You'll soon realize that this institution tries to do everything at once or little or nothing." Today is an "everything at once." We had a very long session last night.

I just left the hearing of the Homeland Security Committee, where Senator Collins, who hopefully will join us later, Senator Levin, and Senator Lieberman are presiding, and I stopped by the Environment and Public Works. Senator Inhofe and other members of this committee are up there working, so, forgive what appears to be a shortage of attendance. I assure you, each and every one of these Senators is heavily engaged somewhere.

By unanimous consent, we will keep the record open until close of business tomorrow night for Senators to submit questions to these two witnesses. Of course, after the recess, we hope to return to continuing to process these two very important nominations.

I'm optimistic that the Senate will provide advice and consent for these two important positions. Our Nation is at war. We definitely need them in place to meet the needs of the men and women in the Armed Forces, and I thank each of you and your families for offering to perform this public service.

We welcome Mr. Wynne and Dr. Winter and their families, and we now ask our nominees to introduce their families to those in attendance. It will be placed in the permanent record of the history of the Senate.

Mr. WYNNE. Thank you very much, Mr. Chairman.

I'm accompanied today by my wife, Barbara, and a long-time family friend, Dr. Ron Schillereff. They're very pleased to be able to be here today. Thank you for the opportunity.

Chairman WARNER. I also wish to recognize another gentleman who's here. I believe he was a classmate, is that correct?

Mr. WYNNE. That is correct. I have a classmate in attendance from the class of 1966 from West Point, Jack Wheeler, who's another long-time friend and colleague.

[Additional information follows:]

October 4, 2005

The Honorable John Warner

By Hand

Dear John,

This regards Michael Wynne, nominee to become Secretary of the Air Force. He is my West Point 1966 classmate. His confirmation hearing is Thursday morning, October 6. He has served our country all his life with integrity and attention to duty that reflect the aims of West Point conceived by Washington and Jefferson. He has been selfless in bearing his assignments in DoD.

He also has the same quality that drew us Vietnam vets to you when we were first building the Wall: he wore the uniform. He served in the Air Force, including teaching at the Air Force Academy. He knows the life, aims, burdens and ideals of servicemembers, veterans and their families. He will have their trust.

When you and I first met in 1979, it was that meeting in your office where I was Chairman of the new Vietnam Veterans Memorial Fund, with us young vets seeking your help. You joined us in a circle, extended your hand and said as Secretary of the Navy you signed orders for many who went to Vietnam and became casualties. You said you served in uniform as we had, and that you would be with us each step of the way. You stirred our hearts by showing friendship we could rely upon. There would be no Wall without you, and we placed your name above the Wall (without asking your permission!), on that stone ledge at the vertex.

Mike brings that same understanding to the Air Force during this time of war.

His brother Patrick, fighter pilot and USAFA '63, is at line 119 on Panel 9E of the Wall.

Warmly,

Jack

John Wheeler

420 7th Street, N.W.
Apartment 406
Washington, D.C. 20004

Chairman WARNER. The Chair is very knowledgeable of Mr. Wheeler. He was instrumental in working with a group, of which I was privileged to be a member, to create the Vietnam Veterans Memorial here in Washington, DC. So I remember him as a captain. I welcome you, Captain.

Captain WHEELER. Thank you very much.

Chairman WARNER. Thank you, sir.

Dr. Winter.

Dr. WINTER. Mr. Chairman, I'm pleased that this morning I'm joined by my wife, Linda, and my two sons: Benjamin, who resides in Arlington with his wife and our granddaughter; and Jonathan, who resides in southern California.

Chairman WARNER. The committee members have indulged the chairman through the years in making the statement that, having had some experience in that building in your positions, the hour of 7:30 to 8 o'clock comes in the Department of Defense, and so many decisions that are made at that point in time are re-reviewed in the morning, in the light of day, and changed. So, I do hope you get home to your families and allow your staffs to have reasonable hours, when possible. Do you give me that assurance?

Mr. WYNNE. A point well taken, Senator, and I assure you we will do that.

Dr. WINTER. Yes, Mr. Chairman.

Chairman WARNER. Mr. Wynne served as the Deputy Under Secretary of Defense for Acquisition and Technology from July 2001 through 2003 and, upon the departure of Secretary Aldridge, was then named as the acting Under Secretary of Defense for Acquisition and Technology, and has served in that position for some time.

In April of this year, following consultation with the committee by the Department, the President gave Mr. Wynne a recess appointment as the Under Secretary of Defense for Acquisition, Technology, and Logistics and, at about the same time, forwarded the nomination of Kenneth Kreig for that very important position within the DOD. With the Senate confirmation and appointment of Mr. Kreig in June 2005 as Under Secretary of Defense, Mr. Wynne was asked—and, to his credit, agreed—to resume his position as the Deputy Under Secretary with the responsibility for overseeing the Department's Base Realignment and Closure (BRAC) efforts.

Mr. Wynne is a proud graduate of the United States Military Academy at West Point and served for 7 years on Active-Duty in the Air Force. He has an impressive record of achievement in private industry. We thank Mr. Wynne for his service to date and for his willingness, if confirmed, to serve as the 21st Secretary of the Air Force.

We also welcome Dr. Donald C. Winter, who has been nominated to be the 74th Secretary of the Navy. Dr. Winter has a wealth of experience and accomplishments in the private sector, most recently as corporate vice president of Northrop Grumman's mission systems sector. Dr. Winter has been the president and CEO of TRW, Inc., and has management experience in space systems, engineering, support operations, and maintenance, and development of advanced technologies directly related to new and evolving systems.

Dr. Winter has served with the Defense Advanced Research Projects Agency (DARPA) as program manager for Space Acquisition and Tracking Programs and was awarded the Secretary of Defense Medal for Meritorious Civilian Service for his contributions.

Dr. Winter has also found time to serve on the Board of Directors of the United Service Organization (USO) of Metropolitan Washington and the Wolf Trap Foundation for Performing Arts in Virginia.

I thank you both, and I might add that a number of individuals in whom I repose a great deal of respect and confidence have come forward to speak to me privately on behalf of both of you, urging that you be given this opportunity to, once again, serve the Government.

Gentlemen, thank you for your public service.

Senator Levin is in another committee hearing. I just left him and he will be here shortly. He urged me to start this hearing in his absence.

The committee has asked our witnesses to answer a series of advanced policy questions. They have responded to those questions. Without objection, I'll make the questions and the responses part of the record.

I also have certain standard questions we ask every nominee who appears before the committee. If you'll respond to each question, then we can move on to policy questions by the committee.

To both of you:

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

Mr. WYNNE. Yes, Senator.

Dr. WINTER. Yes, Mr. Chairman.

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

Mr. WYNNE. No, Mr. Chairman.

Dr. WINTER. No, Mr. Chairman.

Chairman WARNER. Will you ensure that your staff complies with deadlines established for requested communications, including questions for the record on hearings before the Congress of the United States?

Mr. WYNNE. Yes, Mr. Chairman.

Dr. WINTER. Yes, Mr. Chairman.

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

Mr. WYNNE. Yes, Mr. Chairman.

Dr. WINTER. Yes, Mr. Chairman.

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

Mr. WYNNE. Yes, Mr. Chairman.

Dr. WINTER. Yes, Mr. Chairman.

Chairman WARNER. In reply to the inquiries of Congress, we have broadened that category, and this is the language that we are currently using. Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by the committees of Congress, or to consult with the committee regarding the basis for any good-faith delay or denial in providing such documents?

Mr. WYNNE. Yes, Mr. Chairman.

Dr. WINTER. Yes, Mr. Chairman.

Chairman WARNER. I thank you.

At this point in time, if the nominees have opening statements, we'd be happy to hear them.

STATEMENT OF HON. MICHAEL W. WYNNE, TO BE SECRETARY OF THE AIR FORCE

Mr. WYNNE. Thank you, Mr. Chairman.

Mr. Chairman, members of this committee, it is a particular honor for me to appear before you today as the nominee for Secretary of the United States Air Force.

Not only was it my prior service following my graduation from West Point, but my father, also a West Pointer, served his career in the United States Air Force. One of my brothers, a graduate of the Air Force Academy, died in its service in Vietnam. Another retired as an NCO. I fully intend to honor each of them, should you see fit to confirm me.

For this opportunity, I thank the President and the Secretary of Defense for having the continued confidence in me to conduct the affairs of the United States Air Force. If confirmed, I intend to honor that confidence, as well as that demonstrated by this committee, which has assisted me onto the right course throughout my service.

I would also like to thank my wife, Barbara, who is my life partner and has helped me for 39 years in each of my assignments as both confidante and cheerleader while raising and marrying off our four beautiful daughters. We, today, count our 11 grandchildren and 4 terrific sons-in-law as adding wonderfully to our life.

With your help and support, I was able to accomplish much in assisting the Secretary in his effort to transform the Department. There remains much for the Departments' talented folks to continue, but I am particularly proud of the emphasis I was able to bring to end-to-end procurement, logistics systems, and interoperability. I believe in transparency of effort, such that the goals are clear and supportable. The role of the leader is in removing barriers to success for the enterprise while holding subordinates accountable for performance.

I would like to thank this committee for both prompting and encouraging improvement in acquisition and technology. Yet, there remains much to be done, and there are some good ideas being brought forth to balance needs, resources, and schedule.

You have seen some of the results in the efficiency and timeliness of the logistics enterprise in support of our warfighters. Also, there was good progress on interoperability as a basis for coalition and joint warfare. This was reflected in the present warfight and in the future planning for interoperability. I hope to continue to support these efforts should I gain confirmation, and I strongly desire to see the Air Force become the first to gain from a transparent business process and be restored to the premier position in acquisition and management that is its history.

At first look, the Air Force is striving to be a leader in jointness, and I will certainly support their efforts in that regard. The mission of the Air Force, to me, is to provide the capabilities necessary to preserve and defend the United States and its interests by controlling the areas assigned, such as air and space. This mission is one that resonates well with me and, if confirmed, affords me a clear opportunity to serve with magnificent men and women throughout your United States Air Force. This is a task I would relish, and thus, I look forward to the potential.

With regard to that potential, I want to thank the chairman and members of this committee for instituting the interim policy regarding conflicts of interest while the quest for an appropriate surety bond continues. This will allow all of us to serve, and serve well. I want to assure you, Mr. Chairman and the committee members, that I and my colleagues take this responsibility to hold our-

selves to the highest ethical standards to heart and commit to you to adhere to the interim policy in every respect.

The President and the Secretary have emphasized the importance of ethics across the Department and Government, and I intend to set the standard for the Air Force, if confirmed, as integrity first. I look forward to the opportunity to continue working with this committee, and intend to consult often as the challenges approach.

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

Chairman WARNER. Thank you very much, Secretary Wynne. I must say, I was touched by your reference to your family and the extraordinary participation by those members of your family in wearing the uniform of the United States, helping to preserve the freedom that you and I and others enjoy today. There isn't a day that goes by that I don't reflect on my own father, who was an Army captain in World War I in the trenches as a doctor, and I proudly have his picture on my wall.

Dr. Winter?

STATEMENT OF DONALD C. WINTER, TO BE SECRETARY OF THE NAVY

Dr. WINTER. Mr. Chairman and members of the committee, I would like to thank the President and the Secretary of Defense for nominating me as Secretary of the Navy. I am truly honored by the confidence they have expressed in me by way of this nomination. I would also like to thank the committee for their consideration of my nomination.

In addition, if you would permit me, I would like to thank my wife Linda for the tremendous support and inspiration she has provided throughout our 36 years of marriage. I would also like to thank my parents, Bert and Ada Winter, my father, a pharmacist's mate second class, during World War II, for the tremendous support that they have provided me. They wanted to be here today, but I was afraid the trip would be a little too arduous for them.

Chairman WARNER. Thank you for that acknowledgment.

Dr. WINTER. I've had a great career in the defense industry working on some of the most technically challenging programs. I have had the honor of working with some of the best teams—contractors and government officials alike—on some of the most important missions facing the United States today.

But recently I have become a believer in the concept of the third act, that after spending the first part of life learning and preparing, and the second part of life doing, one should spend the third part of life giving back. I also believe, as some have suggested, that one should transition between the second act and the third while you are still able to contribute in a significant way and it seems that this is the right time for me.

I only ask for the opportunity to serve to provide stewardship for these great institutions, the United States Navy and the United States Marine Corps, and to be able to support the sailors and marines who have put their lives on the line and are doing us so proud in their service to our Nation at this great time of need.

Mr. Chairman, I look forward to answering the questions of the committee.

Chairman WARNER. Thank you very much.

Given that I will be here throughout this hearing, at this time I allow Senator McCain to take my opening period of asking questions.

Senator McCain.

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

I welcome the witnesses, and I congratulate them and their families for their appointments. We're pleased to have individuals of this caliber who are willing to serve.

Dr. Winter, Northrop Grumman is one of the largest corporations in this country. I understand you've not always worked for Northrop Grumman, but for TRW. TRW was acquired by Northrop Grumman and you now are employed by a company that has many multibillion-dollar contracts with the Navy. The American people deserve to know that there will be absolutely no hint of any bias by you in making acquisition decisions for the Navy.

By the way, if this hearing had been held several years ago, I probably wouldn't be mentioning it. Unfortunately, there have been several cases of conflicts of interest that cause me to bring up this issue.

Dr. Winter, do you intend to recuse yourself from decisions that would have to do with Northrop Grumman?

Dr. WINTER. Senator, I intend to recuse myself from decisions which would represent a conflict of interest, or a potential or perceived conflict of interest, according to the procedures identified in my ethics agreement.

Senator MCCAIN. Who decides if you should recuse yourself?

Dr. WINTER. The decision is made by the designated ethics official for the agency.

Senator MCCAIN. Thank you very much.

Mr. Wynne and Dr. Winter, we have a huge problem with procurement in that costs are escalating to the point where many weapons systems are becoming unaffordable. I'm sure you're both aware of $2 billion destroyers and $14 billion aircraft carriers and $500 million airplanes and $65 million C–130s. The list goes on and on, and at some point there's going to be a cutback in defense spending. One, we are going to have to make some tough decisions as to what we want to acquire, because I don't think we can acquire everything. But two, what we do acquire, we're going to have to keep the lid on the costs, because literally every major program we're acquiring is experiencing significant overruns.

This committee, under the leadership of Senator Warner, has held one procurement hearing and we will be holding several in the future, and we'll look to you for your advice and counsel.

I guess I'll begin with you, Secretary Wynne, and then you, Dr. Winter. Maybe you can describe to us what you think ought to be done.

Mr. WYNNE. Thank you very much, Senator McCain. I will tell you, it's the balancing of the infusion of technology, the requirements and needs of the warfighter, and the schedules to which we all adhere. One thing that I intend to do is to review very carefully the requirements that are tabled to determine whether or not they

are, if you will, at need or above need, to determine whether or not we can submit a higher and more mature technology model to the procurement folks. I also will tell you that the absence of change and the stability of programs from a specification requirement, is something that I intend to focus on. I think if we were to do trade-offs instead of just adding on the requirements, there would probably be fewer add-ons. In other words, if this were a zero-sum practice and the program manager was given a lot more authority to say no, we could bring these programs in on a little bit tighter schedule and probably for a lot better cost.

Senator MCCAIN. Do you think we should have cost-plus contracts?

Mr. WYNNE. Cost-plus contracts are evidence that you do not have a real handle on what you want to buy. It's hard for people to essentially put a fixed price on a scientific experiment. I think as we mature our own requirements and drive the technical maturity up, that allows you to reach for fixed-price-like contracts, like fixed-price incentive contracts, which are a little bit more self-evident. Maybe we should trend away from the cost-plus aspects.

Senator MCCAIN. Dr. Winter?

Dr. WINTER. Senator, I believe that there are issues that we need to address, in terms of both procedures and personnel. From the procedures perspective, I would suggest that we need to put increased emphasis on maturing the requirements prior to initiating major acquisition activities and, in particular, in terms of separating out very carefully true requirements from what I might call "desirements." I believe we need to take a good hard look at the alternatives that exist, to be able to satisfy those requirements and that those evaluations have to be supported by credible and realistic cost, schedule, and risk assessments. I think we need to ensure that we have concept designs and program plans that are realistic and guard against the usual trials and tribulations that occur during a development process. I believe we need to go and work all of that through with proper consideration of the roles of the Department and the roles of the contractor.

To that last point, I would add that I believe we have to take a good hard look at the personnel that we have within the acquisition community both in terms of their numbers as well as in terms of the mix. I'm particularly concerned about what I see as the erosion of the technical capability within the Department supporting major acquisitions and the need to buttress that to ensure that the Department can play its proper role in the acquisition procedures.

Senator MCCAIN. I see my time is expired. Mr. Chairman, I thank you. I thank the witnesses.

What I don't get, Secretary Wynne, is that the fastest-evolving and emerging technology in the United States, which is driving our economy, is information technology. Literally with every technological improvement and advance, costs go down. The price of a high-definition television used to be many thousands; it's now getting down to many hundreds. Chip capacity improves and the cost goes down. Yet it seems in the defense business that every improvement in technology means the cost goes up. Is it that these two kinds of technologies are so vastly different that there's no way of comparing them? Or is it the fact that there's vigorous and in-

credibly intense competition in the information technology business and, basically, in the defense business, most competition, due to the consolidation of defense industries, has disappeared?

Mr. WYNNE. Senator, there's probably no doubt that there's a combination of factors. I think one of the things that we have a tendency to do is push the technical edge and don't allow the maturing of our technologies to the point where competition is self-evident. I think it's incumbent upon us to try to figure out how to get to where we are satisfied, if you will, with available technologies, rather than pushing the edge on either processing speed or capability. It just seems to be that the thing that we really want is just beyond the developed envelope and I think that's something we really have to watch for.

Senator MCCAIN. Thank you Mr. Chairman. We'll be discussing this a lot.

Mr. WYNNE. Yes, sir.

Chairman WARNER. Thank you. When he says, "We'll be discussing it a lot," he is taking a lead on this committee on this subject, and I urge you to promptly return the calls of inquiry that this distinguished Senator will have forthcoming.

Senator Levin.

Senator LEVIN. I would yield to Senator Reed at this time, if that's all right with the chair.

Chairman WARNER. Senator Reed.

Senator REED. Thank you very much, Mr. Chairman, and thank you gentlemen for being here today and for your service in many different capacities.

I've had the privilege of working with Secretary Wynne, and I've always been impressed with his integrity and his dedication to the Service, and I think he brings something special to his role, as he suggests in his testimony, not only of his own personal service in the Air Force, but also that of his father and his brother. That makes a difference in terms of understanding the way the Air Force works. It also involves, in your role, not just management, but leadership.

Dr. Winter, I look forward to working with you. I know you bring great energy to every task.

Secretary Wynne, the BRAC process left unresolved issues about the re-stationing of the Air National Guard (ANG) units in the country. There was some controversy. Some of the governors felt that these were their units, and the Secretary of Defense thought they were his units. Can you comment upon your plans to deal with these unresolved issues?

Mr. WYNNE. I understand there may be some decisions that are subject to legal review and the judicial process, so I won't comment on those, but I will say that Senator McCain put it exactly right; the expense of the platforms that we request is forcing a reduction overall in the number of platforms that we can purchase. I think the whole issue in the ANG had to do with the fact that we just did not have enough future airplanes to go around. That does not mean that we do not need the efforts and the abilities of the ANG and the pilots that are resident within the ANG.

It's my intention to reinvigorate the Air Force relationship with the ANG to try to put this behind us and in fact approach the re-

distribution on a very collegial basis involving those aspects of the Guard Bureau that are dedicated to the Air Force and making sure that it is, as in every other process, transparent, so we understand the emotions that are behind every decision.

Senator REED. Thank you Mr. Secretary.

Mr. Secretary, the Air Force is committing significant airlift to the operations in Iraq and Afghanistan. Are these operations interrupting the transformation and modernization of the Air Force in your view?

Mr. WYNNE. No, sir. I would tell you that they underscore and bring a foundational element—because the operations in Iraq, the operations even in support of the disaster areas, are, in fact, pointing the way to what needs to be done, where we should be putting our emphasis, and, I think, has helped us in plotting the—I believe it's called the Air Force flight plan. It's an area that I intend to get into and find out: Just what was the feedback of our air crews and how did this assist us? That's the indication that I'm getting, sir.

Senator REED. Thank you.

Now, Dr. Winter, one of the great challenges that you'll face, that we all face, is the shipbuilding numbers for the Navy. We're operating at a rather meager annual production rate of ships, and it goes to points that have been raised by Senator McCain about the expense of the ships and other issues.

Can you shed some light on your thoughts about shipbuilding? How do we improve it? Do we need special accounts separate from annual budgets to keep shipbuilding rates up? How do we keep building ships?

Dr. WINTER. Senator, I think the first thing we need to do is to make sure we have a clear understanding of what the force-structure needs are going to be for the future and see what we need in terms of a shipbuilding plan that creates a viable mechanism of achieving those within the appropriate time frame.

Second, we need to go and take a good hard look at how we are acquiring those ships. Again, I would emphasize the need to take a good, hard look at the requirements process and ensure that we have the right requirements—not too much, not too little, but the right ones—consistent with the Quadrennial Defense Review (QDR) and the other force-capability requirements that are being developed at this point in time, so that we are building the right capability. We will have to work very hard through that. That is going to have to be a matter in which we're going to have to take a good hard look at trades between qualitative and quantitative advantage and how capable a ship we can build versus how many ships we can afford, given the increase in costs with capability.

I trust that, if confirmed, I'd be able to work with the Chief of Naval Operations (CNO) and members of his staff to be able to determine what is a viable and credible shipbuilding plan that will enable us to proceed within the financial constraints that appear to be evident.

Senator REED. This June, the Inspector General of the Marine Corps criticized a lack of heavy machine guns, the need for more armored vehicles and more communications equipment for the Marines, and then in June, before the House Armed Services Committee, a Marine general officer said there was a 2-month delay in ac-

quiring armored kits to protect the underside of High-Mobility Multipurpose Wheeled Vehicles (HMMWVs). Is this an isolated episode or are there chronic shortages in the Marine Corps? Regardless, what are you going to do about them?

Dr. WINTER. Senator, if confirmed, that would be clearly one of my top priorities, to make sure that the men and women that we're putting in harm's way in the Marine Corps are properly equipped. That said, I am not familiar with the specifics of the equipment that has been provided to our marines that are currently deployed, and I would endeavor to make a personal determination of that once I was confirmed.

Senator REED. Thank you.

Thank you, Mr. Chairman.

Chairman WARNER. Thank you, Senator.

For those who have just joined us, I yielded my position to Senator McCain, so having arrived here the first, I will now ask my series of questions.

At this very moment, the President of the United States is addressing the Nation on what I anticipate will be the most important message to, not only our Nation, but the world about the imperative to continue this war on terrorism and to conclude, as quickly as we can, certain phases of that war, but in no way to withdraw or show a lack of courage in continuing it. It must be concluded. I also studied a number of worldwide intelligence reports early this morning, and our military commanders, and indeed the President, made reference to this, anticipate increased insurgency here on the eve of this very important referendum on October 15. That's to be followed by the elections on December 15.

In that context, there was specific reference to increased improvised explosive device (IED) threats. Now, this committee at least once a month brings over from the DOD those individuals who have been tasked to work on the program so that every single bit of technology that this Nation has can be brought to bear on that insidious, but relatively simple weapon system and to see what we can do to protect the coalition forces.

Earlier this year, Secretary England directed the reorganization and streamlining of the Joint IED Task Force, and designated the task force as the focal point for all efforts of the DOD to defeat these weapon systems.

I want to urge each of you however, to be very active working within that taskforce framework, and to speak out if at any time you feel that your department should have a stronger or a different voice or that ideas that have worked their way up through your departments need to be coordinated with the task force. Dr. Winter, the Marine Corps has been extremely active in this area, and I try, as a matter of routine, to get down there every month or so to hear firsthand about what they're doing, independently. All ideas do not necessarily originate within structures. Do I have the assurance of both of you that you will put a top priority on overseeing the participation of your departments in this area?

Mr. WYNNE. Yes sir, you certainly have my commitment. Almost 1,950 brave young men and women have perished in the pursuit of freedom in Iraq, and we mourn every one of them. The IED is the most insidious form of this warfare, and anything that we can

possibly do within our toolkit and within our technologies should be dedicated to that aspect.

Chairman WARNER. You mentioned those that have perished, and we're also mindful that there are some 14,000 who bear the wounds and the scars and who are being nourished and supported by their families all across America today.

Mr. WYNNE. Right.

Chairman WARNER. Dr. Winter.

Dr. WINTER. Yes, Mr. Chairman, I share your concern and clear priority for this very critical issue that we need to work. I would also add that I think we need to do more to engage the broad spectrum of technological capability that's available in the United States. As a member of industry right now, I'm disappointed to say that I'm not sure that we have done all that really could or should be done in this particular case. I will take it as a priority to see if I can motivate some additional effort behind this critical issue.

Chairman WARNER. If confirmed, you'll get a stump. Get up on your soapbox and start talking to your colleagues in language that they understand.

Dr. WINTER. Yes, sir.

Chairman WARNER. On the subject of unmanned aerial vehicles (UAVs), I'm proud of the record of this committee. We have been in the forefront for many years, and I remain convinced that we're just on the threshold of more evolution and the proliferation of this very important type of weapon system. However, I want you both to address early on how your respective departments are managing the escalating costs of these programs. Is the proper emphasis being placed on them in both departments? Do I have that assurance?

Mr. WYNNE. You certainly have my assurance, Senator. I'm proud to have joined with this committee in fostering the UAV programs. I'm pleased to see the ramp-up, and I think we have successfully introduced them throughout the Services. The Air Force has taken possession of——

Chairman WARNER. I make this observation somewhat in jest but somewhat in seriousness. You being a former Air Force officer, I know that every morning you get up and count the number of cockpits you have for pilots. Forget that. We have a new system out there. Let's make it work.

Also, the use of these unmanned systems in our homeland defense, particularly the security of our borders. Will you also look at that situation and determine the extent to which your departments can contribute to our homeland defense by your own technology—UAV and other technologies?

Dr. WINTER. Yes, Mr. Chairman.

Mr. WYNNE. Yes, Mr. Chairman, we certainly will.

Chairman WARNER. All right.

People must remember the enormity of the military departments in the DOD, and the resources they have, and particularly throughout the department, and DARPA, in which you proudly served, the vast array of technology at your disposal and the networking that you have with the private industry in this country. For instance, the Homeland Security Department—I'm proud to serve on the committee that oversees that department—but it's just kind of get-

ting up and getting started. Your department's been around for a long time, and the roots go deep. So utilize it to help, not only abroad but here at home.

To each of you, one of the most distressing things that I, and I think, a number of the members of our committee have witnessed through the past years is the problem with the Service Academies. The fact is that in 1976, our Service Academies were integrated with women. They play a very important role in today's force structure. Many of them are in front-line situations in the far-flung areas of Afghanistan and Iraq. As a matter of fact, the old term "front line" really no longer exists. It's a 360-degree perimeter of risk, and they step forward and accept it.

But with the academies for some reason, periodically, we still find problems that exist. The Air Force, unfortunately, has had a disproportionate number of problems recently. I tell you, this committee is going to be unrelenting if we continue to receive these reports. The Secretary of the Service, which you aspire to be in your respective departments, is going to be the one that I think I will hold primarily responsible, because we operate, in the DOD, under the time-tested doctrine of civilian control. It's not that the chiefs of Services aren't trying their best, but I'm forewarning you of the zero tolerance that we're going to have. We'll take the necessary steps in this committee through legislation and otherwise, to stop it and make this system work. Do I have that commitment from you, Secretary Wynne?

Mr. WYNNE. Senator, if confirmed, it's one of my highest priorities, especially as a former instructor at the Air Force Academy, to review all of the policies that are there, get to know all of the faculty and staff that are presently there, and make sure that we do not have a leadership issue. I think of this as a leadership issue, much as you have described it.

Chairman WARNER. Thank you.

Dr. Winter.

Dr. WINTER. Mr. Chairman, should I be confirmed, that too would be a very high priority for me, one that I intend to execute by way of both personal engagement, visiting with the midshipmen, understanding what is really transpiring there, reviewing the quality-of-life surveys, other investigations that are conducted, drawing upon the Board of Visitors and the executive committee, and other resources that may be available to me. This is something we cannot fail to fix. We need to ensure that we have both the proper climate and set of behaviors within the Academy to support the needs of the Navy in the future.

Chairman WARNER. I would hope, subject to Senate confirmation, as you take your posts, that within the first 30 days, you'll have the opportunity to visit your respective institutions, which are so respected by the American public. Each Member of Congress, every year, has literally hundreds of individuals that come to him in the hopes that they can get the few appointments that are available, and when you make that visit, it's "now hear this" and give them the message straightforwardly.

Thank you.

Senator Levin.

Senator LEVIN. Thank you, Mr. Chairman. Let me join you in welcoming both of our witnesses.

I want to raise some acquisition issues, which have been touched upon. I want to go back to that tanker lease program which finally fell apart. Under the leadership of Senator McCain, supported by the chairman and myself and a number of other members, we were able, with Senator McCain in the lead, to rein in that program. But there was something deeper that was demonstrated there, in addition to Ms. Druyan's criminal conduct. She was not solely or even primarily responsible for many of the significant problems that were demonstrated with that Air Force tanker lease proposal, and I want to just go through a few of them.

It was not Ms. Druyan who reversed the findings of the Air Force's 2001 Tanker Economic Service Life Study without obtaining new information or undertaking a new review.

It was not Ms. Druyan who resisted conducting a formal analysis of alternatives, as the Department does with other major programs, to determine the best approach to meeting the Department's tanker needs.

It was not Ms. Druyan who failed to develop required system-engineering documents and testing plans, and insisted that requirements documents be tailored to the aircraft available from a specific contractor.

It was not Ms. Druyan who insisted on pursuing a leasing approach, even when multiple independent reviews determined that leasing the aircraft would be $2 to $6 billion more expensive than purchasing them.

In other words, there were some real systemic failures here which were demonstrated, in addition to her criminal conduct.

Now, one of the causes of these failures—and I say "one of them"—may be the reduction in the acquisition workforce. At a nomination hearing last fall, General Martin, head of the Air Force Systems Command, which is one of the Air Force's principal field acquisition organizations, was asked several questions about the Air Force acquisition organization and the oversight that it provides. He said that in the 1990s "not only did we go through a very serious restructuring of our forces in drawdown, but we also went through a major acquisition reform that took much of the oversight and many of the checks and balances, out." He continued, "We may have gone too far in the pendulum."

Now, Secretary Wynne, I know that you have expressed concerns about the extent to which we have cut back on our acquisition workforce and that the Air Force, in particular, may have created problems for itself by eliminating its system-engineering capability. I'd like to hear from you about whether you will continue to put a focus on the acquisition workforce to ensure that the Air Force has a workforce that is adequate for the jobs that it must perform in addressing the oversight shortfalls and the deficiencies which have been identified both during the tanker lease expose and also through some of these other failures.

Mr. WYNNE. Thank you, Senator Levin.

If confirmed, acquisition is going to be one of my areas of emphasis. I do think that we have had a significant roll-off in the area of systems engineering and frankly, specification and test docu-

mentation development within the context of a program office. I think the absence of that talent pool is one of the things that leads people to try to figure out how to get it done in the absence of that talent pool. One of my emphases is going to be to restore that.

I think the diffusion and dispersion of authority, holding people accountable at areas closer to the actual embarkation on a contract action, and allowing the business plans to develop in a thorough and transparent manner, is also going to be an issue.

So yes, sir, it is a point of interest for me, a point of emphasis. I would like to, for sure, see the Air Force adopt transparent business practices so that there's a clear understanding of the goods and the bads, and so that we can have a robust debate and come to an agreement way before we have, if you will, implanted advocates on one side or the other.

Senator LEVIN. Secretary Wynne you stated in your pre-hearing policy answers to questions that one of the most serious problems you face is to "restore the Air Force to its premier status as the acquisition and management organization promoting transparency wherever appropriate." We welcome that statement. The fact that it has lost its status is significant, and we all have to recognize that, because of the failures which have been identified. But it's going to be up to you and your leadership to restore that status.

I'm glad you put it that way. I'm glad that you, again here, have committed to undertake that heavy responsibility because there has been a very significant problem structurally, as well as with individual misbehavior in the acquisition failures that have been demonstrated relative to the Air Force.

On the role of the ANG in natural disasters, are you going to take a look at the role that the ANG played, didn't play, or failed to play during Hurricane Katrina, to see whether or not we can improve the Air Guard's planning, communication, and readiness to assist civilian authorities in response to natural disasters?

Mr. WYNNE. Yes, Senator. If confirmed, I intend to review all of the feedback from our responses, not only in the disaster areas of Katrina and Rita but also as it applies to our current look at Iraq in Operation Enduring Freedom. I think this is the way that we can best address the ANG's performance and determine what needs to be done.

I would note that the courageous men and women of the ANG showed up in droves when finally energized and when finally alerted to the problem. They're performing magnificently in the area of disasters to the benefit of the population of the gulf coast.

Senator LEVIN. I saw firsthand the same thing and the problem wasn't the willingness or the courage of the members of the Guard. The problems were the communications problems——

Mr. WYNNE. Right.

Senator LEVIN.—and the planning problems.

Thank you. My time is up.

Chairman WARNER. Senator Thune is next, but I would like to emphasize that I have watched the Air Guard's performance here. Even in the early stages of the Balkan conflict, they ran that very successful and somewhat dangerous airlift operation into Sarajevo. I happened to have been one of the very first to go in with one of

their planes one time, and it was not a risk-free operation for those aircrews by any means.

Senator Thune.

Senator THUNE. Thank you, Mr. Chairman.

Secretary Wynne, you obviously played a major role in developing the DOD recommendations for base closures and defending those recommendations during the BRAC hearings including the recommendation to close Ellsworth Air Force Base in my State. The Department's reasoning was questioned as to the reality of savings from personnel relocations, both by the BRAC Commission and the General Accounting Office (GAO). In the case of the Air Force, GAO estimated that 60 percent of the net annual recurring savings resulted in no end-strength reductions and were, therefore, illusory.

In the GAO report on page 124, it states that the Air Force had initially only reported end strength reductions but then OSD directed it to include all military personnel positions, including those just relocated. Did that directive come from you?

Mr. WYNNE. What I did in my position was to generally rabble-rouse, but I believe that when we manage the closure of any installation, you have to include all of the affected assets, the most important of which is the individuals associated with it.

I did not write a specific directive regarding that, but I will tell you that it was my intent to make sure that every individual was essentially accounted for and taken care of in the operation. Perhaps that's where it came from.

Senator THUNE. It seems to me that that decision dramatically undercut the credibility of the analysis and, I think, ultimately was one of the reasons that the BRAC Commission, at least in our particular circumstance, reversed the recommendation. The Pentagon was trying to claim savings that didn't exist to justify what were questionable recommendations.

I wanted to get that question to you on the record, because it pertains to another question I have. As we go forward, if initiatives are undertaken by Congress, or even from within the Air Force, to upgrade or add missions to bases that you had recommended for closure, will you objectively consider the merit of those initiatives, or will you be predisposed to blocking such initiatives? In other words, can we count on you to support or hinder efforts that some of us may take to ensure our bases will not end up on the chopping block again in the future?

Mr. WYNNE. Sir, I'm going to look at each one with a very objective view and not be at all impaired by the decisions that the BRAC Commission made, which are a part of the past. As far as I'm concerned, the BRAC Commission has ruled, the President has submitted it to Congress, and Congress has yet to disapprove, but my sense is it may get approved. When it does, sir, I intend to follow those.

The past is past, and anything in the future is to be reviewed on its own merits as objectively as it can be, as it contributes to the success of our mission. That's kind of the way I'd approach it.

Senator THUNE. Okay. I don't disagree that the past is the past, but I'm more concerned about the future, and I want to make sure that we have folks who are going to be willing to work with us, not

against us, as we try to make sure, going forward, that some of these bases are in a position to survive a future round of closures.

Mr. WYNNE. Senator, I'm looking forward to working with you and being very open with you as we go.

Senator THUNE. Okay. Thank you.

Mr. Chairman, I have another question I would like to submit for the record. I have somewhere I have to be, but if that would be okay, I ask consent to insert my question in the record.

Chairman WARNER. Without objection, the questions of all members can be submitted for the record.

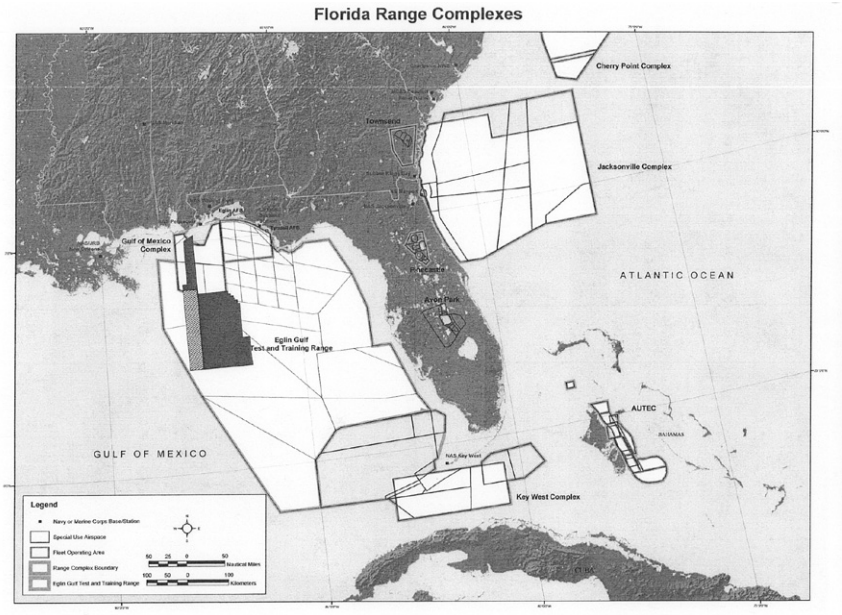
Senator THUNE. All right. I'll yield back my time.

Chairman WARNER. I thank the Senator for participating here this morning. We now turn to Senator Bill Nelson.

Senator BILL NELSON. Thank you, Mr. Chairman.

Mr. Chairman, with your permission, prior to my questions, I want to show a chart here for both of the nominees.

[The chart referred to follows:]



Chairman WARNER. That does appear to be the State of Florida. Is that correct? [Laughter.]

Senator BILL NELSON. Yes, sir.

Chairman WARNER. I see, and this question will relate to that State, is that correct? [Laughter.]

Senator BILL NELSON. It relates directly to the ability of the DOD to prepare our military forces, for this is one of the greatest training areas in the entire U.S., the Eglin Gulf Test and Training Range. I don't think it's any secret, in the course of the BRAC round, why they decided to put the F–22 pilot training at Tyndall Air Force Base and put the pilot training for the F–35 Joint Strike Fighter at Eglin Air Force Base. I don't think it's any secret that

when the U.S. Navy Atlantic Fleet training in Vieques was shut down, most of that training has come here to northwest Florida in the form of integrated land, sea, and air operations at Eglin.

What I have already called to the attention of Dr. Winter, and I want to call to the attention of Secretary Wynne, is that the Air Force owns this range, the Navy uses it, and as of last week, you were just about to have the whole thing taken away from you because the Navy has proceeded, thinking that they had plenty of time, to negotiate with the Minerals Management Service of the Department of Interior as to a line called a "mission management line"—"military mission line," beyond which oil drilling could not occur that would mess up all of your training. Right now, in this entire area, the only oil drilling is that crosshatched area that has been leased. All of this red area, including the crosshatch, is an area called Lease Sale 181 that is not protected by the moratorium on the outer continental shelf. This 6 million acres is what the Department of Interior is absolutely intent on drilling. Now that's going to come at direct cross-purposes with your military training and for the military preparedness that you have to have.

Right now the line that you're negotiating with the Minerals Management Service, of which you thought you had several years to complete, is a line that approximately comes along there, and everything east of that would be no drilling, but all of this area, you would give up. So, everything west of that line, you're going to have to give up. With the expanded airspace that you need, for example, on training on the F–22, with the expanded airspace that you need for some of the sophisticated weapons, including stealth cruise missions and longer-range cruise missions that you all will be targeting at targets out here as you test and train. You'd better get moving, or else you're going to lose it.

Now, the two Senators from Florida, Senator Martinez and myself, are trying to protect you, but we need some help, or else you're going to find that you're going to have oil rigs all over this thing because, just yesterday, in all of the newspapers in Florida, the Governor of Florida came out and said he would be willing to have no drilling within 125 miles of Florida. That, right there, is 125 miles. That means that that line would go like this, and you would lose—everything, from there back, would be drilled.

I need the DOD, for the sake of the preparedness of our military, to get with it and start registering some vocal opposition. Otherwise, they're coming at us on the reconciliation bill, which I can't filibuster. It's a budget bill and, by law, you can't filibuster it. They have all the oil interests allied with the Secretary of the Interior, Gale Norton, and it's going to be a done deal this fall unless you all will start registering your objection. I know you do, because all the four-stars I've talked to say, "My Lord, that would be the worst thing in the world. We'd virtually lose this as a training area."

So, what do you all think about that? [Laughter.]

Secretary Wynne and Dr. Winter.

Mr. WYNNE. Senator, I'd first state that you are certainly more versed in the area than I am, and I know that your heart is behind working with the military to ensure that we have the best of training. If confirmed, I intend to look right into it, and even in my

present position will certainly register to the Department your alarm in this regard.

Senator BILL NELSON. I don't want you to register my alarm. I want you to register the alarm of the professional uniformed military, who will tell you that in private, but it's hard for me to get them to step up and say it publicly. We need the civilian leadership to step up and say that it's time that we not let this be taken away from it. If you don't, what's going to happen is, this fall, it's going to be taken away from you, up to 125 miles off the shore. That takes a huge part—three-quarters of your training area—that eliminates it—where you will have oil rigs.

What do you think, Dr. Winter?

Dr. WINTER. Senator, I appreciate your bringing this to my attention. This clearly is something that needs to be worked, and worked in a very expeditious manner. If confirmed, I commit to you that I will go and do whatever is necessary to get this resolved within the Department of the Navy, in terms of what the requirements are, and to make sure that those are properly voiced.

Senator BILL NELSON. Mr. Chairman, then I think we need to confirm these two and let 'em go to work. [Laughter.]

Chairman WARNER. Senator—and I don't mean to be totally facetious—our Nation is faced with an extraordinary problem with regard to the resources from which we can extract our energy. That has been an area which has greatly contributed to the degree we have of any energy security today. I have to believe that minds that are well trained on this subject and have a sense of objectivity are trying to balance the needs of our energy requirements against any degradation in training by virtue of whatever proposal may be going forward.

I think it was important that you brought it up, and it's been a tutorial. Both Senator Levin and I sat here and listened very carefully, and——

Senator BILL NELSON. I love your leadership, Mr. Chairman, and I know you always do the right thing. The fact is that I think the DOD—perhaps not purposely, but because of oversight with so much other stuff going on—does not realize the rapidity with which this freight train is starting to move out of the station. I don't want the DOD to suddenly get confronted, because I think the Department has been under the assumption that the normal negotiation would go on with the Department of Interior Minerals Management Service and that they felt like that they had 2 or 3 years.

I have gleaned this from, for example, Secretary Grone, the assistant secretary, who has responsibility in the DOD. What I am bringing to your and Senator Levin's attention is that, because of this sudden rush to drill in the wake of Katrina, that every decision is a tradeoff, and so we have to measure what we are giving up against what we are going to get.

The truth is the geology shows that the oil is where the 4,000 rigs are now, in the central and the western gulf, not in the eastern Gulf, which is off the State of Florida. Nevertheless, there apparently are some reserves of gas there. The question is, what is the tradeoff for the interest of the United States?

Chairman WARNER. I thank the Senator. I don't have any specific knowledge about this. I will say that I do know that you, together

with Senator Martinez, are two of the most effective of the group here and that you will not let this go. You'll sleep with one eye open and watch it, and let's hope it's resolved.

I must say that I introduced a bill this week—reintroduced a measure that would allow Governors and State legislatures to make a determination of the ability or desirability to drill offshore of their respective States. It was introduced in hopes that we can begin to broaden our base from which we draw, here in the continental limits of the United States, the energy that this country, in ever-increasing requirements, needs.

Thank you Senator.

Senator LEVIN. Mr. Chairman, I wonder if you would just yield for one additional question. I want to also thank Senator Nelson for bringing this to our attention, because we have not had this issue presented to us before. We have lots of issues about training grounds and impacts on those training grounds from certain laws, but this is the first time, I believe, this particular training area and its connection to energy, as you have so eloquently pointed out, has been brought to our attention.

I think we should ask a question of the Department, if this would be helpful, even before these two are confirmed, because you never know how long that will take. Sometimes there are delays that take place, unexpectedly or otherwise. I'm wondering if it would be helpful if we sent a question to the DOD asking them whether or not they are aware of the fact that there is this possibility afoot, and whether or not they are going to take a position which preserves that area for the training that you have outlined, but just as a matter of inquiry. Would that be helpful to your position?

Senator BILL NELSON. It certainly would, Senator.

Senator LEVIN. I wonder, Mr. Chairman, if we can at least make an inquiry of the Department as to whether or not they are aware of this issue and what their position is on it. Are they aware of the apparent timetable for a resolution? Just pure inquiry.

Chairman WARNER. What I would suggest is we take a transcript of today's record, and forward it to the Department.

Senator BILL NELSON. This, Mr. Chairman, will be a follow-up, because when we had, last week, General Abizaid and General Casey and Secretary Rumsfeld, I brought it up to Secretary Rumsfeld when it came time for me to question the generals.

Chairman WARNER. I thank you.

Senator BILL NELSON. Thank you.

Chairman WARNER. Thank you very much.

Colleagues, we now shift to this side. I think Senator Talent is our next questioner. Thank you.

Senator TALENT. Mr. Chairman, I think the Senator from Georgia needs to leave, and I'm happy to defer to his place in line.

Chairman WARNER. I appreciate that senatorial courtesy.

The distinguished Senator from the State of Georgia?

Senator CHAMBLISS. Thank you, Mr. Chairman. I thank my friend from Missouri.

Let me thank you gentlemen, both, Secretary Wynne, to you for your willingness to continue to serve your country in such a public way, and Dr. Winter, for being willing to come out of the private sector to serve your country in this very public way. I notice, on

Senator Nelson's chart over there, that among other training areas, he had the Townsend range noted, and the other range off of Georgia. I will commit to you that we will allow those folks from Eglin and from Pensacola to fly over and train on our base, as long as you stop at Robins or at Moody and spend the night occasionally and spend some money over there. [Laughter.]

Secretary Wynne, we have had a conversation about what I know Senator McCain talked to you about. Senator Levin mentioned, and I too noticed, your comment that you want to "restore the Air Force to its premier status as an acquisition management organization promoting transparency wherever appropriate." You and I talked about this and about the fact that we have to get this acquisition process under better control than we have it now. I would just say to both of you, because—Dr. Winter, you and I have talked about this also, when you came by my office—that we're at the crossroads of where we knew that road wreck was going to occur, relative to acquisition and procurement. The funding for the purchase of ships and aircraft, particularly tactical air (TACAIR), is critical right now. We have to make some major changes that may not get us past the short-term problems that we have, but, certainly from a long-term standpoint, we have to address this issue.

What I would hope both of you would do would be to come forward with some proposals regarding acquisition reform in the short term. Secretary Wynne, you have had a lot of experience in this area. You know the system, and you know the pitfalls that we have. I think between recommendations that you might have and work that we're going to do under the leadership of Senator McCain on this side, that hopefully we can come up with some recommended changes that we move on with.

Dr. Winter, the one thing that I would like to ask you about is shipbuilding. We have about 50 percent fewer ships now than we had about 15 to 20 years ago, and the Navy has come to us, in the last two budget cycles, and recommended a downsizing of the force structure. In preparation for this hearing and in your conversations relative to your nomination, have you discussed with folks inside the Navy whether or not that trend is going to continue? Is there any thought process in the Navy that we're going to see any ramping up as we have been seeing in the Army and the Marine Corps?

Dr. WINTER. Senator, I've had the opportunity to have some preliminary conversations with the CNO and others within the Department on this topic. I think that there's a lot of hope here that once we get through the QDR process and see what the projected requirements are for force structure in the out years, we'll have a better understanding of not only the total numbers, but also the mix of ships that we'll need to be able to support the future needs of the Navy.

I am hopeful that we will be able to structure a shipbuilding program that is responsive to those needs, responsive to the fiscal constraints that we're dealing with, and responsive to the objectives of maintaining a viable infrastructure out there to be able to support the future shipbuilding needs of the Navy.

Senator CHAMBLISS. It's pretty obvious as we look at potential adversaries down the road, that there are some of those folks who

think that naval warfare is going to be critically important in the future. It's not just going to be the terrorist activity that we're seeing now. So I think if we're going to remain the world's strongest and greatest military and be prepared for whatever adversary we might see down the road, I think we're going to have to take a hard look at whether or not we need to start increasing, rather than downsizing the number of ships that we have.

Dr. WINTER. Yes, Senator, I share that concern.

Senator CHAMBLISS. I thank both of you for your willingness to serve, and we look forward to your confirmation and to working with you.

Mr. WYNNE. Thank you, Senator.

Dr. WINTER. Thank you, Senator.

Chairman WARNER. Thank you very much, Senator.

Senator Clinton.

Senator CLINTON. Thank you, Mr. Chairman.

I thank both of the nominees for their willingness to serve, and also, I missed the introduction, but I understand that you have family members here who are also part of that Service, and also a distinguished history of family commitment to the military and our country. I respect that and appreciate it.

I want to thank you, Mr. Wynne, for visiting with me and going over a number of issues that I was concerned about. As we discussed yesterday, the Air Force Research Laboratory, in Rome, New York, is a world leader in the development of revolutionary cybersecurity technologies. I think that cybersecurity will be one of the most important issues we deal with in the years to come. You pick up the newspaper and you see where hackers can get in and bring down cell phone networks. How we're going to have interoperable communications if we can't secure those communications, from first-responders to warfighters, is one of the biggest challenges we confront.

I would like to renew my invitation, as I did with your predecessor, to come up to the Air Force lab—Dr. Winter, we'd love to have you, as well—to review the work that's being done.

Mr. Wynne, do you have any ideas, at this point, as to the investments that the Air Force should be making in science and technology to develop new cybersecurity capabilities and the coordination that will need to occur between homeland security and national defense as we pursue that cybersecurity agenda?

Mr. WYNNE. Senator, I will tell you that it is one of my major concerns, as we become more and more of a net-centric operation, that we put an emphasis on cybersecurity, because it is perhaps a point of vulnerability. I haven't looked into it to ascertain that. In fact, one of the things that I intend to do, if confirmed, is to go up to Rome, New York, where I understand there are some great people who are very concerned about this, and invite them to inform me to how we can make it better.

As to the responsiveness between the first-responders and the military, and perhaps the ANG, I think there is an issue that we need to address. Somehow we have to make sure that, as we arrive at the cusp of a disaster, or develop a partnership, even on a test, we need to make sure that we can communicate with each other. I think it was vital, frankly, to the final response, after Hurricane

Rita and after Hurricane Katrina, that the first-responders could, in fact, talk to the military providers as to where to go, where to drop food, where to drop a thing, rather than just showing up and starting to ask questions.

Senator CLINTON. I will look forward to hosting you at Rome Labs and I think that you will be both impressed and provoked to look into this further.

I understand that others before me have discussed some of the problems that were expressed by members of the BRAC Commission, as well as Members of Congress, about the treatment of the ANG and the Air Force Reserves by the DOD in their BRAC Commission recommendations. I think the changes that were made by the BRAC Commission reflect some very serious analysis about how better to balance our Air Guard, Reserve, and Active-Duty air assets. I know that there is a limitation on what you can address at this point, not having either been confirmed and knowing that there is ongoing litigation in some of the States. In particular, though one of the recommendations that was made by the BRAC Commission was specifically directed at the Niagara Falls Air Reserves Station, which survived the recommendation of closure because of the extraordinary service that the 914th Airlift Wing and the 107th Aerial Refueling Wing have provided and, in particular, provided with respect to our actions in Iraq.

I recently invited General Moseley to visit Niagara Falls, and I'd like to extend that same invitation to you, as well. In fact, when the BRAC Commissioners visited Niagara Falls, I think they publicly said, as well as in private conversations—made clear that actually seeing the strategic location of Niagara Falls was instrumental in their determination to recommend that it remain open and reverse the closure recommendation.

The Commission recommended the establishment of a continuous enclave for the 107th sufficient to support operation of that unit, including flight operations, and that Guard personnel will be provided the training necessary to support the airlift mission.

If confirmed, Mr. Wynne, will you support the BRAC Commission recommendations and ensure that adequate resources are provided to create an ANG/Air Force Reserve wing with the 914th Airlift Wing, and that the training necessary will be provided to Guard personnel?

Mr. WYNNE. I note that the DOD recommendations were, in fact, carefully considered by the Commission. The Commission, in fact, ruled, the President certified and approved that money, and it sits here with Congress. It is my intention to implement the BRAC Commission's recommendations as they are written, and I hope to extract, if you will, the maximum mission efficiency from the ANG.

We have a whole future total force that, I think, encompasses the active, the Reserve, and the Guard. They will be a part of us for a very long time, and we look forward to their bravery and their service.

Senator CLINTON. Thank you very much, Mr. Wynne.

I'm aware that before I arrived, the chairman and others raised the continuing concerns about sexual harassment, sexual assaults, and proselytizing by students and faculty at the Air Force Academy. I know that the Air Force Academy Board of Visitors is in

Washington today, and will be discussing these issues. Mr. Wynne, we really look to you to finally give us the reassurance and a plan that will offer strong support for the changes that are necessary at the Academy. It has been a painful experience obviously.

The other academies are not in any way exempt from these concerns. I know that Dr. Winter is well aware of that. I've discussed this with respect to West Point. As we utilize the talents in an All-Volunteer Force of men and women willing and eager to serve, we have to, by word and action, by policy and practice, make it absolutely clear that sexual discrimination, harassment, and assault are unacceptable and will be punished, and it will go up the chain of command so that anyone who either directly or indirectly condones or turns a blind eye will be held accountable. I will look to both of you for that reassurance, because we've studied it, we've had reports on it, and we clearly have to make it absolutely a policy.

With respect to the proselytizing issue, I think one of the strengths that we have as we promote democracy and freedom around the world is our openness, our tolerance, and our respect for freedom to believe, or not to believe. That has been a cornerstone of American constitutional history and interpretation and particularly now, as we deal with countries that are riven by religious rivalry and conflict, more than ever we have to send a clear message that in our country and in our military, which represents us so magnificently around the world, there is no room for anyone to inflict or to proselytize their particular brand of religion. We can respect and tolerate each other's beliefs, but there is no room for imposition of those beliefs in any form whatsoever. Again, we will look to you and the other Service Secretaries and the civilian leadership at the DOD to make that the clear policy of our Nation.

Do I have both of your commitment to work on these two very critical and sensitive issues?

Mr. Wynne.

Mr. WYNNE. You certainly do, Senator. If confirmed, that's going to be high on my list.

Senator CLINTON. Thank you.

Dr. Winter.

Dr. WINTER. Senator, you have my assurances and commitment that, if confirmed, I will make that a high priority.

Senator CLINTON. Thank you.

Thank you, Mr. Chairman.

Chairman WARNER. I would like to associate myself with the remarks of our distinguished colleague from New York. I did raise this issue, but she has added a new dimension.

I would like to ask you, Secretary Wynne, to provide for the committee, the record of this proceeding, such actions or deliberations as this board of the Air Force Academy may take here in its meeting in Washington. We would like to know how they're looking at this situation. I presume that the minutes of that meeting can be available and, if they are to be treated in a manner of confidentiality. The committee will so accord that a confidentiality, but let's have a copy of it.

[The information referred to is retained in committee files.]

Mr. WYNNE. Senator, I'll certainly take that back and alert them of your desires.

Senator LEVIN. Mr. Chairman, if I could take 30 seconds from my colleagues, let me add my comment to yours relative to the remarks of Senator Clinton. I also want to strongly associate myself with them. I would hope that our nominees would take that back to the board—in your case, Secretary Wynne, I believe—but also that we would expect all of our Service Secretaries to understand that what you just heard was, I believe, not only the views of those who have spoken out in association with those views, but my hunch is every member of this committee would concur with what you have just heard. We can't speak for everybody, technically, but I think it does reflect, very strongly, the sympathies and beliefs of every member of this committee. So please take these as seriously as you can for all of us.

Chairman WARNER. Thank you very much, Senator Levin.

Senator Talent, I'm anxious to hear about your thoughts on shipbuilding, and I will follow it in my second round.

Senator TALENT. I appreciate that Mr. Chairman, in view of what was said.

Chairman WARNER. I commend you for the leadership that you've shown on the issue of shipbuilding.

Senator TALENT. Why, Mr. Chairman, thank you so much. I appreciate it.

Chairman WARNER. I'm just not certain how we're going to get certain dockage rights in your State, given it's landlocked. [Laughter.]

Senator TALENT. Yes, I know. [Laughter.]

Chairman WARNER. I don't want any cruisers being stationed out there now. [Laughter.]

Senator TALENT. You bring them up the river, once we get the river clear, Mr. Chairman.

Chairman WARNER. Yes, I'm not sure about that, thank you.

Senator TALENT. In view of what was just said regarding proselytizing, I should add a comment. Of course we have to guard against imposition or coercion of views. At the same time, we have to have an environment where, in appropriate ways and in recreational times, people are free to exercise their religion and cadets are free to discuss those kinds of things. I know that's the balance. I trust that's the balance that you all are aiming at, and I think that's what everybody in the committee wants. The balance hasn't always been respected, and it needs to be.

Dr. Winter, let me bring up the subject of shipbuilding with you. I'm going to express my concern, as the Senator from Georgia did and as the chairman has. I want to be even stronger in expressing that concern.

I'm deeply concerned about the direction we're going regarding force structure. I'm wondering whether it is imperiling the security of the country. I want you to consider that very strongly, because if the Senate confirms you, you're going to walk right into the middle of this.

The last QDR recommended 310 ships—the last official thing the CNO, and I'm talking about Admiral Clark, said was 375 ships. He subsequently talked about 260 to 325. He never showed a lot of

real confidence in 260, and I can understand why. At 260, we have 67 cruisers, destroyers, and frigates, when officially Congress has set the figure at 116. It isn't just numbers. A lot of those numbers are made up of littoral combat vessels, and I like that innovation, but not as a general substitute for other surface combatants. I think, in addition, as a way of fighting the war on terror, yes. Perhaps we can find some overlap and some substitution, but not a wholesale substitution for surface combatants.

The trend is going down. We've gone from intending to procure 30 to 32 DD(X) to 24; now, only 8 to 9 in the Future Years Defense Plan (FYDP). I mean, that is not serious, if we're talking about maintaining surface-combatant strength. Every submarine analysis I've seen says we need between 55 and 76. We look intent on reducing the number from 55 to 45. We have to keep in mind the Navy's informal rule of three, which you're familiar with. We only use one out of three of these ships, basically, at any given time.

China is taking delivery of 11 submarines in 2005. They should be able to deploy a fleet of 50 or more by 2010, more than we will have. They are ahead of schedule in building their naval strength.

I've heard a lot about fiscal constraint and the need to make dollars go further, and I certainly agree we have to make dollars go further, but I do not want that, and the belief that we can make dollars go further, to be an excuse for not appropriating what we have to appropriate to get the ships that we need. I'm concerned that we're going from a legitimate concern about acquisition and acquisition reform—I completely share that—to using that as an excuse for not confronting the need for an adequate New Ship Construction budget. We're talking about the security of the United States.

Mr. Chairman, to put it on as cold and as low a level as possible, if we're worried about constraints, okay. To the extent that we imperil the security of the United States or risk a war that we don't need to have, or of losing a war that we do need to have, it's going to be very bad for the budget. A whole lot worse for the budget than spending the amounts that we need now to get the Navy that we need.

I think the next Secretary of the Navy needs to be an advocate for this within the building. I think you're going to have an historic responsibility. I know it's tough for anybody to have to stand up to that, but that's what I believe, and I want to see if that's what you believe. I want to take a measure of your passion on this point. I expect you to work within the system, and I understand that, and I know you haven't studied all of this, but I don't know how much study you need to reach the conclusion that we have some cause for concern.

So let me stop my comments and let you offer yours on this subject.

Dr. WINTER. Senator, I appreciate your comments, and I will tell you that I share your great concern over this issue. I think that, of all the issues that I have been faced with as I have gone through the last several weeks of preparation for this hearing, it has become evident that the shipbuilding program and the limitations that you so aptly described are clearly the ultimate and most im-

portant issue that we have confronting the Navy at this point in time.

I'm similarly very concerned about what I see out there in the offing. You alluded to the issues with China's shipbuilding program. I'm concerned both about the relative numbers and the potential capabilities, as well as the total number of submarines that are potentially going to be in evidence in the Pacific in the near future.

I am concerned about the totality of our ability to deal with that threat, which relates to the total elements of our Antisubmarine Warfare (ASW) program, a significant fraction of which is associated with our own submarines. That is clearly going to have to be one of my most important priorities.

I have already started talking to the CNO about how we're going to be able to establish a viable shipbuilding program which will identify a specific and credible number, a number that really does provide for the force structure that we expect and need.

I recognize there are uncertainties, and I recognize that we have to be able to guard against some of those uncertainties. We may or may not understand the intent of some nations, but we have to guard against what that intent might devolve to, because, quite frankly, I am not all that confident that, these days, we can predict where many of these nations are right now, or where they are going, or where they may be several years from now.

I want you to know I am also very concerned that, particularly in the shipbuilding industry, our ability to respond to surge needs is, unfortunately, very limited. We cannot go back to the days of the Liberty ships and just turn out ships very rapidly when a threat evolves or a situation changes. We are going to have to be proper stewards of the shipbuilding program and of the fleet to make sure that we have the adequate resources available in a timely manner to deal with these uncertainties, and this difficulty, if you will, of understanding where we may be 5 years, 10 years, and 20 years downstream.

My concern, sir, is recognizing the balance that we have between dealing with the global war on terrorism and providing the long-term stewardship. If confirmed, sir, my objective is to leave a Navy after my tenure that I will be proud of, and that my children will be proud of, that my grandchildren will be proud of.

Senator TALENT. There is a point at which we must accept a certain number—I'm talking about budgetary, an end number—as reflective of the world in which we have to live, and then choose among, within that number, priorities that are vital, each of them, to the security of the United States. We're going to have to confront that. This is not something that acquisition reform is going to make go away. I feel it's important for me to raise that, in part, because the chairman is quite correct. I don't have in Missouri a parochial interest in this. We don't build them, we don't dock them there. We have interests in defense, which I have been proud to uphold. I have an interest, as an American. I don't think China is necessarily going to be our enemy, but I think that she and the rest of the world are watching what we do and drawing conclusions about our commitment.

Now is the time, Dr. Winter, for all of us, a time that I think will be viewed in an historical context. I do appreciate your answer. I think it shows a recognition of this, and I'm going to continue pursuing this, as the chairman knows.

Thank you, Mr. Chairman.

Chairman WARNER. Thank you very much, Senator.

I will address the issue in a subsequent question, but I have always said, Dr. Winter, that I believe it's so serious, that this matter has to be lifted out of the ordinary Program Objective Memorandum (POM) budget process. The President of the United States has to make a decision under the Constitution that the phrase "maintain the Navy" requires him, as Commander in Chief, to direct the Office of Management and Budget (OMB) to allocate a certain amount of funding, separate from the other military departments and their budgets, for the purpose of shipbuilding. I intend to pursue, relentlessly, that course of action.

I say to colleagues we have a situation on the floor of the Senate with an amendment coming up relating to a very important defense issue. I must leave to go over and speak against this amendment. The vote was to have been at 12 noon. So I ask my distinguished colleagues on the right to continue the hearing until I can get back. Should the vote occur, as it is now scheduled at 12:00, then I would establish a short recess period within which members can do their voting and return.

I thank you.

Senator SESSIONS [presiding]. Senator Lieberman.

Senator LIEBERMAN. Thanks, Mr. Chairman.

Secretary Wynne, Dr. Winter, thank you. I've had the opportunity to speak to both of you, and I thank you for your commitment to our Nation's security. You both bring, I think, extraordinary capabilities to these assignments.

I'm going to be real brief because Senator Chambliss and then Senator Talent really got to the nub of what I was concerned about. I know there have been questions to you already this morning, Secretary Wynne, about the acquisition process. We talked about it in private. It's a real priority concern for our committee and our country.

Dr. Winter, I would say simply that I share all the concerns you've heard about the shipbuilding program. I heard your answer to Senator Chambliss, that these matters would be considered in the QDR. That program, that review, was established by this committee for a look 4 years back, but most of all forward, and I would say to you, as you probably know, that the 2001 QDR, the last one, had the Navy at a 310-ship requirement. By my estimate, we're already 22 ships below that, or about that and, as far as I can tell, for the last 3 years there's not really been an officially approved, unambiguous plan for the future size and structure of the Navy. It's hard to resist the old Yogi Berra quote, this one being, "If you don't know where you're going, you might wind up someplace else." That is the fear that you're hearing expressed here.

I would only add to what my colleagues have said that in this process there really is a need, internally, inside the building, inside the Pentagon, for the Secretary of the Navy, and hopefully the CNO, to be advocates for the needs of the Navy in terms of na-

tional security. Otherwise, this will be a process, not for reasons that are evil, but for reasons that are organizational and understandable, to crunch the numbers, to sort of modify the statement of need to fit what somebody's prediction of budget availability is and, in the end, our Nation will suffer from that.

I suppose what I'm really doing is urging you to be an advocate in that QDR process. Will you do that?

Dr. WINTER. Senator, if confirmed, to the extent that the QDR process is still ongoing—and I think some of it is going to be completed here fairly shortly—you have my assurance that I will engage in a very direct and forceful manner.

Senator LIEBERMAN. I appreciate it. This gives us another reason—I think it was quite clever of you—to confirm you quickly, so you can get into the process.

A final word. I must contrast myself with Senator Talent because Connecticut is on the water, we do homeport submarines, and we do build submarines, and, as such, we have a real interest in submarines.

I identify myself with everything he said, and you said, about the very active submarine-building programs that are going on in other countries and particularly China.

Look, we're working real hard, the administration is, and a lot of us here in Congress, to make sure that our relationship with China develops in a peaceful way. But there are points of conflict—most obviously, Taiwan and the Taiwan Straits, but also in a growing international competition for sources of energy. Unfortunately, history teaches us that sometimes such competition for natural resources ends in military conflict. None of us want it. We're all going to work hard to avoid it, but we're falling behind in submarine construction.

There have been, by my count, 14 studies of the U.S. submarine force done in recent years, estimating need. Twelve of those showed a need of a force from 55 to 75 attack submarines. We have now about 54 or 55 I believe. There was one that came out earlier this year, I guess, that has us down to 37 or 41 subs that was not broadly accepted. I think it was influenced by budget numbers. The last one is the ongoing QDR, so we don't know what it will conclude.

In this regard, if we don't—we're now building one attack submarine a year—if we keep up at that pace, we're not going to hold to the 54 or 55 that most of the experts recommend and I believe is right. In the foreseeable future, we'll end up at 30. In that regard, I was very pleased to see that the new CNO, Admiral Mullen, said awhile ago that he believed we should get to the current rate of two per year of attack submarines. But the current budget doesn't provide for two subs per year until 2012. I wonder if you have any thoughts on that need and that conundrum.

Dr. WINTER. Senator, I understand the conundrum. I think that what I am going to have to do, if confirmed, is to work with the CNO not only to understand what the long-term objective is going to be, in terms of providing an adequate number of attack submarines to deal with the possible future threats, but also what the interim numbers are going to wind up being, and to see what is the maximum level of regret, if you will, that we can tolerate with-

in that time period, when it will occur, and how we can deal with those types of issues to mitigate that aspect. I do not think that that's going to be an easy solution, but I am committed to working that in a very direct manner, sir.

Senator LIEBERMAN. Okay. Thank you. I'll be looking forward to working with you on that and other matters.

Thanks, Mr. Chairman.

Senator SESSIONS. Thank you, Senator Lieberman.

Now Senator Collins of Maine.

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

Dr. Winter, I'm encouraged by what I've heard you say here today about the need to have an adequate shipbuilding budget, as well as by the private discussion that we had in my office. I just want to follow up on a few issues, for the record, and again, I want to second everything that the chairman of the Seapower Subcommittee said to you about the numbers. I remember a wise admiral once telling me that quantity has a quality all of its own. A lot of times we hear from the Department that because the ships that we're building nowadays are more capable, that that somehow compensates for having a far smaller fleet. Oviously, to some extent, increased capability does help offset a declining quantity, but only to an extent. You still need to project presence; you still need to be able to handle a variety of threats, and I believe that our shipbuilding budget is woefully inadequate to the threats that we're facing, particularly in light of the Chinese buildup.

Another issue which I want to discuss with you today, since you have really already responded to the concern about numbers, is the instability in the shipbuilding budget. That has been a major cost-driver, and it is not the fault of the shipbuilders that there has been such instability in the shipbuilding budget.

A good example of that instability has been the DD(X) program. Initially, the Pentagon planned to build DD(X)s over 7 years. To meet OMB budget constraints, the Department slashed the funding and now proposes to build only five DD(X)s over 7 years, even though the former CNO says that the requirements have not changed and, in fact, that the requirements dictate the need for 12 DD(X)s.

It's not surprising, when you have such peaks and valleys in the shipbuilding budget, that you create instability in the workforce, you make it extremely difficult for the manufacturers to plan, and also jeopardize the retention of a skilled workforce that cannot be reestablished overnight.

What are your thoughts on the need to have more predictability and more stability in our shipbuilding budget?

Dr. WINTER. Senator, I think there are two aspects that I would want to address relative to the stability requirement, one of which has to do with motivating the corporations to make the continuing capital investments necessary to maintain those facilities. They need to be able to see the future sales potential associated with those facilities and the potential impact of the investments that they might make, but also they need to make sure that we both are able to attract and retain the people that really make the difference. One of the things that's become very evident to me in my years of working in the industry is that, even though many of these

functions seem to be very capital-intensive, with a very large and expensive capital plant, the real difference is made by the employees, the people who come in every day, who touch the hardware, who actually control the equipment, who make these critical and fabulous machines that are critical to our national defense.

If we do not maintain the workforce in a trained and experienced manner, we are likely to have many problems in the future, whether that has to do with increased costs or decreased quality or just simply increases in accidents. Unfortunately, I've seen all of those in my experience on the industrial side, and I think, quite frankly, one of the things that does the best, in terms of motivating a workforce, is the assurance that they will, in fact, see future employment possibilities.

So to the extent that we can, to the extent that it's consistent with the overall acquisition process, the better the visibility we can give the workforce, in terms of what the future has in store for them, I think, the better we will all be served.

Senator COLLINS. That is such an important point because this workforce cannot be reconstituted overnight. The skilled shipbuilders, the draftsmen, the planners, the engineers have a lot of other options available to them, because they are so highly skilled. I really worry that when you combine the declining number of ships that we're building, the instability, the lack of predictability, that we jeopardize that skilled industrial base, and that we do so at great jeopardy to our national security.

I appreciate very much the fact that you've had personal experience on the industrial side. You've seen what happens when you do jeopardize that workforce. It takes years for someone to develop the skills that are needed in shipbuilding. It's not easily transferrable, and that is an issue that I think we neglect at our peril.

A similar and related issue has to do with maintaining two skilled shipyards to build our surface combatants. During the past year, the Navy advanced what I felt was a very ill-advised strategy for building the DD(X) that would have resulted, most likely, in the loss of one shipyard, had it been pursued. It was blocked by Congress, and I think and hope that the Navy, having seen the impact of Hurricane Katrina on Ingalls Shipyard, has now rethought the wisdom of pursuing a winner-take-all one-shipyard strategy.

When I was talking about the downsides of having a winner-take-all strategy, I always pointed to the possibility of a natural disaster or a terrorist attack on one of our shipyards, and it's sad that that has come to pass. I know that we all wish Ingalls well. We're eager to see the shipyard up and fully running again, but we've seen what can happen when a shipyard can be disabled, whether it's by a hurricane, as it was in this case, or a terrorist attack.

I hope you will commit to working with me and the many other Members of Congress who share this concern, to make sure that the Navy does not put all of its eggs in one basket. It is dangerous, both in terms of reducing competition in the industry, and also our ability to respond to a surge need in the future, for us to jeopardize the competition, limited though it is, that exists in our industrial base.

Dr. WINTER. Yes, Senator, I think you very aptly characterized a number of factors that all have to be considered in terms of the long-term industrial strategy for the Department and those are elements that I will be looking at very carefully, should I be confirmed.

Senator COLLINS. Thank you very much. I very much look forward to working with you, and I want to thank both you and Secretary Wynne for your willingness to take on these very important new positions.

Thank you, Mr. Chairman.

Senator SESSIONS. Thank you, Senator Collins, and thank you for your leadership on shipbuilding and all the issues before this committee.

Mr. Wynne and Dr. Winter, thank you for your appearance. Both of you have extensive experience and achievements in both government and industry. If confirmed, you will be running two of the large departments vital to our Nation's defense. Very large departments. In the midst of a global war on terror, you will also be overseeing significant issues, such as transformation and implementation of BRAC, a global reposture, the QDR, and numerous other big issues. In addition, these challenges are being undertaken in a time of tightening resources and competing priorities.

If confirmed, I trust you will both work closely with this committee to complete the needed reforms. We've had a number of those dealing with procurement recently. We think we can do better in that. As a matter of fact, we have to do better in that. I don't know how we're going to get there, but we have to do better and they've been laid out, a lot of that, in BRAC and QDR.

I wish you both the best. I believe you will do an excellent job. I think you have the experience and the personal skills to be successful in this office. I wish you every success.

We did talk about the danger of any coercion in the military with any philosophy or faith. Thomas Jefferson swore eternal hostility to any tyranny over the mind of man and it is chiseled in the rotunda of the Jefferson Memorial. He swore that before the altar of God. Nobody seemed to be too worried about that. So I think it is correct that no one should abuse positions of authority, but at the same time, there are legitimate concerns in the country that any expression of personal faith is bad. Then we get into a situation that we start enforcing a secular mentality and a secular climate and I don't think that's necessary, either. So it's a proper balance. I know you will seek to achieve that, and I hope you will.

Mr. Wynne, there's been a lot of controversy about the Air Force refueling tanker. The analysis of alternatives is being reviewed and moving forward, I guess, at this time.

Let me ask you, could you tell us about the status of that, what the analysis of alternative is, and if you will give an open and fair evaluation of those results as you decide what's best for the country as we deal with the problem of air refueling?

Mr. WYNNE. Thank you very much, Senator Sessions.

I think the analysis of alternatives, of course, considers every approach to trying to meet the capabilities that you are requesting. I think it would stretch all the way from extending the life, if you will, of the current product to modifying other products to

ascertaining the ability of the commercial industry or your defense industrial base to supply it.

As I understand it, the analysis of alternatives is in its final stages. The Office of Program Analysis and Evaluation is charged to do a sufficiency review, and I believe they've entered into that sufficiency review.

I believe that the end of that review is when we finally will get, if you will, the opportunity to review the analysis of alternatives and determine a way forward. That way forward may well be constrained by the fiscal realities that we are faced with, but it's my intention, as you indicated, to be very objective in my look at it. I think the folks in acquisition have a strong desire to see equipment fielded to the force as quickly as they can possibly do it. I think innovative ways just have to be explained to people, that if you want to do something innovatively, you have to explain the business reasons for it, the rationale that supports it, and then be transparent in your approach. That's what I intend to do.

Senator SESSIONS. Thank you. We've lurched around on this issue, and it has been a source of some embarrassment. The process, in the long run I hope, will help us get a better fleet and secure that important part of our defense establishment for the future, at the same time keeping the cost as reasonable as possible.

I would add, to both of you, we've had what I think any observer would say have been some glory days for the defense budgets. Our defense budget now is over $400 billion. I came here nearly 8 years ago, and it was under 300, and now, in addition, we have large supplementals for the war effort that have helped us carry on some of our activities in a number of different ways. I don't know that we're going to be able to see these substantial increases that we've fought for in the last 5 or 6 years continued, and we also have this bow wave of huge programs. Both of you have them in your departments.

It's easy for all of us to say, well, you can't cut refueling aircraft, you can't cut ships, you have to have more submarines, you have to have more airplanes, you have to have all these things, but you sit down with the Secretary of Defense and add all those up, and see what the numbers look like. I'm afraid it might be calling for more than we'll be able to reach. So, you are also going to be challenged to understand that our ability to just demand more large increases may not be realistic.

So gosh, I don't know what the solution is. I'm worried about that. We've been talking about it ever since I've been in the Senate. We'll be looking for your good recommendations on those challenges.

I would just ask you briefly, do you both see that as a real challenge for us in the future? What to do with some of the large, expensive weapons systems, and whether they will fit within the budget?

Secretary Wynne.

Mr. WYNNE. There is no doubt, Senator Sessions, that one of the major challenges is going to be how to get 6 pounds into a 5-pound sack. When it comes to weapons systems, I think Senator Collins said it best, quantity does have a quality all of its own. You can get down to where you have one airplane and one ship, one tank,

and you wonder, is this a sufficient defense? On the other hand, I would tell you that the balance of warfighting capability is really where it's at. Against the fiscal realities of what the American taxpayer will allow us to do—but I do know this, and you also do too, that the American taxpayer is willing to pay for the defense of America. When they're alerted that the defense of America is at reasonable peril, they will be willing to support us.

Senator SESSIONS. I agree. We just need to be sure that we can say that this program or this system is defensible, it's critical, and we need it. Sometimes numbers make a difference. Sometimes we might want to come up with a product that's about half the cost of some other product and have twice as many. But you may not be able to have twice as many of the most sophisticated products. So, those are things you're just going to have to wrestle with.

Dr. Winter, do you have any thoughts?

Dr. WINTER. Yes Senator, I would just want to add that I think that the tradeoff here is what I would describe as one of qualitative versus quantitative advantage. It is one that we're going to have to pay great attention to over the next several years. I think it's become very evident that, between the capabilities of the Department and the industrial base that serves the Department, we can build incredible systems. We can build some of the most incredible weapons systems that man ever imagined. The question is whether or not we can afford to do all of that and whether or not, as you so aptly put it, having more of a lesser capability provides for a greater defense and a greater deterrent capability.

I don't think that there is a one-size-fits-all solution to this. I think it's going to have to be a case-by-case evaluation, and I think we're going to have to carefully look at the true requirements, versus—if you permit me to use the phrase—"desirements" that have often been put forward for many of these systems, so that we know exactly what really will make a difference, so that we understand how to invest our precious resources very carefully, and can still afford a reasonable number of these systems to really provide for the defense of the U.S.

Senator SESSIONS. I think you've stated that well, and we're excited about your nomination. I think both of you have the maturity and the experience to help make those tough calls. Those of us in Congress, sometimes we pick up on it, and we get a good sense of things. It sort of amazes me, really, but sometimes we get it wrong. So we'll be depending on you.

I know, with regard to shipbuilding—I used to chair the subcommittee that Senator Talent now chairs, and I was impressed with Admiral Vern Clark's demonstration that a highly technically advanced ship can operate with far less personnel. He also made some progress toward forward deployment of ships, keeping a greater percentage of our ships in operational areas. Do you think those remain valuable potentials for improvement, Dr. Winter?

Dr. WINTER. I think there's a significant opportunity there, in terms of both the overall crew size, as well as the operational tempo (OPTEMPO) aspects of the systems. We, unfortunately nowadays, spend too much time, in terms of the maintenance and support functions and the more that we can get out of the ships, in

terms of being forward-deployed and able to provide presence and warfighting capability, the better off we will be.

Senator SESSIONS. I recall Admiral Clark was saying that they were leaving ships forward-deployed longer, bringing them in for refurbishment and repair less often, and none of them were breaking. They were still going along. So it maybe demonstrated that we didn't have to have quite as much expenditure on repairs.

Dr. Winter, I believe the President's budget called for the cancellation of a joint common missile. It's my impression that this is a part of jointness. The joint common missile replaces seven legacy missiles, many of which are reaching technological obsolescence. During the fiscal year 2006 deliberations on the budget, three of the four major defense committees decided that the joint common missile should be continued, and the Defense Appropriations Committee even added $50 million to keep the government team operating, and the contractor team.

Do you believe that the joint common missile, with its increased range, lethality, and tri-mode seeker, is the missile of the future for rotary- and fixed-wing aircraft to replace the legacy Maverick, Tow, and Hellfire weapons?

Dr. WINTER. Senator, unfortunately I do not have the detailed familiarity with that particular program to make a determination at this point in time. But if I am confirmed, I would commit to you that I will look into that matter.

Senator SESSIONS. The Navy requested recently to reprogram $21 million for the joint common missile, and Congress denied that request. It's a matter of real urgency. It seems to me that jointness is a valuable thing, and that if we can design a joint common missile, that can be utilized in all our Services, and we could reach a higher degree of effectiveness and create a production level that would bring costs down. Would you take a look at that and evaluate it?

Dr. WINTER. Yes, Senator. I support the objectives. I'd just ask for the time to be able to go and take further look into the specifics of that program.

Senator SESSIONS. It's something that I have been looking at for some time, and I believe that is the right direction to go and was a little bit taken aback that that has not happened.

Mr. Wynne, I think I'll submit a written request to you concerning the Transformational Satellite (TSAT) program. There has been some unease expressed on that and it's a matter I think we need to get clear on and move forward in the appropriate way, and it will come before my subcommittee.

I have one important question to ask you before we conclude. We have a ball game this weekend. Is it Air Force or Navy? [Laughter.]

What about a prediction? [Laughter.]

Dr. WINTER. No question, sir. [Laughter.]

Mr. WYNNE. I would say it's a very even contest between two teams of good quality.

Senator SESSIONS. We're proud of them. That's a good answer. They represent the very best of our young men, really. They play their hearts out every day, and they take on teams that have a lot of guys that are going to be playing in the NFL. Maybe they always

can't recruit those people. They compete effectively and we're proud of them.

Thank you for your commitment to serving your country. I know that in many ways it can be a financial hardship for you. Sometimes you'll take unnecessary grief. Not sometimes; you'll frequently take unnecessary grief. [Laughter.]

You'll be accused of corruption when all you're trying to do is do the right thing. You have a big challenge, a high calling. We could not be more pleased to have you there and we look forward to the future.

I believe the request was to recess rather than to adjourn and now the chairman has already returned from battling for truth and justice on the floor of the Senate—[Laughter.]

—as he does so effectively.

Mr. Chairman, I'm pleased that you've returned and my time is completed.

Chairman WARNER [presiding]. We had a battle last night. But for one vote, we'd be on that floor today. [Laughter.]

Night and day.

Senator SESSIONS. A glorious battle.

Chairman WARNER. Thank you very much.

Senator SESSIONS. I was honored to stand with you.

Chairman WARNER. You're thoughtful to do so, as did every other member of the committee, both sides of the aisle.

Now gentlemen, I'd like to continue this important hearing.

On the shipbuilding issue, I did explain, Dr. Winter, that this is going to require some innovative, out-of-the-box thinking to bring to the attention of the administration and, with the support of the American public, begin to add some dollars, other than the normal allocations annually through the POM process to the Department of the Navy.

The question, Secretary Wynne, is back on this issue of the tanker leasing program, which—indeed, it was this committee that stood as the final entity within Congress to oppose that contract. We did not agree to the reprogramming actions which would have let it go forward. What is your assessment of the efforts that have been undertaken by the DOD to improve the management and oversight of service acquisition and procurement to preclude a repeat of a regrettable chapter, as we witnessed with that tanker problem, and particularly the actions of one individual, who eventually was held accountable and imprisoned under the Federal legal system.

Mr. WYNNE. Mr. Chairman, I think the Department has responded extraordinarily well to my charge for improved integrity and improved ethics through the work of three review teams and also to gain feedback on the specific issue of the lease of tankers in the business plan.

I'd like to concentrate, for the moment, on integrity and ethics, which I see as a command responsibility. I have asked all throughout the acquisition community to take this on as a command responsibility and to my applause, all of the commanders have, in fact, stepped up to this challenge.

I have also asked the acquisition community to take on a review process of both the individuals and the actions that take place, to

ensure that it's a free, open, and well-reviewed acquisition process in order to foster an openness and a transparency so that the specifics can be reviewed.

With regard to innovation, I want to foster innovation in acquisition authorities to try to make sure that we don't let any stone go unturned in getting equipment to our people with more efficiency and more speed.

I would tell you that I intend to foster a business process and a business plan that is open and transparent, because I do believe that if we were a little bit more convincing as to, "What were our goals?"—maybe even inside the Department, we would have challenged it a little bit stronger than we did.

Chairman WARNER. As we go forward on the assumption that you'll be confirmed—and I'm optimistic, I would say, that both of you will be confirmed—you will have to address the overall requirements of the Department of the Air Force; indeed, our overall transportation structure in DOD, the airlift, and the tanker capabilities. I don't want you, at this time, to predict what's going to come out of that, but I just want to re-emphasize the need to swiftly get back and look at the requirements and how we're going to go about to fulfill them with new acquisitions of aircraft.

I do hope—and I'm going to fight for it—that we can do so in a manner that will provide competition among such entities that are willing to step up and offer their proposals to solve the problem, as will be defined more specifically by your Department.

I'm very strong on trying to preserve our industrial base here in America, but there are a lot of innovations out there now that have been brought forward by companies which have affiliated with overseas companies. You know as well as I. I think we just have to make certain that competition is brought to bear on this contract. Can you give me that assurance?

Mr. WYNNE. Yes sir, I can certainly give the assurance that I'll seek competition at every level to try to bring better efficiency to the American taxpayer.

Chairman WARNER. To both of you, the hurricane damage assessments—the Air Force and the Navy have bases in the States hardest hit by the hurricane—Louisiana, Mississippi, and Alabama—Keesler Air Force Base, Naval Construction Battalion Center, the Armed Forces Retirement Home in Gulfport, Naval Support Activity in New Orleans. They're but a few of the installations, and that's been such a historic nexus for America's defense all through there. It goes way back. I remember, when I was Secretary of the Navy, putting a number of things in that area. The people of those several States have had long associations with the U.S. military. Men like John Stennis, who was the most distinguished chairman of this committee for many years. Eddie Hebert from Louisiana, he was a strong chairman in the House Armed Services Committee, and I hope that each of you, if confirmed, will take steps to assure that the personnel assigned to these installations and their families, particularly those who might be poised to go overseas, are being cared for. Can you assure me that it would be high on your agenda when you take office?

Dr. WINTER. Yes, Mr. Chairman.

Mr. WYNNE. If confirmed sir, I am particularly concerned about both the ANG men and women as well as the Active-Duty Forces there.

Chairman WARNER. You have a lot of training facilities that go on in the Department of the Navy.

Dr. WINTER. Yes Mr. Chairman, and that is clearly a high priority.

Chairman WARNER. All right.

Dr. Winter, in your written response to the committee's questions, you state, "The Department must consider more fundamental changes to the way it does business. If confirmed, I will seek new options and approaches to address the rising cost of healthcare and other personnel costs."

At this time, could you give us some elaboration on what you hope to achieve?

Dr. WINTER. Mr. Chairman, one of the things that we've seen on the industrial side is that there is, in many cases, a difference between the way in which our employees perceive various benefits and the costs of those benefits. One of the things that we've been trying to do over the last several years is to better match the benefits that are provided with the expectations and needs of the employees.

I think that we need to do a better job of that within the Department. I think we need to make sure that we're getting the results, the value, if you will, out of the investment, and the benefits that are provided to the service men and women that they really need and expect, and also within the time frame that provides true value and support to them while they're still serving.

That is going to be part and parcel of an overall assessment. That obviously will have to be done by Secretary Chu and others within the DOD, but I look forward to the opportunity, if confirmed, to be able to work with him, in terms of a new compensation program and plan.

Chairman WARNER. I thank you.

I want to associate myself with the remarks and the colloquy with our witnesses by Senator Collins regarding the acquisition strategy for surface combatants and the future outyears, particularly as it relates to that single-yard concept for the brief period, which was in there until Congress stepped in. We must be mindful that that particular area is, regrettably, highly vulnerable to situations that we've witnessed in the wake of the Katrina and Rita hurricanes. I hope that any concept of a single shipyard to solve all problems is something that will not come back again any time.

Furthermore, I do believe we have to try and strengthen those yards which have partnered with other yards and shared the shipbuilding responsibility. I think it's working out. I'm very proud of the manner in which, in my State, the Newport News Yard and General Dynamics are working on the submarine program for the future. We may be around to see a little more submarine acquisition there.

Dr. Winter.

Dr. WINTER. Yes, Mr. Chairman.

Chairman WARNER. The clerk did not record that he nodded his head in full recognition of the chairman's question.

The flexible funding for shipbuilding, Dr. Winter—and this is an issue with a long history. I dealt with it when I was in the position that you desire to accept, and it goes all through the 27 years I've been here—but in the past several years, Congress has approved several funding mechanisms for shipbuilding which have departed from the traditional full-funding policy. Included in these are split funding and incremental funding, and in its report to the fiscal year 2006 appropriations bill, the Senate encourages the Department "to consider whether using advanced appropriations in future budgets will improve the shipbuilding program." Funding mechanisms will only help so far though. A stable, sufficient amount of funding is required. Well, we've already addressed that. But do you have any views that you'd like to advise the committee now, other than I hope that you will support the concept of alternative funding mechanisms for shipbuilding?

Dr. WINTER. Mr. Chairman, I recognize the objectives and desire to be able to have additional flexibility in that regard. Unfortunately, I've had only limited opportunity over the last few weeks to understand the multiplicity of issues amongst the various approaches. If I am confirmed, though, I intend to go and take a good hard look at the implications and possibilities associated with advanced appropriations and other techniques that you so aptly described.

Chairman WARNER. Dr. Winter, we've made some advances in the Department on the research and development efforts of unmanned surface vessels. They've yielded an advanced concept technology demonstration such as the Spartan Scout, which is currently undergoing Navy-directed testing. Will you consider pushing the frontiers in this area?

Dr. WINTER. Mr. Chairman, I'm a technologist at heart and have enjoyed participating in those types of programs, and I've seen the tremendous benefits that can occur with the appropriate application of advanced technologies. If confirmed, I would expect to continue to do so during the course of my tenure.

Chairman WARNER. I would talk to both of you a little bit about the civilian workforce. I spent a great deal of time when I was in the Department, and I was fortunate to have an extraordinary management group of senior civilians to help guide me in trying to strike a balance in the civilian versus the uniformed members. It really is a joint operation, always has been, always will be, and they worked side by side. We have to make certain that the systems for compensating them and other personnel benefits are balanced. We have to constantly work on that. You can't just put something in place and walk away from it.

Do each of you commit to spend a good proportion of your time on the balancing of the civilian and uniformed workforce, and to preserve it?

Mr. WYNNE. Absolutely, Senator.

Dr. WINTER. Yes, Mr. Chairman. I do believe that ensuring that we are a competitive employer, with all the alternatives out there, is going to be a continuing challenge, but one which must be worked.

Chairman WARNER. Well, all the football questions have been asked. [Laughter.]

But I'm told that we did not give sufficient recognition of West Point and the Black Knights, which are reputedly still rebuilding. Do you have any comment on that, Secretary Wynne? [Laughter.]

Mr. WYNNE. All I can say at this point—especially in my position is, "Beat Navy." [Laughter.]

Chairman WARNER. We've had a very good hearing, and I thank our two witnesses. I commend the President and the Secretary of Defense for finding both of you and bringing you back, and particularly you, Secretary Wynne, for your steadfast patience to wait for this day. It has come, and I assure you that this Senator—and, I'm confident, others—will do everything we can to see that the floor receives your nominations and that the advice and consent process will give you a prompt up or down vote—and I'm anticipating ups in the vote.

Thank you and your families.

The committee is adjourned.

[Whereupon, at 12:25 p.m., the committee adjourned.]

[Prepared questions submitted to Michael W. Wynne by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and the chain of command by clearly delineating the combatant commanders' responsibilities and authorities and the role of the Joint Chiefs of Staff. These reforms have also vastly improved cooperation between the Services and the combatant commanders in the strategic planning process, in the development of requirements, in joint training and education, and in the execution of military operations.

Have your views on the importance, feasibility, and implementation of the Goldwater-Nichols Act reforms changed since you testified before the committee at your confirmation hearing on November 18, 2003?

Answer. No.

Question. Do you see the need for modifications of any Goldwater-Nichols Act provisions based on your extensive experience in the Department of Defense?

Answer. I do not have any specific recommendations to amend Goldwater-Nichols. We have been on the right path for the past 20 years. However, it is appropriate to periodically review organizational and management frameworks to ensure continued validity. If confirmed, my leadership and management of the Department of the Air Force will include a continuous review of Goldwater-Nichols with an eye toward opportunities for improvement. I will work closely with the Secretary of Defense and Congress to continually review Goldwater-Nichols and implement any changes that might be needed.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. N/A.

RELATIONSHIPS

Question. Section 8013 of title 10, United States Code, discusses the responsibilities and authority of the Secretary of the Air Force. Other sections of law and traditional practice, also establish important relationships outside the chain of command. Please describe your understanding of the relationship of the Secretary of the Air Force to the following officials:

The Secretary of Defense.

Answer. The Secretary of Defense is responsible for all matters within the Department of Defense. The Secretary of the Air Force is subject to the authority, direction, and control of the Secretary of Defense. If confirmed, I look forward to working closely with the Secretary of Defense.

Question. The Under Secretary of Defense for Acquisition, Technology, and Logistics.

Answer. If confirmed, I will work closely with the Under Secretary of Defense for Acquisition, Technology, and Logistics on all matters related to acquisition, technology, and logistics programs impacting the Department of the Air Force.

Question. The Chief of Staff of the Air Force.

Answer. The Chief of Staff is subject to the authority, direction, and control of the Secretary of the Air Force, presides over the Air Staff, and is a principal advisor to the Secretary. In addition, he is a military adviser to the President, the National Security Council, and the Secretary of Defense. If confirmed, I would foster a close working relationship with the Chief of Staff to ensure that policies and resources are appropriate to meet the needs of the Air Force and respect his additional responsibilities as a member of the Joint Chiefs of Staff.

Question. The Under Secretary of the Air Force.

Answer. Subject to the Secretary of the Air Force's direction and control, the Under Secretary is authorized to act for and with the authority of the Secretary of the Air Force on all matters for which the Secretary is responsible; that is, to conduct the affairs of the Department of the Air Force. In addition, the Under Secretary of the Air Force has been delegated the Secretary of the Air Force's duties and authority as the Department of Defense Executive Agent for Space. If confirmed, I would foster a close working relationship with the Under Secretary.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The Chairman of the Joint Chiefs of Staff is the principal military adviser to the President, the National Security Council, and the Secretary of Defense. If confirmed, I will work closely with the Chairman through the Chief of Staff of the Air Force on appropriate matters affecting the Air Force.

Question. The combatant commanders.

Answer. Subject to the authority, direction, and control of the Secretary of Defense, the military department's responsibility includes recruiting, organizing, training, equipping, and maintaining interoperable forces for assignment to the combatant commands.

If confirmed, I will work with and through the Chief of Staff to carry out the functions and responsibilities of the Air Force so as to fulfill to the maximum extent practicable the current and future operational requirements of the combatant commands.

Question. The Assistant Secretary of the Air Force for Acquisition.

Answer. The Assistant Secretary of the Air Force for Acquisition acts as the Senior Acquisition Executive for the Air Force. If confirmed, I would work closely with the Assistant Secretary on acquisition matters.

Question. The General Counsel of the Air Force.

Answer. The General Counsel (GC) is the senior civilian legal advisor to Air Force senior leaders and to all officers and agencies of the Department of the Air Force. The GC serves as the chief ethics official. If confirmed, I would look forward to developing a good working relationship with the GC.

Question. The Judge Advocate General of the Air Force.

Answer. The Judge Advocate General (TJAG) is the senior uniformed legal advisor to Air Force senior leaders and of all officers and agencies of the Department of the Air Force and provides professional supervision to TJAG's Corps in the performance of their duties. If confirmed, I look forward to developing a good working relationship with TJAG.

Question. The Superintendent of the U.S. Air Force Academy.

Answer. The United States Air Force Academy is an invaluable institution that continues to attract the brightest young men and women from across our Nation and develops them into Air Force leaders. If confirmed, I will work closely with the Superintendent to address the challenges currently facing the Academy and promote the Academy's continued commitment to excellence and fulfillment of its mission.

Question. The Director of the National Reconnaissance Office.

Answer. The Secretary of the Air Force must foster a strong collaborative relationship with the National Reconnaissance Office and therefore must have a strong relationship with its director. If confirmed, I will work to foster a close working relationship with the Director of the National Reconnaissance Office, as well as the Director of National Intelligence (DNI). In light of the standup of the DNI, the Department of Defense and the Intelligence Community (IC) are in the process of re-defining their relationship for national security space matters. If confirmed, I will work with the DNI, IC, and Executive Office of the President to ensure the new policies and processes for coordinating space efforts will be effective and meet the needs of all users.

DUTIES

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

Answer. Subject to the authority, direction, and control of the Secretary of Defense, the Secretary of the Air Force, pursuant to 10 U.S.C. Section 8013, is responsible for and has the authority necessary to conduct all affairs of the Department of the Air Force. These functions include organizing, supplying, equipping, training, maintaining, and administering. If confirmed as Secretary of the Air Force, I would expect the Secretary of Defense to assign me duties consistent with these responsibilities.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of Defense would prescribe for you?

Answer. If confirmed as Secretary of the Air Force, I would expect the Secretary of Defense to assign me duties consistent with the responsibilities outlined above.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Secretary of the Air Force?

Answer. If confirmed, the Under Secretary of the Air Force, the Assistant Secretaries of the Air Force, the General Counsel, along with the Air Force Chief of Staff and Vice Chief of Staff will form the nucleus of my leadership team. I will foster a close working relationship with them on matters within their areas of responsibility in order to more effectively lead and manage the Department of the Air Force.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Secretary of the Air Force?

Answer. The Air Force has been actively engaged in war since Operation Desert Shield in the early 1990s. Since then, it has been committed to providing joint commanders with a Total Force able to use our air, space, and cyberspace capabilities to have effects on and counter a vast array of threats in the air, land, sea, space and cyberspace, in addition to providing capabilities in other areas such as disaster relief. The Air Force's major challenges in continuing to provide these capabilities are:

- Preparing for and participating in the joint fight anywhere and anytime;
- Providing motivated, ethical, accountable Air Force warriors; and
- Developing, maintaining, and sustaining our warfighting edge.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. I plan to work with the leadership team of the Air Force Chief of Staff, General Moseley, the Vice Chief of Staff, General Corley, the Under Secretary of the Air Force, Dr. Sega and Chief Master Sergeant of the Air Force Murray to ensure that we set the standard of performance for the Air Force within the larger defense family. We will develop economical and feasible plans, policies, and programs to ensure that the Air Force can meet its missions, which range from prosecuting the war on terror to aiding victims of natural disasters.

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

Answer. The most serious problem would be continuing to fulfill commitments today while preparing for an unknown future in a fiscally responsible manner. A very close second is to restore the Air Force to its premier status as an acquisition and management organization promoting transparency wherever appropriate.

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

Answer. Again, if confirmed, I am confident that the Air Force leadership team will address the specific actions and time lines that will allow us to continue to meet our mission requirements today and in the future. We will ensure the actions taken are in accord with the Service's core values of integrity, service before self and excellence in all we do.

PRIORITIES

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

Answer. The mission of the Air Force is to deliver sovereign options for the defense of the United States of America and its global interests in air, space and cyberspace. To ensure that the Air Force is able to meet this mission I would establish the following priorities:

- Sustaining air and space capabilities across all missions now and in the future;
- Enhancing knowledge enabled warfighting;
- Making open and transparent business practices a rule and not an exception;
- Balancing the Total Force, with an emphasis on innovation;
- Fostering lean processes supported by quality standards across the Total Force; and
- Continuing to improve Total Force quality of life for airmen, civilians, and their families.

READINESS LEVELS

Question. What is your assessment of the current readiness of the Air Force to execute its assigned missions?

Answer. I have not made an assessment of the current readiness of the Air Force. If confirmed, it is one of the highest priorities to meet Air Force assigned missions and I will gain immediate insight.

Question. What do you view as the major readiness challenges that will have to be addressed by the Air Force over the next 5 years, and, if confirmed, how will you approach these issues?

Answer. The Air Force is operating the oldest aircraft inventory in its history with a requirement to conduct simultaneous operations all over the globe. The most serious problem would be continuing to fulfill warfighting and strategic commitments today while preparing for an unknown future in a fiscally responsible manner. These issues are difficult and if confirmed solving them will require analysis and teamwork with Congress, the Department of Defense, and industry.

PERSONNEL AND HEALTH BENEFIT COSTS

Question. The cost of the Defense Health Program, like the cost of medical care nation-wide, is escalating rapidly. Similarly, the cost of personnel as a key component of the Services' budgets has risen significantly in recent years.

If confirmed, how would you approach the issue of rising health care and personnel costs?

Answer. While I am not completely familiar with this issue, I can certainly understand the concern with rising costs and plan on studying the costs versus the ultimate goal of recruiting and retention. If confirmed, a goal will be to ensure that our members and their families receive quality care, whether deployed or at home station, as the Air Force maximizes its return on healthcare investments.

AIR FORCE FUTURE TOTAL FORCE PLANNING

Question. In a recent report submitted in response to section 587 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, the acting Secretary of the Air Force outlined the legal, administrative, and practical challenges of operating a "blended wing," consisting of Active-Duty airmen and airmen of the Air National Guard.

What legislative changes, if any, are needed to overcome barriers to effective integration of Air Force Reserve and active component personnel and units?

Answer. I am not familiar with the specifics of this particular matter. If confirmed, I look forward to working closely with the Air Force Future Total Force experts and General Council to better understand and address these concerns.

TRANSFORMATION

Question. If confirmed as the Secretary of the Air Force, you would play an important role in the ongoing process of transforming the Air Force to meet new and emerging threats.

If confirmed, what would your goals be for Air Force transformation?

Answer. If confirmed I look forward to reviewing the existing Air Force transformation strategy, which I am told is detailed in the Service's Transformation Flight Plan. Such a review would better position me to address this question more directly. My goal, of course, would be to work on this matter closely with Congress, the rest of Department of Defense and non-Department of Defense agencies, as well as allies and coalition partners.

Question. In your opinion, does the Air Force Program Objectives Memorandum (POM) have adequate resources identified to implement your transformation goals?

Answer. If confirmed, I look forward to reviewing the Air Force transformational strategy in light of those being addressed more broadly by the Department of De-

fense. Such a review should include an examination of the Service's resource allocation and the analysis brought to light by the ongoing Quadrennial Defense Review.

PREVENTION AND RESPONSE TO SEXUAL ASSAULTS

Question. On February 25, 2004, the Senate Armed Services Committee Subcommittee on Personnel conducted a hearing on policies and programs of the Department of Defense for preventing and responding to incidents of sexual assault in the Armed Forces. In late April 2004, the DOD Task Force on Care for Victims of Sexual Assault issued its report and recommendations, noting "If the Department of Defense is to provide a responsive system to address sexual assault, it must be a top-down program with emphasis placed at the highest levels within the Department down to the lowest levels of command leadership. It must develop performance metrics and establish an evaluative framework for regular review and quality improvement."

What is your evaluation of the progress to date made by the Air Force in preventing and responding adequately to incidents of sexual assault?

Answer. I have not had an opportunity to become specifically familiar with the Air Force efforts in this arena, however, I understand that the Air Force has made a great deal of progress in how it deals with the issue of sexual assault.

- Senior leaders in the Air Force have issued strong statements that sexual assault is criminal behavior that conflicts with our Core Values and will not be tolerated in the Air Force.
- The Air Force recently released a highly effective training video, Targeting Sexual Assault, and is in the process of showing it to members of the Air Force worldwide. In addition, the Air Force is creating a multi-tiered training approach on this topic throughout accession training and at all levels of professional military education (PME).
- The Air Force hired and placed full time Sexual Assault Response Coordinators (SARCs) to assist senior leadership at all levels with prevention of and response to sexual assault.
- On 14 June 2005, the Air Force implemented the two avenues for reporting sexual assault (restricted and unrestricted) as prescribed by the Department of Defense.
- The Air Force is providing trained military SARCs and victim advocates within the deployed environment.

Question. What problems do you foresee, if any, in implementing the revised policy with respect to confidential reporting of sexual assaults by military personnel in the Air Force?

Answer. The revised DOD policy with respect to confidential reporting of sexual assaults by Active-Duty military personnel represents a significant change in military culture. It will take time to educate everyone involved about how the policy works. It will also take time for victims of sexual assault to trust the new system. In addition, there have been, and will continue to be, challenging policy issues that arise as we try to implement this new confidential reporting option.

Question. If confirmed, what actions do you plan to take to ensure that senior civilian leaders of the Air Force have day-to-day visibility into incidents of sexual assault and the effectiveness of policies aimed at ensuring zero tolerance?

Answer. Responsibility and accountability for sexual assault prevention and response resides squarely with leadership and, from what I've seen, Air Force leadership has assumed that responsibility. Senior Air Force leaders have spoken out on the issue and appeared in the Air Force training video stating, in no uncertain terms, that sexual assault will not be tolerated in the Air Force. If confirmed, I will seek to work with Congress to ensure that we continue to monitor and respond effectively to this issue. The bottom line is that accountability begins with me and our senior leaders. In addition, it is my understanding that within the Air Force, the Air Force director of personnel is vested with the responsibility for policy implementation and evaluation. At the local level, accountability for prevention and response is placed with the vice wing commander, and Sexual Assault Response Coordinators (SARCs) report directly to them.

AIR FORCE ACADEMY

Question. The Air Force Academy has come under intense criticism as a result of the handling of cases of sexual assaults and harassment of female cadets and insensitivity to the religious beliefs of many cadets.

If confirmed, what role would you play and what steps would you anticipate taking in order to ensure that the Air Force Academy fulfills its mission and is provided with necessary resources and oversight?

Answer. The mission of the Air Force Academy is critical to the long-term success of the Air Force. If confirmed, I will be personally, and actively, engaged in ensuring they have the guidance, leadership, and resources necessary to be successful at accomplishing that mission. The Air Force Academy of 2005 appears to be a much healthier institution than in 2003. The Air Force Academy appears to be on the right track, and I will personally assure myself of their status and ensure they continue their positive progress.

FREE EXERCISE OF RELIGION

Question. The Air Force recently released interim guidance regarding free exercise of religion in the Air Force.

Do you believe that this interim guidance is sufficiently specific to help Air Force leaders reach sound decisions on actions that could be perceived as endorsing a religion or pressuring subordinates to participate in a religious event?

Answer. Yes, from my reading, it appears to strike a reasonable balance.

Question. What additional steps, if any, do you believe the Air Force should take to ensure that this guidance is implemented effectively and to ensure that people of all faiths and all viewpoints on religion are accorded respect and fair treatment throughout the Air Force?

Answer. If confirmed, I intend to continue asking for input, both from within the military and from outside the military. We need to continue to test and, when necessary, adjust the guidelines to ensure they continue to strike an acceptable balance, in the military context, between the guarantees of free expression and the protections relating to establishment of religion.

INDEPENDENCE OF THE JUDGE ADVOCATE GENERAL

Question. In section 574 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, the statutory responsibilities and authority of the service Judge Advocates General were amended to make it clear that interference by any officer or employee of the Department of Defense with the ability of the Judge Advocates General to give independent legal advice is not permitted.

What are your views about the responsibility of TJAG of the Air Force to provide independent legal advice to the Secretary of the Air Force, the Chief of Staff, and the Air Staff, particularly in the areas of military justice and operational law?

Answer. I believe it is critical that Air Force senior leaders receive independent legal advice and counsel from the senior uniformed judge advocate.

UNMANNED AIR VEHICLES

Question. In the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, Congress set a goal that within 10 years, one-third of U.S. military operational deep strike aircraft would be unmanned. Funding for the Joint Unmanned Combat Air Systems (JUCAS) has recently been reduced and management of the program has changed from DARPA to an Air Force-led joint service program.

Do you support the 10-year goal established by Congress?

Answer. Yes.

Question. Are you satisfied with the current JUCAS program objectives and schedule?

Answer. The Joint Unmanned Combat Air Systems Operational Assessment objectives and program schedule are understood, and supported by the Services, given the current level of investment. The Air Force, in conjunction with the Navy, the Department, and DARPA, have planned for the transfer of the program to an Air Force-led joint service program this fall with minimal disruption to the program.

Question. Do you believe the current level of investment is sufficient to achieve JUCAS program objectives and schedule? If not, what recommendations would you make to comply with the statute?

Answer. I am not familiar with budget level funding details of the JUCAS program, but if confirmed, will work closely with the Air Force and Joint Service acquisition leadership to review the transition planning actions taken by the DARPA for the program.

IMPLEMENTATION OF BASE CLOSURES AND REALIGNMENTS

Question. The 2005 Defense Base Realignment and Closure (BRAC) process has resulted in the recommended closure or realignment of numerous major Air Force installations. The DOD installation closure process resulting from BRAC decisions has historically included close cooperation with the affected local community in order to allow these communities an active role in the reuse of property.

In your view, what are the roles and responsibilities of the Department of the Air Force within the 2005 BRAC property disposal process to work with local communities?

Answer. I believe the Air Force's roles and responsibilities are to implement the final decisions of the 2005 BRAC process expeditiously and efficiently in the best interest of the local community, the Federal Government, the Air Force, and the American taxpayer. Collaboration and communication are critical to success. If confirmed, I would develop a plan to quickly inventory the real property, personal property, and natural infrastructure assets at relevant bases to determine their value. Working with the communities, we can develop strategies to quickly market these assets. This approach can ensure that the community will quickly recover from the impacts of BRAC.

Question. If confirmed, what goals would you establish to assist affected communities with economic development, revitalization, and re-use planning of property received as a result of the BRAC process?

Answer. The Air Force will take great care to work with communities and stand ready to provide support and assistance. If confirmed, I would ensure we work closely with the Office of Economic Adjustment to ensure that affected communities have all the resources necessary to accomplish comprehensive planning for the reuse of base property. Community redevelopment plans and the Air Force disposal plans should be integrated to the maximum extent possible to take into account the anticipated market demand for surplus military property with the goal of maximizing value, while being sensitive to community needs and long-terms plans. This approach will get property into reuse much more quickly, help accelerate job creation, and result in cost savings for military readiness.

Question. What plans does the Air Force have in place to assist DOD personnel who lose their jobs as a result of BRAC actions?

Answer. It is my understanding that all affected individuals will be treated equitably during BRAC reductions and we will strive to mitigate adverse effects resulting from BRAC actions. The Air Force is to provide comprehensive transition tools, programs, and information for civilians including voluntary early retirements and separation incentive pay. If confirmed I will work to ensure affected employees have access to all Office of Personnel Management and Department of Defense placement programs such as career transition, financial planning, and relocation information.

ENCROACHMENT ON MILITARY INSTALLATIONS

Question. The Senior Readiness Oversight Committee is currently reviewing a group of readiness challenges it has characterized as "encroachment" issues. These include population growth near military installations, environmental constraints on military training ranges, airspace restrictions to accommodate civilian airlines, and the conflicts with civilian users over the use of radio frequency spectrum.

In your opinion, how serious are these problems for the Department of the Air Force?

Answer. These issues are a serious problem and present a unique challenge to the Air Force as it continues to train for combat operations.

Question. If confirmed, what policies or steps would you take to curtail the negative impact on operations and training resulting from residential encroachment?

Answer. It is my belief that an integrated strategy is critical to addressing the negative impacts of competition for scarce air, land, and water resources that often results in encroachment onto our installations, ranges, and air space—vital national assets for developing and testing new weapons, training forces, and conducting joint exercises. If confirmed, I will encourage the Air Force to actively engage with Federal, State, and local regulatory agencies to implement innovative, cooperative approaches to the allocation of scarce resources, and to achieve complimentary agency objectives.

Question. If confirmed, what role do you expect to play in addressing these challenges?

Answer. If confirmed, I plan to work with Air Force leadership to address current and potential encroachment issues that affect readiness.

ACQUISITION ISSUES

Question. The Acting Secretary of the Air Force has announced that the Air Force will no longer pursue leases of major equipment, but will instead rely on the traditional acquisition system.

Do you support this decision?

Answer. Yes, I support this position.

Question. Under what circumstances, if any, do you believe it would be appropriate for the Air Force to use a lease instead of a traditional acquisition approach?

Answer. As Kenneth Krieg (Under Secretary of Defense for Acquisition, Technology, and Logistics) recently testified, leasing of capital equipment could be a potential option when the equipment is truly commercially available outside Department of Defense and can meet the leasing requirements established by the Office of Management and Budget.

Question. At his confirmation hearing earlier this year, the Air Force Chief of Staff testified that the Air Force had gone too far in reducing its acquisition workforce, undermining its ability to provide needed oversight in the acquisition process.

Do you agree with the Chief of Staff's assessment?

Answer. Yes, I agree with the Chief of Staff's assessment.

Question. If so, what steps do you believe the Air Force should take to address this problem?

Answer. If confirmed, I would continue to work with the Under Secretary of Defense for Acquisition, Technology, and Logistics to understand the demand for our acquisition personnel and to appropriately size the workforce. If confirmed I intend to work with the program executive officers and center commanders to assess critical needs.

Question. Major defense acquisition programs in the Air Force and the other military services continue to be subject to funding and requirements instability.

Do you believe that instability in funding and requirements drives up program costs and leads to delays in the fielding of major weapon systems?

Answer. Yes, I believe such instability drives up costs and delays fielding of systems.

Question. What steps, if any, do you believe the Air Force should take to address funding and requirements instability?

Answer. If confirmed, I will work with Air Force and Department of Defense leadership, Congress, and our stakeholders to define solid system baselines and develop stable funding plans.

Question. The Comptroller General testified earlier this year that DOD programs often move forward with unrealistic program cost and schedule estimates, lack clearly defined and stable requirements, use immature technologies in launching product development, and fail to solidify design and manufacturing processes at appropriate junctures in development.

Do you agree with the Comptroller General's assessment?

Answer. The problems identified by the Comptroller General have always been, and will continue to be, challenges we face in the acquisition of the Department of Defense's unique and complex weapon and information systems. One of my goals is to restore the Air Force to its premier position in Acquisition and Management promoting transparency wherever appropriate.

Question. If so, what steps do you believe the Air Force should take to address these problems?

Answer. The Air Force has taken some good steps but there is more work to be done. Too much of the Air Force acquisition workforce and oversight capability—cost estimators, engineers, program managers, and test evaluators—was cut in the post cold war drawdown. I believe we need to reinstate much of this acquisition corps and put the right expertise and oversight back into the process. There is an ongoing DOD-wide acquisition review of policies, regulations, and procedures, which will provide an assessment that considers many aspects of acquisition including: requirements, organization, legal foundation, decision methodology, oversight, and checks and balances. I look forward to the study's recommendations.

TANKER LEASING

Question. Air Force leadership, and to some degree DOD leadership, failed to follow acquisition statutes and regulations and ensure good fiduciary stewardship of taxpayer funds, tailored the requirements of the operational requirements document (ORD) to the Boeing 767 instead of to the warfighter and overstated the effects of corrosion on the KC–135 tanker fleet.

If confirmed, what steps will you take to ensure that acquisition problems of this kind do not happen again?

Answer. If confirmed, I would continue to work to ensure the lessons learned are incorporated into the training, education, and processes of the Air Force. I will ensure necessary checks and balances in the Air Force acquisition process and that the process is transparent and accountable. I am committed to ensuring discipline and credibility in the Air Force acquisition process.

CONTRACT MANAGEMENT

Question. By some estimates, the Department of Defense now spends more money every year for the acquisition of services than it does for the acquisition of products, including major weapon systems. Yet, the Department places far less emphasis on staffing, training, and managing the acquisition of services than it does on the acquisition of products.

What steps, if any, do you believe the Air Force should take to improve the staffing, training, and management of its acquisition of services?

Answer. If confirmed, I will work to ensure the Air Force puts discipline and transparency into services acquisitions. As I understand it, as part of the Strategic Plan, the Air Force will be reviewing their staffing, training, and management of large services acquisitions. If confirmed, I look forward to hearing the results of their review and their planned way-ahead.

Question. Do you agree that the Air Force should develop processes and systems to provide managers with access to information needed to conduct comprehensive spending analyses of services contracts on an ongoing basis?

Answer. Yes, I believe it is essential. The Air Force is working with other Services, the Office of the Secretary of Defense, and other Federal agencies to implement and institutionalize comprehensive spending analyses on services acquisitions as well as other acquisitions.

Question. The last decade has seen a proliferation of new types of government-wide contracts and multi-agency contracts. The Department of Defense is by far the largest ordering agency under these contracts, accounting for 85 percent of the dollars awarded under one of the largest programs. The DOD Inspector General and others have identified a long series of problems with interagency contracts, including lack of acquisition planning, inadequate competition, excessive use of time and materials contracts, improper use of expired funds, inappropriate expenditures, and failure to monitor contractor performance.

What steps, if any, do you believe the Air Force should take to ensure that its use of interagency contracts complies with applicable DOD requirements and is in the best interests of the Department?

Answer. As the acting Under Secretary of Defense for Acquisition, Technology, and Logistics, I co-signed the Department of Defense (DOD) policy letter on the proper use of non-DOD Contracts. The policy laid out the following five procedures for DOD procurement teams to use when considering a contract outside of the DOD:

- evaluate whether using a non-DOD contract for such actions is in the best interests of the DOD;
- determine if the tasks to be accomplished or supplies to be provided are within the scope of the contract to be used;
- review funding to ensure it is used in accordance with appropriation limitations;
- ensure the contracting agency includes DOD unique terms and conditions when applicable; and
- collect data on the use of interagency contracts for analysis.

I believe the Air Force has taken the necessary steps to ensure that its use of interagency contracts complies with applicable DOD requirements and is in the best interests of the Department; and if confirmed will ensure their effect conforms to DOD policy.

AIRCRAFT SUSTAINMENT AND MODERNIZATION

Question. The global war on terrorism has increased demands on the tanker fleet, increasing annual KC–135 flying hours over 30 percent since September 11. The Air Force has grounded 29 KC–135Es because of corrosion problems in the engine struts and has expressed a desire to retire these 29 aircraft and 20 additional KC–135Es in fiscal year 2006.

What is the status of the Tanker Replacement Analysis of Alternatives?

Answer. The Analysis of Alternatives (AOA) for KC–135 Recapitalization was delivered to the Air Force and the Office of the Secretary of Defense on 15 August 2005. The AOA is now undergoing two independent reviews that are scheduled for completion in November 2005—the Institute for Defense Analyses' Independent Assessment and Program Analysis and Evaluation's (PA&E) Sufficiency Review.

Question. When will a decision be made regarding the future of the air refueling fleet?

Answer. If confirmed, I intend this to be an event driven process, and will await the completion of the sufficiency review. At that time I will better be able to assess the remaining schedule.

FUTURE CARGO AIRCRAFT

Question. The Army has included funds in the budget request to begin a program to procure intratheater airlift aircraft. Previously, fixed wing cargo delivery has been included in the roles and missions of the Air Force.

What is your view of the proper roles and missions for the Army and Air Force in supplying front line troops?

Answer. As defined in the Department of Defense Directive 5100.1, signed 1 August 2002 by Deputy Secretary of Defense, Paul Wolfowitz, the Air Force has the primary mission to provide air logistic support to the Army and other forces, including airlift, air and space support, and resupply of airborne operations.

JOINT STRIKE FIGHTER

Question. The House Committee on Armed Services and the House Committee on Appropriations have recently proposed eliminating the procurement of long lead items to support the low rate initial production of five conventional take-off and landing variants of the Joint Strike Fighter.

What are your views on this proposal?

Answer. I believe the use of funds in the development of this complex, multinational program is being done very judiciously. The program is now on a solid track to success. There always abound rumors and doubts about the real United States commitment to support its allies and partners on such a multi-partner program. This program, if its goals and performance are achieved, will be a true cornerstone to coalition warfare for half a century to come, as there are undoubtedly other international players who are presently on the sidelines awaiting a buying opportunity.

Budget cuts, as proposed, will fuel the worst rumors, as they threaten force activation directly, and tend to be interpreted by friends and competitors in the worst way.

Question. If the House proposal is sustained, what do you think would be the impact on the program's schedule and future Air Force procurement decisions?

Answer. See above response.

LONG RANGE BOMBERS

Question. The B–1s, B–2s, and B–52s will begin to be retired in the 2030 time frame.

Do you believe that the United States needs to develop a new manned bomber?

Answer. The Air Force is in the process of completing an analysis of alternatives for the next generation long range strike capability. Both manned and unmanned alternatives are being considered. The results of this analysis of alternatives will provide the Air Force with the information needed for development of long-range strike capabilities.

Question. What role do you see for unmanned bombers?

Answer. See above response.

Question. When, in your view, must a decision on this issue be made?

Answer. This is a major force structure issue and should be event driven. If confirmed, I would await the outcome of the analysis of alternatives to judge the remaining decision space and schedule.

NRO DIRECTOR

Question. The responsibilities of the Director of the National Reconnaissance Office (NRO) were recently separated from those of the Under Secretary of the Air Force.

What was the rationale for this decision, and, if confirmed, what steps would you take to ensure that the interests of the Air Force are appropriately represented within the NRO?

Answer. It is my understanding that the division of responsibilities was made to allow each official to concentrate exclusively on the unique needs of their own organizations.

The Secretary of Defense recently stated that separating the two demanding jobs "made sense and that the administration is now trying to ensure the Air Force and NRO stay linked to ensure coordination." If confirmed, both the Under Secretary of the Air Force and I will work hard to ensure the guidance of the Secretary of Defense and the Director of National Intelligence is followed to the best of our abilities.

Question. What steps would you take, if confirmed, to ensure that DOD space programs and NRO programs are managed in a coordinated fashion?

Answer. Over the last couple of years, a variety of management initiatives have been put in place, such as creating a National Security Space Vision, a National Security Space Strategy, and a National Security Space Plan. In addition, efforts are underway to collaboratively develop architectures between National Reconnaissance Office and the Department of Defense space programs.

If confirmed, I will work with Dr. Sega, the Under Secretary of the Air Force and Department of Defense Executive Agent for Space, and Dr. Kerr, Director of the NRO, who already work closely, and will continue to coordinate efforts with respect to such important issues as space planning, acquisition policy, personnel, and the space industrial base; and to ensure coordination of efforts and resources in the most effective way possible.

JOINT WARFIGHTING SPACE

Question. The Air Force introduced the concept of Joint Warfighting Space to provide military commanders the capability to rapidly launch rockets with micro-satellites capable of supporting a specific area of operations with communications and other sensors.

What is the status of current Air Force and Department of Defense efforts to develop and acquire a Joint Warfighting Space capability?

Answer. If confirmed, I will work with the Air Force, Intelligence Community, and space community to gain a better understanding of their programmatics supporting this initiative.

Question. Which entity within the Department has the lead for these activities?

Answer. The Air Force as the DOD Executive Agent for Space has the lead for these activities.

Question. What is your opinion on creating a Joint Program Office to coordinate and integrate all Department efforts in the area of Joint Warfighting Space?

Answer. It is my understanding that as the Department of Defense Executive Agent for Space, the Air Force has begun planning for the standup of a Joint Warfighting Space Joint Program Office. If confirmed, I will support this important effort.

SPACE ACQUISITION

Question. Both the House and Senate Armed Services Committees have reduced the President's fiscal year 2006 budget request for the Space Radar and Transformational Satellite (TSAT) programs, reflecting concern about the technological and programmatic risks associated with these programs. Regrettably, virtually all current space acquisition programs are suffering from cost overruns and schedule slips, adding further concern about the acquisition process now being used to oversee the Space Radar and TSAT programs.

If confirmed, how would you propose to ensure that the acquisition process has been successfully overhauled in order to achieve the goal of delivering the Space Radar and TSAT within the promised cost and schedule?

Answer. If confirmed, one of my goals is to restore the Air Force to its premier position in Acquisition and Management. This requires a more disciplined and transparent approach to acquisition. If confirmed, one of my top priorities will be to ensure we are taking the proper steps to address the problems we have seen in space acquisition programs. To ensure that we have a robust space acquisition approach we must continue our focus on mission success, consistently apply sound space acquisition policies, reconstitute our systems engineering capability, and—perhaps most importantly—develop an educated, trained, and experienced space acquisition workforce for the future.

If confirmed, I will work with the Under Secretary of the Air Force, Ron Sega, to understand his progress to date and the challenges that lay ahead, and with him, work with Congress, Air Force and DOD leadership, and key partners and stakeholders to set a roadmap for the future.

BMD TRANSITION AND FUNDING

Question. On April 7 of this year, you testified before the committee that an unfunded out year budget wedge of more than $2 billion for the Missile Defense Agency represented funds that the military departments would be providing for future missile defense activities.

What do you believe is the appropriate role for the Air Force in planning and budgeting for the costs of procuring, operating, and maintaining any ballistic missile defense system elements in the Future Years Defense Program?

Answer. Defense against ballistic missile threats is a high priority mission given to the Department of Defense and it's my understanding the Air Force has inherent

capabilities to contribute to that mission. I believe, as a consequence, the Air Force is actively engaged in determining how it can best contribute to this vital mission. If confirmed, I welcome the opportunity to work with the Air Force and Missile Defense Agency leadership to develop and refine lead Service transition and transfer plans to address the planning, budgeting, procuring, and maintaining of those ballistic missile defense system elements the Air Force will assume as the lead Service.

Question. Do you believe that the Air Force budget should be modified to reflect the requirement to fund the Air Force share of $2 billion for future missile defense activities in the outyears, consistent with the plans of the Missile Defense Agency and your own testimony?

Answer. I believe there comes a time when development programs transition to operations. This transition transfers funding responsibility to operations and maintenance of the using Service, whether Army, Navy or Air Force. This is presently being determined between the Missile Defense Agency and the Services.

AIR FORCE SCIENCE AND TECHNOLOGY

Question. The Air Force currently plans to dedicate approximately $2 billion to science and technology programs, 1.6 percent of the total Air Force budget and $346 million to basic defense research, or 0.3 percent of the total Air Force budget.

Do you believe the current balance between short- and long-term research is appropriate to meet current and future Air Force needs?

Answer. It is my understanding that the Air Force Science and Technology Program spans a broad foundation of basic research, applied research, and advanced technology development efforts. The output of a Science and Technology investment enables the development of capabilities needed to respond to a rapidly changing world. If confirmed, I look forward to reviewing the Air Force Science and Technology Program with respect to a balanced investment in the research, development, demonstration, and transition of various technologies, and ensuring that the Air Force Science and Technology Program supports the needs of the warfighter.

TECHNOLOGY TRANSITION

Question. The Department's efforts to quickly transition technologies to the warfighter have yielded important results in the last few years, however, challenges remain in institutionalizing the transition of new technologies into existing programs of record and major weapons systems and platforms.

What challenges to transition do you see within the Air Force?

Answer. While I am unfamiliar with specific transition initiatives currently underway in the Air Force, if confirmed, I will bring to the Air Force some of the experiences gained in the Office of the Under Secretary of Defense for Acquisition, Technology and Logistics. Some examples include efforts to rapidly identify, mature, develop, test, assess, acquire, and field technologies to satisfy immediate warfighter needs. I expect to work closely with Air Force and Department of Defense leadership, and Congress to examine streamlining the technology transition and acquisition processes.

Question. If confirmed, how would you ensure that technologies are rapidly transitioned from the laboratory into the hands of the warfighter?

Answer. If confirmed, I would support a robust Air Force Science and Technology Program with the investment and focus needed to bring technologies to maturity, and transition these technologies into warfighting capabilities.

Question. What steps would you take to enhance the effectiveness of technology transition efforts?

Answer. If confirmed, I would support close collaboration with the technology community and the warfighter to identify current needs and to anticipate future operational needs arising from a changing national and world security environment.

TEST AND EVALUATION

Question. In response to advance policy questions to the committee for your June 22, 2001, nomination hearing to be Deputy Under Secretary of Defense for Acquisition and Technology you stated, "Testers should be involved early to ensure an adequate test and evaluation program is defined, addressed, and maintained in both program budget and schedule. We need to devote sufficient resources to conduct well-planned test programs and execute the program properly. The Department needs to increase discipline in the developmental test and evaluation process by assuring systems have passed their exit criteria and demonstrated a fundamental core capability in developmental test and evaluation before entering Initial Operational Test and Evaluation."

What progress has the Department made toward the implementation of these objectives?

Answer. The Air Force recently implemented a new strategy called "Seamless Verification" that fully integrates all types of testing into a seamless, efficient continuum. Testers are involved much earlier in acquisition programs than ever before as they provide valuable advice to acquisition managers. The goal is for acquisition and test communities to become close partners in supporting our warfighters.

Question. What are your views on the effectiveness of the Department's test and evaluation activity?

Answer. If confirmed, one of my goals is to restore the Air Force to its premier position in acquisition and management. In testing the Air Force has always been on the forefront of innovative test and evaluation ideas and improvements.

Question. What is the impact of rapid fielding requirements on the standard testing process? For small systems? For large systems?

Answer. It's my understanding that rapid fielding assumes more risk in the testing process and may even require programs to include their own test and evaluation capabilities. It's also my understanding that rapid acquisition does not replace normal acquisition procedures, but rather speeds up the administrative process of identifying, approving, and funding systems/capabilities to satisfy urgent warfighter needs. Additionally, rapid fielding often foregoes other lesser priorities until the rapid acquisition testing is completed by dedicating nearly all resources to the task at hand. This applies to all systems in the rapid fielding initiative, large and small.

If confirmed, I look forward to working with the Air Force Acquisition and Test communities to make the acquisition process less cumbersome and effectively offset any risks introduced through rapid fielding with more effective program management and test and evaluation activities.

Question. The Air Force has some unique requirements with regard to prompt global reach and affordable, responsive space lift missions.

In your view, are changes in current test range structure, operations, and mission assurance parameters required to accommodate Air Force experimentation and small launch needs?

Answer. If confirmed, I look forward to working with Air Force senior leaders and the Air Force Test and Evaluation community to better understand the requirements in accommodating Air Force experimentation and small launch, as well as how the Service's unique operational requirements and core competencies impact the test community.

DEFENSE INTEGRATED MANPOWER HUMAN RESOURCES SYSTEM (DIMHRS)

Question. DIMHRS is a single integrated human resources pay and personnel system for all the Armed Services and the Defense Finance and Accounting System (DFAS), and is intended to replace many of the systems currently used to perform personnel management and pay functions. DIMHRS has been under development for several years and has come under criticism for cost growth, delays in implementation, and not meeting the expectations of each Service. The Acting Deputy Secretary of Defense has directed a review of DIMHRS in order to determine its future.

What success has the Department had in developing and implementing enterprise-wide information technology systems?

Answer. It is my understanding that the Air Force has effectively used information technology to permit Air Combat Command, Air Mobility Command, United States Air Forces in Europe, and Pacific Air Forces to consolidate their supply functions into consolidated Regional Supply Squadrons. In the past, supply functions had to be done at each base. Today, a single web interface is giving us access to worldwide supply information 24/7 making this process location independent even though we continue to rely on the legacy Standard Base Supply System. Centralizing common supply processes has proven to be effective in cost and performance providing greatly enhanced analytical tools and yielding a savings of 570 people.

Another example, the Air Force has developed a common technical framework for providing warfighters and supporting activities with timely, accurate, and trusted combat support and business information. The technical framework was developed under the Global Combat Support System program. The Air Force Portal is the standard user interface to all Air Force support data and functions. The Air Force Portal includes personalized, role-based access and single sign-on to information and capabilities within combat support and business areas.

Question. What are your views of the need for completion of implementation of DIMHRS and what specific benefits, if any, would the Air Force derive from this system?

Answer. It is my understanding that DIMHRS can bridge the gap between the personnel and pay arenas, provide a unified system with far lower overhead, and dramatically reduce the number of pay errors affecting our troops. The Air Force needs a modern, integrated personnel/pay system.

NATIONAL SECURITY PERSONNEL SYSTEM (NSPS)

Question. What are your views on the strengths and weaknesses of the implementation steps undertaken within the Department thus far?

Answer. The strength of the implementation effort comes from the core of dedicated staff members who are working towards a new vision. The Air Force should have NSPS teams and champions at installations, begun training, and communicated NSPS import to its people.

Question. What do you believe will be the benefits of NSPS when implemented, and what steps would you take, if confirmed, to ensure a smooth and effective transition?

Answer. The bottom line: NSPS is a much-needed retooling of civilian personnel rules. It provides the Air Force with the tools we need to respond to the challenges we face daily. It gives us the flexibilities we need to get the job done the right way with the right people and in the right time. If confirmed, I will work within the Air Force, the Department of Defense, and Congress to make it a success. This means providing training and communication tools to give managers and employees a mastery of the new system and lessen their hesitancy and fear as they move from the known to the unknown.

TECHNICAL WORKFORCE

Question. In recent public comments at the DARPA Systems and Technology Symposium you noted concern about the adequacy of technical personnel with expertise in defense critical disciplines who qualify for security clearances: "This is of particular concern to our Department because we hire almost half of all Federal scientists and engineers outright, as well as being responsible for many of the private sector jobs in science and technology."

If confirmed, what plans would you pursue to continue work to ensure a future supply of experts in defense critical disciplines to hold positions in defense laboratories?

Answer. If confirmed, I will continue to work hard to make sure we have the right mix of talent, expertise, and skill to meet our needs in the Department of Defense, and to find innovative measures to attract bright individuals from America's youth to science, math, engineering, and technology career fields. For example, the Science, Mathematics, and Research for Transformation (SMART)/National Defense Education Act (NDEA)—Phase One program could provide an important option to address critical shortfalls in the DOD scientific and engineering workforce.

QUALITY OF LIFE PROGRAMS

Question. Do you believe that Air Force quality of life programs are meeting the needs of members of the Air Force and their families?

Answer. Yes. The Air Force has historically placed a high priority on the quality of life for its most important resource—its people. This has been reflected in the positions we have taken on issues like adequate pay and allowances, the standard of living in base housing and dormitories, and high-demand programs like fitness and child care, as needed balanced investment components for recruiting and retention.

Question. If confirmed, what priorities would you establish to ensure that military quality of life programs are sustained and improved for Air Force members and their families?

Answer. If confirmed, I would continue strong levels of support in areas like adequate compensation, housing for families and single members, education, fitness and childcare, as needed balanced investment components for recruiting and retention. These quality of life programs enhance military readiness and contribute to the sense of community, factors that are critical if we are to maintain a force that is ready, willing, and able to accomplish the mission.

BATTLEFIELD AIRMEN

Question. Operations in Iraq have required Air Force personnel to provide direct support to ground forces, including participation in convoy duty. The adequacy of the training provided to deployed airmen who may be required to defend a convoy and installations against insurgents has been questioned.

What non-traditional roles and missions can the Air Force assume to assist the ground forces?

Answer. The Air Force is and has been performing numerous non-traditional roles in support of operations in Iraq and Afghanistan. Based on currently agreed to sourcing for Operation Iraqi Freedom/Operation Enduring Freedom 05–07 and 06–08, the Air Force will be providing personnel for over 3,000 billets traditionally assigned to the Army. Some of the roles and missions the Air Force will be performing are within its core competencies; others require additional training from the Army prior to deployment. The duties fall into the following Air Force functional areas: Medical, Chaplain, Engineering, Communications, Logistics, Intelligence, and Security Forces. The specific missions the Air Force is currently performing that require additional training are: Interrogation, Convoy Operations, and Prison Guard duty. Additionally, the Air Force will soon be providing personnel in support of Civil Affairs operations in Iraq, Afghanistan, and the Horn of Africa.

Finally, the Air Force, in conjunction with the other Services, is actively researching other mission areas in which it can provide support to ground forces in Iraq and Afghanistan. In order to find additional mission areas the Air Force has broadened the spectrum and is looking at traditionally Army and, Marine Corps missions around the world. This has opened the door to additional missions in all the function areas listed above and other areas such as United Nations duty and Joint Task Force Headquarters roles.

Question. What training is being provided to airmen who are assigned to, or who volunteer to perform convoy duty or other duties requiring proficiency in small arms or crew served weapons?

Answer. As I understand it, Air Force training given fulfills essential requirements for high threat area deployment. For example, the Basic Combat Convoy Course (BC3) has proven to be the premier basic combat skills course that prepares airmen for combat convoy operations. Transportation airmen receive 25 days of training during BC3.

Question. What is your assessment of the sufficiency of the training currently being given to Air and Space Expeditionary Force airmen deploying to Iraq and Afghanistan?

Answer. I am not familiar with the sufficiency of training, but if confirmed it would be an area of highest urgency.

GENERAL OFFICER MANAGEMENT ISSUES

Question. Incidents of misconduct or substandard performance and findings of inspectors general and other command-directed investigations are documented in various ways in each of the Services. Procedures for forwarding adverse and alleged adverse information in connection with the promotion selection process are set forth in DOD Instruction 1320.4.

How is the Air Force ensuring compliance with DOD Instruction 1320.4?

Answer. I have not had the opportunity to review this area in detail, but it is my understanding that the Air Force maintains a single repository for records of adverse information on senior officials, Secretary of the Air Force/Inspector General (SAF/IG) accomplishes an extensive files check whenever an individual meets a promotion board for any of the general officer ranks. If adverse information is uncovered, a senior officer unfavorable information file is created and is attached to the officer's promotion board folder. If selected for promotion, this file stays with the officer's nomination package through its coordination with the Office of the Secretary of Defense, the White House, and Congress. If new unfavorable information is uncovered on an officer already nominated for promotion, that information is immediately added to the nomination package. In this instance, the Air Force may pull the individual's name from the list.

Question. What standards and procedures are in place in the Air Force to ensure that allegations of adverse information relating to nominees for promotion are brought to the attention of the Department and the committee in a timely manner?

Answer. It is my understanding that if formal action is pending, the Secretary of the Air Force will sign a notification to the Office of the Secretary of Defense (OSD) of the situation and request appropriate action, such as formal separation from a pending promotion list, retirement request, or place a member on hold if there is a nomination pending Senate confirmation. Additionally, informal phone contact is made both with Office of the Secretary of Defense/Military Personnel Policy and/or the Senate Armed Services Committee staff through the Secretary of the Air Force for Legislative Affairs. Files checks on all individuals are conducted prior to submittal of nomination packages, retirement requests, and promotion lists; these files checks are updated every 60 days while formal action is pending approval, and en-

sure no adverse or potentially adverse information exists prior to the Secretary of the Air Force's signature on these requests.

SENIOR MILITARY AND CIVILIAN ACCOUNTABILITY

Question. While representative of a small number of individuals, revelations of abuses of rank and authority by senior military and civilian leaders and failures to perform up to accepted standards are frequently reported. Victims of such abuses often report that they felt that no one would pay attention to or believe their complaints. Accusations of unduly lenient treatment of senior officers and senior officials against whom accusations have been substantiated are also frequently heard.

What are your views regarding the appropriate standard of accountability for senior civilian and military leaders of the Department?

Answer. Public service is a matter of public trust. Standards of accountability are and will remain high for all personnel in the Department. I expect every civilian and military leader to meet Air Force professional and personal standards of conduct. I also expect commanders and supervisors to enforce those standards and take appropriate action when individuals, regardless of rank or position, fail to meet them.

Question. If confirmed, what steps would you take to ensure that senior leaders of the Air Force are held accountable for their actions and performance?

Answer. First, I would review existing guidance to ensure it is adequate and clearly puts senior leaders on notice of the professional standards to which I expect them to conform. Second, I would utilize existing systems, to include the Inspector General System, the Office of Special Investigations, and the Equal Opportunity program to monitor both complaints and the actions taken on substantiated complaints. I expect to be briefed on allegations, substantiated allegations and the actions taken in response to substantiated allegations.

AIRBORNE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE (ISR)

Question. The airborne ISR assets developed and operated by the Air Force form an indispensable part of the Nation's overall intelligence architecture. These assets are often referred to as high demand, low density systems because of the extensive number of requirements and high operational tempo on their systems and crews.

In your view, does the Air Force have sufficient airborne ISR assets to meet current and projected requirements?

Answer. This is an area of concern to me, though I am not familiar with the current state of sufficiency. If confirmed, I will review the resourcing of these assets for sufficiency.

Question. What changes would you recommend, if confirmed, to current plans for the development and acquisition of airborne ISR platforms? Will these changes remove ISR platforms from the high demand, low density category?

Answer. As demand is a function of the various combatant commanders, it is difficult to envision a scenario where one could completely eliminate high demand, low density from its lexicon when discussing airborne ISR capabilities. If confirmed, I will review all of the usage and plans for these platforms to determine the sufficiency of resourcing.

OFFICER REDUCTION IN FORCE (RIF)

Question. The Air Force has reported that it has a surplus of some 4,000 officers, mostly lieutenants and captains. Information available from the Air Force Personnel Center indicates that among others, there are 1,600 surplus pilots, 389 intelligence officers, 278 security force officers (military police), and 666 medical service corps officers. The Air Force is considering a RIF to meet end strength requirements.

What is your understanding of the scope of the Air Force's surplus of junior officers and the Air Force's current plan to address this problem?

Answer. The officer corps in total needs to be reviewed as the imbalance is within the total corps. Force rebalance with an emphasis on innovation is a goal. I am concerned with any indication that the Air Force message on future opportunities gets misinterpreted.

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, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Secretary of the Air Force?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN WARNER

COMPETITION IN SERVICE CONTRACTS

1. Senator WARNER. Secretary Wynne, in July 2004, you signed an acquisition policy memorandum addressed to the Service Secretaries and Service Acquisition Executives regarding the selection of contractors for subsystems and components. That memo called for better oversight to ensure that prime contractors fairly compete work that will be performed by subcontractors and not "insource" such work to their own companies. The committee has been made aware of an increasing number of situations in which prime contractors have insourced work that is within the scope of teammates on indefinite delivery, indefinite quantity (IDIQ) services contracts. Do the policies set forth in your July 2004 memorandum apply to services contracts, which may be conducted under FAR Part 12 contracts? If not, why not? If so, are DOD and the Services exercising adequate supervision over insourcing decisions?

Mr. WYNNE. Competition is important in either case, and so I do not see that there is a difference in the application, other than the circumstance of service may be different than supply. The role of the prime is to provide best value to the customer in quality and price, therefore insourcing should provide an improvement to the customer for best value, or it does not reflect the assigned duty of the prime. The policies that were addressed in my memorandum of July 12, 2004, were intended to apply to the choices that are made to design systems and their component parts. Moreover, the potential remedy of providing a capability as Government-furnished equipment, as addressed in the memorandum, may not be practical for the acquisition of services. However, I have asked in the context of acquisition, technology, and logistics (AT&L) for improved supervision and oversight; and now have the opportunity, if confirmed, to follow essentially my own direction.

2. Senator WARNER. Secretary Wynne, if confirmed as Secretary of the Air Force, will you commit that you will look into this issue and establish policy that will ensure appropriate competition, including government oversight on services contracts?

Mr. WYNNE. If confirmed I will look into this issue, and determine if added policies are relevant, or if current policy needs to be emphasized, for services contracts. Services contracts are an increasing component of our acquisition dollars and need scrutiny.

3. Senator WARNER. Secretary Wynne, GAO found that DOD could not demonstrate that it had achieved cost savings or performance improvements through the use of performance-based logistics arrangements in the September 2005 GAO Report (GAO–05–966 titled DOD Needs to Demonstrate that Performance-Based Logistics Contracts Are Achieving Expected Benefits). If confirmed, what steps would you take to implement more effective oversight of performance-based services contracts in the Air Force and respond to the recommendations of GAO?

Mr. WYNNE. If confirmed, I will carefully review the circumstances that the GAO found in its report. I intend, if confirmed, to achieve a clean audit within the Air Force, and believe this knowledge will allow better management of performance-based logistics contracts. I will also, if confirmed, cause a review of each of the GAO recommendations with a bias towards implementation.

QUESTIONS SUBMITTED BY SENATOR JOHN MCCAIN

ACQUISITION

4. Senator MCCAIN. Secretary Wynne, the committee is becoming increasingly aware of situations where prime contractors are insourcing work that is the scope of teammates on indefinite delivery, indefinite quantity (IDIQ) services contracts. As Acting Under Secretary of Defense you signed an acquisition policy memorandum last July 2004 on the selection of contractors for subsystems and components. It calls for the government to provide oversight when a prime considers using its own capability to perform work that can be competitively conducted elsewhere in the industrial base. As an example, the committee is aware that a prime contractor is attempting to insource engine repair work that it has never done before, pursuant to contract options that were awarded based on the performance of their subcontractors. This action would displace the Air Force's only qualified commercial vendor—the subcontractor that is currently performing the work. What is your view of such a practice being conducted without any direct oversight by the Air Force or Congress?

Mr. WYNNE. Competition is important in either case, and so I do not see that there is a difference in the application, other than the circumstance of service may be different than supply. The role of the prime is to provide best value to the customer in quality and price, therefore insourcing should provide an improvement to the customer for best value, or it does not reflect the assigned duty of the prime. The policies that were addressed in my memorandum of July 12, 2004, were intended to apply to the choices that are made to design systems and their component parts. Moreover, the potential remedy of providing a capability as Government furnished equipment, as addressed in the memorandum, may not be practical for the acquisition of services. However, I have asked in the context of AT&L for improved supervision and oversight; and now have the opportunity, if confirmed, to follow essentially my own direction. I am not familiar with the specific issue cited, and if confirmed, commit to looking into the circumstance surrounding this issue.

5. Senator MCCAIN. Secretary Wynne, as Congress continues to examine how to improve the DOD acquisition process, including the acquisition of services, do you think that prime contractors should be required to flow down options to its subcontractors whose performance was the basis for such option awards and if not, why not?

Mr. WYNNE. Acquisition of services continues to consume a greater and greater portion of the available acquisition dollars and therefore merits scrutiny. The merits of flowdown under service contracts should be based on continuing to receive the benefit of acceptable services while allowing the prime contractor to gain efficiencies. An incumbent subcontractor is likely to be very competitive for option awards where its performance is satisfactory. When government rules with a heavy hand, it can cause tyranny from subcontractors and a loss of accountability at the prime level. The specific cited instance is unfamiliar to me and, if confirmed, I will look into this specific instance as an example.

QUESTIONS SUBMITTED BY SENATOR JEFF SESSIONS

SPACE ACQUISITION

6. Senator SESSIONS. Secretary Wynne, the Department's new approach to space acquisition appears to be evident in the Transformational Satellite (TSAT) program. Nevertheless, the Senate and House Armed Services Committees have expressed some unease about TSAT's ambitious acquisition schedule, given the integration challenges one might expect from such a complex program. This unease with TSAT derives from the sorry history of space acquisition programs. How will Congress know when the acquisition program is sufficiently reformed such that we can have confidence that TSAT and other satellite programs will be delivered on schedule and close to cost?

Mr. WYNNE. The TSAT program, if successful, brings the Global Information Grid's (GIG) concept of a massive increase in transmissibility closer to reality. Given that it is a noble quest, can we bring less risk is the question of the moment. If confirmed, one of my goals is to establish a more rigid technology readiness criteria so that we have confidence in the technologies we integrate into our platforms. Increasing the technical maturity levels decreases substantially the risk of integration. Congress will know our efforts have made an impact when we can forecast sched-

ules credibly. Schedule is a major driver of cost, but without technical maturity, schedules cannot be maintained in a credible way.

Another area of concern is the inattention to detail that causes lapses in engineering and quality discipline. These also cause schedule impacts and integration is most vulnerable. If confirmed, I intend to address this as well.

7. Senator SESSIONS. Secretary Wynne, are there a set of criteria we should use to assess the viability of space acquisition programs?

Mr. WYNNE. Yes, the National Security Space Acquisition Policy 03–01 (NSS 03–01) provides acquisition process guidance for all DOD space system major defense acquisition programs (MDAPs). Additionally, technical readiness levels are very good indicators of future success, and adherence to schedule milestones with decreasing levels of fault in engineering and quality. All of these should be measured.

8. Senator SESSIONS. Secretary Wynne, should we rely on independent assessments?

Mr. WYNNE. Independent assessments can be useful, but the very phrase assessment contemplates measure from baseline; and can't replace a systems engineering master plan which is the roadmap to success.

9. Senator SESSIONS. Secretary Wynne, what incentives or procedural changes would encourage more realism in cost estimates? Have you studied what could realistically be done to address this cause?

Mr. WYNNE. To encourage cost realism, I would promote more mature technologies in development programs, stringent requirements vetting, robust organic cost analysis capability, independent cost estimating, well defined and realistic technical and schedule baselines, and accountability. There are several ongoing reviews of acquisition practice within the Department. Many of these initiatives I mention here are the product of past and present studies on how to address the root cause of weapon system cost growth. If confirmed, I plan on reviewing the recommendations they offer. My current view is to assign more accountability to the program manager with regard to tradeoffs on requirements. I also plan on reviewing profit incentives to assess whether they are fairly given, and protect the interests of the taxpayer. Some areas of engineering and quality discipline problems should incur a penalty.

10. Senator SESSIONS. Secretary Wynne, what progress has DOD made in setting priorities for its desired space capabilities in the event that programs are funded at a higher level of confidence or estimates are more realistic (higher)?

Mr. WYNNE. DOD has developed a capabilities-based approach to what space assets can bring, and when to trade these for air or ground based assets. We work at the Department level and with Congress to allocate our resources across the Services and programs to achieve those required space capabilities. The lack of confidence in achievement of milestones places a risk premium on certain programs, which then are more available for trade. With the problems that space programs have encountered, prioritization is essential if space dominance is to be retained.

11. Senator SESSIONS. Secretary Wynne, does DOD possess the analytic tools to make trades across space systems?

Mr. WYNNE. We have appropriate tools to develop architectures and analyze trades within specific mission areas. These analytic tools are continually refined. As a current assessment, I do believe that DOD can adequately conduct trades.

12. Senator SESSIONS. Secretary Wynne, given the difficulties that space systems have experienced because technologies have not matured as promised, would you be in favor of changing NSS–03–01 to conform to the DOD 5000 series (acquisition policy document for DOD)?

Mr. WYNNE. DOD 5000 would not necessarily result in more mature technologies. However, if confirmed, one of the issues that I want to consider is how to bring the emphasis of technology readiness assessments that determine whether the technology is mature enough for the program to enter into the next acquisition phase, and systems engineering discipline back into space; and a review of the NSS–03–01 appears to be in order, as well as its conformance to DOD 5000.

QUESTIONS SUBMITTED BY SENATOR JOHN ENSIGN

COMPETITION IN SERVICE CONTRACTS

13. Senator ENSIGN. Secretary Wynne, you signed an acquisition policy memorandum as Acting Under Secretary of Defense last July 2004 on the selection of contractors for subsystems and components that calls for the government to provide oversight when a prime considers insourcing work that can be competitively conducted elsewhere in the industrial base. The committee is becoming aware of situations where prime contractors are insourcing work that is the scope of teammates on IDIQ services contracts. Does this policy also apply to services, which may be conducted under FAR Part 12 contracts?

Mr. WYNNE. Competition is important in either case, and so I do not see that there is a difference in the application, other than the circumstance of service may be different than supply. The role of the prime is to provide best value to the customer in quality and price, therefore insourcing should provide an improvement to the customer for best value, or it does not reflect the assigned duty of the prime. The policies that were addressed in my memorandum of July 12, 2004, were intended to apply to the choices that are made to design systems and their component parts. Moreover, the potential remedy of providing a capability as government furnished equipment, as addressed in the memorandum, may not be practical for the acquisition of services. However, I have asked in the context of AT&L for improved supervision and oversight; and now have the opportunity, if confirmed, to follow essentially my own direction.

14. Senator ENSIGN. Secretary Wynne, if confirmed as Secretary of the Air Force, will you commit to the committee that you will look into this issue and establish policy that requires government approval of insourcing decisions by primes on services contract?

Mr. WYNNE. If confirmed, I will look into this issue and determine if added policies are relevant, or if current policy needs to be emphasized for services contracts. Services contracts are an increasing component of our acquisition dollars and need scrutiny.

QUESTIONS SUBMITTED BY SENATOR SAXBY CHAMBLISS

PUBLIC-PRIVATE PARTNERSHIPS

15. Senator CHAMBLISS. Secretary Wynne, one of the things I have followed closely in my 10 years in Congress is the Air Force's policies regarding core workload and public-private partnerships. I have one of the Air Force's three Air Logistics Centers in my State at Robins Air Force Base and I understand you had a chance to visit that installation back in July. Over the past few years at Robins, the depot has established and grown a public-private partnership for the C–17 program which continues to be a huge success and produce great results for the taxpayer and the Air Force. As the Air Force fields new aircraft like the C–130J and the F/A–22 I expect that the Air Force will develop public-private partnerships for those systems as well which bring together the expertise of private industry and our DOD industrial sites. I know you've thought about this during your tenure at OSD AT&L, but I'd like you to provide your thoughts on public-private partnerships for sustaining weapon systems, and also have your assurances that, if confirmed, you will be an advocate for these partnerships and not advocate large, non-competed maintenance contracts to the private sector for Air Force weapon systems as has been considered in the past.

Mr. WYNNE. I have seen first hand the benefits that the public-private partnerships bring to both sides and appreciate their effect. Each arrangement must bring the biggest benefit to the taxpayer, but should be first compared to the model of the public-private partnership. Partnering with the private sector to ensure access to complimentary depot maintenance capabilities is an integral part of the Air Force depot strategy. In this regard, I can advise that I will ensure the best capabilities mix from the public and private sectors. If this is provided best by the public-private partnership, I would be an advocate to bring this benefit to the taxpayer.

JOINT STARS RE-ENGINING

16. Senator CHAMBLISS. Secretary Wynne, this committee has shown its support for re-engining the Joint STARS fleet by authorizing $44 million in fiscal year 2006 to initiate this effort. Many of us believe that both procuring and leasing new engines should be considered because this is a case where an operating lease could

make sense. Leasing engines avoids disrupting planned procurement budgets since the lease costs can be paid from operating and maintenance funds that support the current engine fleet. In fact, I understand that the U.S. Navy currently leases engines in this manner for some of their aviation fleet. If Congress appropriates the funds requested in the Air Force's fiscal year 2006 Unfunded Priority List for nonrecurring engineering activities associated with re-engining the Joint STARS fleet and if, as a result of evaluating the quotes the Department receives from industry for the re-engining effort, leasing the engines is the recommended alternative, will you support the recommendation?

Mr. WYNNE. I continue to be an advocate that innovative contracting/leasing has a place in this spectrum. It comes down to the business case to achieve the overall cost benefit. The cost benefit is not simply to the engine on engine, regarding maintenance, but to the second order effect on fuel costs, and the larger third order effect of reducing the need for airborne tankers. Increasing the fleet fuel economy is not just for Joint STARS, but it likely makes a compelling case on its own. If such a compelling case can be made and meets the various Office of Management and Budget (OMB) criteria, as you suggest, I could support it, if confirmed.

QUESTIONS SUBMITTED BY SENATOR JOHN THUNE

ALTERNATIVES TO REDUCTION IN FORCE

17. Senator THUNE. Secretary Wynne, the Air Force has reported that it has a surplus of 4,000 officers, mostly lieutenants and captains. In order to meet end strength, the Air Force is considering a RIF. Do you think it is a wise policy for the Air Force to begin releasing experienced officers during a time of crisis?

Mr. WYNNE. This is an issue that I want to carefully review, if confirmed, and therefore must withhold judgment, as I didn't know the options the Air Force is considering. I am aware that Congress establishes the authorized end strength for the Air Force and surpluses of personnel are always a fiscal and operational concern of senior leadership. My view is that there must be a balance between experience and innovation. I recognize that the Air Force must be a technically savvy force. I also recognize that experience counts in war. The Air Force has been in combat since 1990 and on a continuous basis. Changes are coming, but the question remains at what rate.

18. Senator THUNE. Secretary Wynne, has the Air Force considered other alternatives to a RIF? For example, the Marine Corps is in need of pilots in the grade of lieutenant and captain. Has there been any communication between the Services that would give experienced officers the option of retraining to another specialty or switching to a sister Service to fill open slots?

Mr. WYNNE. I am not personally aware of the alternatives the Air Force has considered and I don't know the status of other Services' pilot retention and recruiting. This is clearly innovative, and matches well the 'Blue to Green' concept for transfers from the Air Force to the Army. My experience has been that the Services all work closely together and with OSD on personnel related matters. If confirmed, I will follow up on how coordinated the accession strategy is. As the Joint Strike Fighter (JSF) matures, this could become even more important.

QUESTIONS SUBMITTED BY SENATOR CARL LEVIN

SPACE RADAR

19. Senator LEVIN. Secretary Wynne, the current Air Force plan for the space radar (SR) program sets 2015 as the target date for the first satellite launch. Many in Congress think that this date may be overly ambitious because the requirements for the program and the costs of the program are not well established. Recently there has been some discussion about accelerating the program so that the first launch would be as early as 2008. Do you believe that a SR satellite could launch in 2008?

Mr. WYNNE. I would be concerned that such an aggressive schedule must be supported by very mature technologies. Dr. Ronald Sega is reviewing the potential to provide a SR program earlier than current projections while taking a low technology risk approach. Such an approach would allow a satellite launch sometime earlier than current SR plans. If confirmed, I will be emphasizing technical maturity, and will be reviewing the SR in this regard.

20. Senator LEVIN. Secretary Wynne, what information would such a satellite provide and at what cost?

Mr. WYNNE. I understand the SR would contribute significantly to both tactical surveillance and strategic surveillance. When used in conjunction with other sensors, it contributes to our agility and battlefield dominance. Cost continues to be an issue and is the attribute considered in trades studies against other available capabilities.

21. Senator LEVIN. Secretary Wynne, do you support this approach?

Mr. WYNNE. I support achieving the capabilities to meet the next generation warfight and I do support the idea that we should evaluate a nearer term, lower-risk program implementation. The notion of the Automatic Electronic Scanning Array Radio Detection and Ranging (RADAR) has been maturing for application to aircraft for the past 2 decades represents an attractive application. If confirmed I will be looking into the technical maturity of this application and comparing it to other capabilities available in the time frame. I would like, if confirmed, to hear the arguments prior to making a judgment.

EXECUTIVE AGENT FOR SPACE

22. Senator LEVIN. Secretary Wynne, will you serve as the Department of Defense Executive Agent for Space or will this responsibility be further delegated to the Under Secretary of the Air Force?

Mr. WYNNE. In the position of AT&L, I withdrew the delegation from the Air Force that had been in place for the past several years. You are correct in presuming, if confirmed, that I will seek its reinstatement. I have worked with Dr. Ron Sega for the past almost 4 years and find him highly qualified to handle this responsibility. He has been accomplishing the task for the past several months and has established a remarkable record of achievement with both the DOD and the Director of Naval Intelligence (DNI). I see no reason at present that I would not, if confirmed, allow him to continue in this regard.

QUESTIONS SUBMITTED BY SENATOR EDWARD M. KENNEDY

NEED FOR PERSIAN GULF PRESENCE

23. Senator KENNEDY. Secretary Wynne, during the Cold War, the United States protected its interests in the Persian Gulf by relying on local allies and preparing facilities that would permit a rapid intervention, but we did not keep large combat forces deployed there on a permanent basis. This worked very well, even when we were facing the Soviet challenge, and we used this same approach to expel Iraq from Kuwait in 1990–1991. Since then, we have kept thousands of combat troops in the region, and some argue that their presence has fueled the rise of extremist groups like Al Qaeda. Can the United States return to an offshore balancing strategy in the Gulf, and rely primarily on local actors and our own air and naval forces?

Mr. WYNNE. History shows that the time constant of restoring stable governance has been shrinking from the 46 years in the Philippines, and some 24 years in Haiti in the early 1900s to now. With the current foe, and some compelling evidence of our opponents' desire for our hasty exit; the return to 'an offshore balancing strategy' does not appear to be in our near future. However, as General Abizaid and Secretary Rumsfeld have stated on numerous occasions, the U.S. military intends to reduce the level of U.S. forces in the region as conditions permit.

WAR COST AND MODERNIZATION

24. Senator KENNEDY. Secretary Wynne, are you worried that the costs of the Iraq war are going to prevent the Air Force from modernizing its forces in a timely manner?

Mr. WYNNE. There are many budgetary pressures across the DOD and the Air Force. If confirmed, I need to better understand all of the costs going forward, and can't make a judgment as yet. I do believe the American taxpayer will agree to fund what is necessary to preserve their freedoms.

RECRUITMENT

25. Senator KENNEDY. Secretary Wynne, recruitment for the Air National Guard (ANG) has been down. In August, the ANG only met 85 percent of its recruiting goal. What's your strategy to reverse this trend?

Mr. WYNNE. I do not understand all of the dynamics at present, and if confirmed, will review ongoing accession strategies and work with the ANG to determine what changes to make. I do understand the ANG is pursuing several initiatives to help them achieve their recruiting goal.

26. Senator KENNEDY. Secretary Wynne, what impact have increased deployments in Iraq had on recruiting?

Mr. WYNNE. I don't know, and have not been privy to outbriefs or surveys to make a judgment in that regard. If confirmed, I will look carefully at the impact of global war on terror operations on the total personnel force.

QUESTIONS SUBMITTED BY SENATOR ROBERT C. BYRD

MODERNIZATION

27. Senator BYRD. Secretary Wynne, as part of the DOD's transforming our military forces, the U.S. Air Force is developing an initiative known as Future Total Force (FTF), which focuses on accelerated reductions of legacy weapons systems and the procurement of newer weapons systems. How do you anticipate that the Base Realignment and Closure (BRAC) Commission Report and the 2005 QDR will impact the Air Force FTF planning process?

Mr. WYNNE. The BRAC recommendations are still maturing in Congress, and if that concludes without objection, the Department will be obligated to close and realign all installations so recommended. Any impacts from that will be collectively assessed with the Air Force's total Force—Active, ANG, and Reserve. If confirmed, I will review the initial assessment that the BRAC recommendations were generally in conformance with FTF. The QDR continues and is being accomplished in the context of FTF, but likely the results of numerous QDR studies such as Joint Air Dominance, tactical air (TACAIR) integration, etc., must answer larger questions as to the Air Force's future roles and missions.

28. Senator BYRD. Secretary Wynne, what are your views about the Air Force's future role in missions of homeland defense, the war on terrorism, and combating weapons of mass destruction?

Mr. WYNNE. I see the mission of the Air Force to preserve sovereign options for the United States in the assigned commons of air and space, and in the emerging commons of cyberspace. Each of the various missions described in the question has a derivative mission for the Air Force, in preserving commerce, in preserving order, and in the ability of the U.S. to deter aggression. Recently, the utility of the Air Force in support of consequence management of a natural disaster illustrated the mission for homeland defense over and above deterrence from incursion, and air and space defense.

29. Senator BYRD. Secretary Wynne, please describe your position concerning C–5 strategic airlift and the roadmap to modernize the fleet with upgraded avionics and engines.

Mr. WYNNE. I believe in the need for strategic lift and the retention of the capability to do it quickly. I am unfamiliar with the business details of the avionics and engine modernization. I am an advocate for increasing fuel economy and increasing reliability but would have to compare this business plan against the priorities of the Service. If confirmed, I will do that.

30. Senator BYRD. Secretary Wynne, do you support community basing of Active-Duty Forces at ANG bases?

Mr. WYNNE. I support the concept of FTF. If confirmed, I will review the merits of community basing and other aspects of the FTF.

BASE REALIGNMENT AND CLOSURE

31. Senator BYRD. Secretary Wynne, the BRAC Commission Report forwarded to the President found the DOD recommendations relating the 130th Airlift Wing located in Charleston, West Virginia, "deviated substantially from selection criteria 1,

2, and 3, as well as from the Force Structure Plan." The BRAC Commission finding left the airlift mission and C–130H aircraft at Charleston; however, the report did not address the previous agreement that C–130H3 aircraft from the 167th Airlift Wing in Martinsburg, West Virginia, which is to receive C–5s in the fiscal year 2007 timeframe, would be transferred to Charleston, West Virginia. I am very opposed to any change to the agreement regarding transfer of these aircraft to Charleston. This is an issue a high priority matter to me that I will be monitoring closely. I hope that if you are confirmed, you will work closely with me to ensure that the original plan developed by your predecessors will be implemented as intended. Can I have your assurances in this regard?

Mr. WYNNE. The BRAC recommendations are presently maturing before Congress, and if they clear without objection, the Department will close and realign all installations so recommended. If confirmed, I will commit to working with you to implement these to the best result. I can also assure you that if confirmed, I will ask to be briefed as to commitments made by my predecessors and will work with you in that regard as well.

[The nomination reference of Michael W. Wynne follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 6, 2005.

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

Michael W. Wynne, of Florida, to be Secretary of the Air Force, vice James G. Roche.

[The biographical sketch of Michael W. Wynne, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF MICHAEL W. WYNNE

Michael W. Wynne is the Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics. The Senate confirmed him to this position on July 12, 2001.

Prior to joining Defense, he was involved in venture capital nurturing small technology companies through their start-up phase as a member of the NextGenFund Executive Committee and serving in executive positions within two companies.

In 1999, Mr. Wynne retired as Senior Vice President from General Dynamics (GD), where his role was in International Development and Strategy. He spent 23 years with GD in various senior positions with the Aircraft (F–16s), Main Battle Tanks (M1A2), and Space Launch Vehicles (Atlas and Centaur).

In between working with GD, he spent 3 years with Lockheed Martin (LMT), having sold the Space Systems division to then Martin Marietta. He successfully integrated the division into the Astronautics Company and became the General Manager of the Space Launch Systems segment, combining the Titan with the Atlas Launch vehicles.

Prior to joining industry, Mr. Wynne served in the Air Force for 7 years, ending as a Captain and Assistant Professor of Astronautics at the U.S. Air Force Academy teaching Control Theory and Fire Control Techniques. Mr. Wynne graduated from the United States Military Academy and also holds a Masters in Electrical Engineering from the Air Force Institute of Technology and a Masters in Business from the University of Colorado. He has attended short courses at Northwestern University (Business) and Harvard Business School (PMD–42). He is a Fellow in the National Contracts Management Association, and has been a Past President of the Association of the United States Army, Detroit Chapter and the Michigan Chapter of the American Defense Preparedness Association. He has published numerous professional journal articles relating to engineering, cost estimating, and contracting.

[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 Michael W. Wynne in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Wynne, Michael Walter.

2. **Position to which nominated:**
Secretary of the Air Force.

3. **Date of nomination:**
September 6, 2005.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
September 4, 1944; Clearwater, Florida.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Barbara H. Wynne (maiden name: Hill).

7. **Names and ages of children:**
Lisa W. Henkhaus, 38; Collene W. Finn, 37; Karen W. Murphy, 34; Laura W. Killette, 29.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
7/1962–6/1966—United States Military Academy, West Point, NY, BSGE.
7/1968–6/1970—Air Force Institute of Technology, WPAFB OH, MSEE.
9/1973–6/1975—University of Colorado, Colorado Springs, CO, MBA.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
6/2001–present—Deputy Under Secretary of Defense (AT&L).
4/2005–6/2005—Under Secretary of Defense (AT&L), 3015 Defense Pentago, Rm 3E1006/3C636, Washington, DC.
12/2000–6/2001—Chairman/CEO, IXATA Group, 8989 Rio San Diego Drive, San Diego, CA.
7/1997–10/1999—Senior Vice President, General Dynamics, 3190 Fairview Park Drive, Falls Church, VA.
5/1994–3/1997—GM Space Launch System, Lockheed martin Astronautics, Deer Creek Canyon Drive, Denver, CO.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

6/1966–6/1973—Officer in the USAF—Captain.

6/1973–9/1975—Reserve Officer—Captain.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

None.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

Republican National Committee, approximate $4,000.
Republican Senatorial Inner Circle, less than $1,000.
Democratic National Committee, less than $500.
Senator Feinstein, approximate $750.
Senator Allen, less than $500.
Congressman Hunter, less than $500.
Bush Campaign, less than $500.
Texas Republican Party, less than $200.
Virginia Republican Party, less than $500.
Congressman Cunningham, less than $500.
Senator Snowe, approximately $750.
Lazio Campaign, less than $300.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

National Contract Management Association Fellow.

Military Medals: Unit Excellence (AC–130 Gunship Development) and Navy Distinguished Public Service.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

1970—Multiple Reentry Vehicle—AIAA/IEE proceedings.

1972—Optimal Control: Sightline Autopilot—AIAA proceedings.

1978—Impact of Labor Strike on Learning Curves for Manufacturing Society for Parametric Estimating.

1985—RD&A Magazine, Benefit of the M1A1 Multi-year for the Army.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

[Nominee responded and the information is contained in the committee's executive files.]

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

MICHAEL W. WYNNE.

This 9th day of September 2005.

[The nomination of Michael W. Wynne was reported to the Senate by Chairman Warner on October 27, 2005, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on October 28, 2005.]

[Prepared questions submitted to Donald C. Winter by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and the chain of command by clearly delineating the combatant commanders' responsibilities and authorities and the role of the Joint Chiefs of Staff. These reforms have also vastly improved cooperation between the Services and the combatant commanders in the strategic planning process, in the development of requirements, in joint training and education, and in the execution of military operations.

Do you see the need for modifications of any Goldwater-Nichols Act provisions based on your extensive experience in the Department of Defense?

If so, what areas do you believe might be appropriate to address in these modifications?

Answer. Although I fully support the goals associated with the Goldwater-Nichols Department of Defense Reorganization Act of 1986, I have not served within the Department of Defense since Goldwater-Nichols was implemented. Because of that, I do not believe that I am currently in a position to suggest modifications.

DUTIES

Question. Section 5013 of title 10, United States Code, establishes the responsibilities and authority of the Secretary of the Navy.

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

Answer. Secretary Rumsfeld is the principal assistant to the President in all matters relating to the Department of Defense. If confirmed as Secretary of the Navy, my authorities would be derived through his office. Subject to his direction, the Secretary of the Navy is responsible for all functions assigned to both the U.S. Navy and U.S. Marine Corps.

Question. Assuming you are confirmed, what duties do you expect that Secretary Rumsfeld would prescribe for you?

Answer. If confirmed, I believe that Secretary Rumsfeld would expect me to provide Department of the Navy policy consistent with his and the President's national security objectives. He would expect me to implement those policies throughout the Department of the Navy.

Question. What duties and responsibilities would you plan to assign to the Under Secretary of the Navy?

Answer. The Under Secretary is designated as deputy and principal assistant to the Secretary. If confirmed, I would maintain the relationship that Secretary England established with the Under Secretary prior to his appointment as Acting Deputy Secretary of Defense. I would intend to evaluate this relationship, and may, after an appropriate period of time, make any necessary changes, consistent with law, that will ensure the most efficient and effective functioning of the Department.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Secretary of the Navy?

Answer. It is important for the Secretary to be open to constructive inputs and opinions and to be sure that important issues are fully vetted prior to decision. My experience with transitions in the private sector have highlighted the importance of keeping an open mind, and leveraging the experience and expertise of those that

have remained within the organization for many years. If confirmed, my intent would be to act consistent with that experience.

RELATIONSHIPS

Question. Please describe your understanding of the relationship of the Secretary of the Navy to the following officials:

The Secretary of Defense.

Answer. If confirmed as Secretary of the Navy, I will be the principal assistant and advisor to the Secretary of Defense on all matters relating to the Department of the Navy.

Question. The Deputy Secretary of Defense.

Answer. If confirmed, I would work with the Deputy, who is responsible to implement the Secretary of Defense's priorities, to better integrate functional management of DOD, to align authority and responsibility and accountability within DOD, and to manage a wide range of financial and personnel policies and procedures.

Question. The Under Secretaries of Defense.

Answer. If confirmed, I would ensure the Assistant Secretaries of the Navy work closely with the Under Secretaries of Defense to ensure the Department of the Navy maintains a clear focus on the priorities set forth by the Secretary of Defense and carried out by the Deputy Secretary of Defense and the Under Secretaries of Defense.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. As the principal military advisor to the President, National Security Council, and to the Secretary of Defense, the Chairman has a unique military role. If confirmed, I would work closely with the Chairman and the Vice Chairman to ensure that all appropriate matters are fully coordinated with them.

Question. The Chief of Naval Operations.

Answer. If confirmed, I would ensure that the Chief of Naval Operations is fully cognizant of the policies and initiatives put forth by the Secretary of Defense and the Secretary of the Navy.

Question. The Commandant of the Marine Corps.

Answer. If confirmed, I would ensure that the Commandant of the Marine Corps is fully cognizant of the policies and initiatives put forth by the Secretary of Defense and the Secretary of the Navy.

Question. The combatant commanders.

Answer. If confirmed, I would support the combatant commanders' warfighting requirements. Working with the Chief of Naval Operations and Commandant of the Marine Corps I will ensure that they are provided the necessary capabilities to address their needs.

Question. The Under Secretary of the Navy.

Answer. The Under Secretary is designated as deputy and principal assistant to the Secretary of the Navy. He acts with the full authority of the Secretary in the general management of the Department. If confirmed, I would also delegate to him important aspects of the oversight of the Department.

Question. The Assistant Secretaries of the Navy.

Answer. If confirmed, I will ensure that my priorities are implemented through the assistant secretaries. The assistant secretaries are delegated certain civilian oversight roles in the Department. I would build open communications with the assistant secretaries and use them as my leadership team to address key issues.

Question. The General Counsel of the Navy.

Answer. The General Counsel (GC) is the senior civilian legal advisor to Secretary of the Navy. The GC serves as the chief ethics official. If confirmed, I would look forward to developing a good working relationship with the GC.

Question. The Judge Advocate General of the Navy.

Answer. The Judge Advocate General of the Navy and the Staff Judge Advocate of the Marine Corps are critical components of the Navy and Marine Corps legal infrastructure. I expect to seek the advice and counsel of the Judge Advocate General of the Navy on all relevant matters.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the next Secretary of the Navy?

Answer. The primary challenges facing the next Secretary of the Navy are providing stewardship to the Department and maintaining a culture that is supportive of the legal and ethical keel of the institution.

If confirmed, I would be the 74th Secretary of the Navy and a beneficiary of the stewardship of my predecessors. I would have the responsibility to the country and

to future generations for the preservation of this great institution. As the prospective leader of the institution, I would need to address both near-term and future challenges. Near-term challenges require focusing appropriate resources in support of the global war on terror, maintaining readiness, and supporting homeland defense. Far-term challenges require development of an overarching strategy and investing for an uncertain future. This would include establishing and maintaining a long-term shipbuilding program that is achievable, affordable, and responsive to the needs of the Nation. It would also involve enhancing warfighting programs focused on joint, interagency, and expeditionary military operations. The result would be an appropriate force structure with the combat capability necessary to address evolving threats—to fight and win our Nation's future wars. Finally, responsible stewardship involves optimizing the value of the personnel and fiscal resources provided by our country.

The second overarching challenge that I see is maintaining a culture that is supportive of the legal and ethical keel of this great institution, the Department of the Navy. This challenge involves reaffirming the ethical basis on which the institution depends so much. It includes providing forward-looking leadership to ensure the highest standards of conduct that exemplify the Department's core values of honor, courage, and commitment. It would require us to lean forward to prevent lapses such as sexual harassment or acquisition abuse. A key part of this challenge is to provide for the sons and daughters that have been entrusted to the Navy and Marine Corps, to value all people, to emphasize safety at every opportunity, and to take care of the needs of naval personnel (medical, housing, religious, etc.). The challenge also includes sustaining a cadre of officers, enlisted personnel, and supporting civil service that is technically competent and culturally adept. These individuals will be required to effectively employ even more complex future weapons systems and to work closely with diverse allies and coalition partners to combat future enemies. An integral part of this challenge is to effectively compete to establish and maintain a culturally and ethnically diverse workforce.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I plan to work closely with Congress, the Secretary of Defense, the Chief of Naval Operations and the Commandant of the Marine Corps, as well as other institutions where appropriate. I would coordinate with appropriate individuals and organizations to ensure that the necessary resources are applied to address these challenges.

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

Answer. I am unaware of any serious problems in the performance of the functions of the Secretary of the Navy.

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

Answer. If confirmed, I would work closely with the Secretary of Defense to evaluate the present situation and develop a strategic plan to address any areas requiring attention.

PRIORITIES

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

Answer. If confirmed, my first priority would be to articulate the challenges the Department must address and to initiate or reinforce existing direction aimed at meeting the challenges. At a broad level they include:

— Focus appropriate resources in support of the global war on terror, readiness, homeland defense, etc.

— Establish and maintain a long-term shipbuilding program that is achievable, affordable, and responsive to the needs of the Nation.

— Develop a portfolio of capabilities to cover all realistic scenarios to fight and win our Nation's future wars.

— Reaffirm the ethical basis of the naval institution; ensure the highest standards of conduct that exemplify the Department's core values of honor, courage, and commitment.

— Sustain a cadre of Officers and Enlisted personnel, and supporting civil service that is technically competent and culturally adept.

— Maintain a capable and diverse workforce.

TRANSFORMATION

Question. If confirmed as the Secretary of the Navy, you would play an important role in the ongoing process of transforming the Navy and Marine Corps to meet new and emerging threats.

If confirmed, what would your goals be for Navy and Marine Corps transformation?

Answer. If confirmed, I would continue the transformation process. The Navy and Marine Corps are well on their way towards capitalizing new technologies, better business practices, and becoming more effective in personnel policies. I believe there is still a lot of work to be done, and if confirmed, I intend to continue these efforts.

Question. In your opinion, does the Department of the Navy's POM have adequate resources identified to implement your transformation goals?

Answer. I will have to spend more time becoming familiar with the details of the Department's budget request before I can comment upon this area.

TACTICAL AVIATION

Question. Several years ago, the Navy and Marine Corps began to integrate their tactical aviation units.

What is your assessment of this initiative?

Answer. I have not had an opportunity to be briefed on the overall Tactical Aviation Integration initiative. If confirmed, I intend to review this initiative and its ability to optimize the use of our Nation's naval tactical aviation assets.

ARMY AND MARINE CORPS CAPABILITIES AND ACQUISITION PROGRAMS

Question. Although the Army and Marine Corps have different missions and capabilities, they are still ground forces. Many believe that the Army and Marine Corps equipment should have some degree of commonality. Yet, for equipment such as helicopters and heavy wheeled vehicles, we see that the Army and the Marine Corps have divergent paths for acquiring what should be common equipment. Because of Operations Iraqi Freedom and Enduring Freedom, it appears that these two Services have made some attempt to work together on acquiring equipment for Army and Marine forces.

What are your views regarding the joint development and acquisition of Army and Marine Corps equipment?

Answer. Although I am certainly supportive of the concept of joint development and procurement of systems, I do not have sufficient knowledge of this approach as it relates to the Army and Marine Corps. Before reaching any conclusions about joint development in this case, it would be important to analyze the individual needs and requirements of the Services, as well as discuss the programs with senior leaders of both the Marine Corps and the Army.

Question. What role should the Secretary of the Navy play in synchronizing Army and Marine Corps requirements and synchronizing service programs?

Answer. If confirmed, I will ensure that the CNO, Commandant and Navy's acquisition community work closely with the Army, Air Force, the Coast Guard and the Joint Chiefs of Staff to set joint requirements where feasible.

Question. Should the Marine Corps heavy lift replacement program be delayed until the Army and Marine Corps can agree on a single joint requirement for heavy lift rotorcraft? If not, why not?

Answer. I have not had the opportunity to be fully briefed, nor have I been in a position to review these particular programs. As such, I am not in a position to opine on any changes to this program.

Question. The Army and the Marine Corps both have a need for a future heavy lift transport helicopter to replace existing heavy lift rotorcraft. The Marine Corps has embarked on a Heavy Lift Replacement (HLR) to acquire a new helicopter to replace the aging CH–53 helicopter. At the same time, the Army is exploring a Joint Heavy Lift (JHL) rotorcraft program.

What is your view about whether the Marine Corps HLR program should be merged with the Army's JHL program?

Answer. I have not been in a position to review these particular programs. However, if confirmed, I will review the pros and cons of such an action.

SHIPBUILDING PLAN

Question. The Navy recently submitted an interim 30-year shipbuilding plan.

When does the Navy envision the final 30-year shipbuilding plan being delivered to Congress?

Answer. I understand that the Department intends to submit a more definitive plan in the spring of 2006. If confirmed, it would be my goal to ensure that this plan is consistent with both force structure needs and the objective of maintaining a viable industrial base.

Question. What level of funding do you think the Navy will need to execute this plan, and considering competing priorities, do you believe this level of funding is realistic?

Answer. The results of the QDR must be considered before a plan can be finalized and funding levels can be determined. If confirmed, I will work with Congress to present a plan with a realistic level of funding.

AIRCRAFT CARRIERS

Question. The Navy has proposed to decommission the U.S.S. *John F. Kennedy* in fiscal year 2006. This would decrease the number of aircraft carriers to 11. Additionally, in the fiscal year 2006 budget request, the Navy has proposed to slip the delivery of CVN–78 to 2015, creating a 2-year gap from when U.S.S. *Enterprise* is scheduled to be decommissioned during which, under the proposed plan, only 10 aircraft carriers would be operational.

What operational analysis has been conducted that would support a decision which would decrease the number of operational aircraft carriers to these lower levels?

Answer. I understand that there have been a number of studies to determine the required number of active carriers for the Navy. I have not received briefings on these studies. If confirmed, I will review the conclusions of these studies.

Question. How would the aircraft carrier presence requirements of combatant commanders be met with only 10 operational aircraft carriers?

Answer. As noted in the previous answer, I have not received briefings that would enable me to answer this question. If confirmed, it will be an early priority to review aircraft carrier presence requirements of the combatant commanders.

SURFACE COMBATANTS

Question. The Future Years Defense Program has only one surface combatant per year being acquired by the Navy, not including the Littoral Combat Ship, which will only be capable of performing one mission at a time.

In your judgment, can a credible and capable surface force be sustained at such a low level of multi-mission surface combatant construction, and if so, how?

Answer. I understand the Navy has articulated the Family of Ships concept for Surface Combatants in the 21st century. These ships are the Littoral Combat Ship (LCS), the next generation destroyer (DD(X)), and the next generation cruiser (CG(X)). I recognize the need for an appropriate force mix of these ships taking into consideration the tradeoffs between capability and quantity. If confirmed, I will assure myself that a credible and capable surface force can be sustained taking all extenuating factors into consideration.

Question. In your opinion, how many shipyards capable of building surface combatants does this Nation need?

Answer. If confirmed, I will work with the CNO, Congress, and industry to understand the Nation's need in this area. Building warships is a key aspect of our Nation's strength. Stewardship of this capability is a shared responsibility of the Navy, Congress, and industry. The answer to this question is complex and must consider shipyard capabilities, the need for surge capacity, possible disruptions from natural and man-made disasters, and the industrial infrastructure that feeds the shipbuilding industry.

SUBMARINES

Question. The Future Years Defense Program has only one *Virginia*-class submarine per year being acquired by the Navy.

In your judgment, can a credible attack submarine force be sustained at this level of submarine construction, and, if so, how?

Answer. I understand that the current program of record has the *Virginia* class procurements increasing to two per year in fiscal year 2012. However, I have not received briefings that would enable me to assess the number of attack submarines required for a credible attack submarine force or number required to be constructed on an annual basis to sustain the force. If confirmed, I will work closely with the CNO to determine if a credible attack submarine force can be sustained at planned levels of construction.

Question. When do you believe design work will be necessary to begin to start to replace the Ballistic Missile Submarine fleet?

Answer. It is my understanding that the Navy will need to start concept design efforts in 2012 in order to support a follow-on Ballistic Missile Submarine fleet.

ACQUISITION ISSUES

Question. In recent months, a number of DOD officials have acknowledged that the Department may have gone too far in reducing its acquisition workforce, resulting in undermining of its ability to provide needed oversight in the acquisition process.

Do you agree with this assessment?

Answer. I understand that the Department of the Navy acquisition workforce has been reduced by over half since 1989. I am personally very concerned about both the size and the composition of the workforce. If confirmed, I plan to review the status of the Department's acquisition workforce and work to improve it.

Question. If so, what steps do you believe the Department of the Navy should take to address this problem?

Answer. My experience causes me to conclude that the Navy must improve the process used to identify requirements. The Department must understand: what it needs, what alternatives could satisfy those needs, and what options and trade offs provide best value. Then it must acquire systems in a manner that minimizes risk and maximizes value. If confirmed, a top priority will be to assure that the Department acquisition workforce is properly oriented to efficiently and effectively execute acquisition programs.

Question. Major defense acquisition programs in the Department of the Navy and the other military departments continue to be subject to funding and requirements instability.

Do you believe that instability in funding and requirements drives up program costs and leads to delays in the fielding of major weapon systems?

Answer. Yes. It has been my experience that funding and requirements changes can cause significant program cost increases and schedule delays.

Question. What steps, if any, do you believe the Navy should take to address funding and requirements instability?

Answer. It is my understanding that the CNO has reinstated the Naval Characteristics Board. This, along with effective utilization of the change control processes, is an excellent first step toward establishing requirement stability. If confirmed, I would work with Acting Deputy Secretary of Defense England, the Chief of Naval Operations, and the Commandant of the Marine Corps to ensure a high degree of synergy between the requirements, acquisition, and programming communities.

Question. The Comptroller General testified earlier this year that DOD programs often move forward with unrealistic program cost and schedule estimates, lack clearly defined and stable requirements, include immature technologies that unnecessarily raise program costs and delay development and production, and fail to solidify design and manufacturing processes at appropriate junctures in the development process.

Do you agree with the Comptroller General's assessment?

Answer. Unfortunately, based on recent program performance, this appears to be the case.

Question. If so, what steps do you believe the Department of the Navy should take to address these problems?

Answer. A disciplined acquisition process must be established within the Department of the Navy and clear expectations must be established for all personnel engaged in the requirements generation and acquisition process as well as for contractors. This includes expectations for realistic estimates, viable proposed offerings and disciplined program execution. Before committing large expenditures the Department must ensure that requirements have matured, design alternatives fully examined, and realistic cost schedule and risk assessments prepared. The selected design approach must incorporate adequate margins to mitigate cost, schedule, and performance impacts due to challenges and problems that nominally occur during such development programs. Furthermore, development programs must incorporate risk reduction efforts commensurate with the technology maturity levels in evidence.

If confirmed, I intend to work with all Department of the Navy personnel and contractors involved in major development efforts to make clear the Department's expectations, and ensure the implementation of a disciplined acquisition process.

Question. By some estimates, the Department of Defense now spends more money every year for the acquisition of services than it does for the acquisition of products, including major weapon systems. Yet, the Department places far less emphasis on staffing, training, and managing the acquisition of services than it does on the acquisition of products.

What steps, if any, do you believe the Navy and Marine Corps should take to improve the staffing, training, and management of its acquisition of services?

Answer. I understand the Department of the Navy has already taken significant steps to improve the management of services. If confirmed, I intend to better understand the activities that have been initiated and to build upon that effort to ensure that service acquisition receives the appropriate level of management attention.

Question. Do you agree that the Navy and Marine Corps should develop processes and systems to provide managers with access to information needed to conduct comprehensive spending analyses of services contracts on an ongoing basis?

Answer. Yes, I agree.

Question. The last decade has seen a proliferation of new types of government-wide contracts and multi-agency contracts. The Department of Defense is by far the largest ordering agency under these contracts, accounting for 85 percent of the dollars awarded under one of the largest programs. The DOD Inspector General and others have identified a long series of problems with interagency contracts, including lack of acquisition planning, inadequate competition, excessive use of time and materials contracts, improper use of expired funds, inappropriate expenditures, and failure to monitor contractor performance.

What steps, if any, do you believe the Navy and Marine Corps should take to ensure that its use of interagency contracts complies with applicable DOD requirements and is in the best interests of the Department of the Navy?

Answer. A necessary first step is to set, at the highest levels, the expectation that all acquisition personnel will comply with the intent of the law. If confirmed, I will work to ensure that the Department's use of interagency contracts complies with applicable DOD requirements and is in the best interest of the Department of the Navy.

FLEET RESPONSE PLAN

Question. The Navy has implemented the Fleet Response Plan (FRP) to provide an enhanced surge capability for naval assets. The plan is predicated on increased efficiencies in both maintenance and training, with the aim of providing higher levels of readiness within existing resource levels.

In your view, what are the most significant benefits and risks associated with the FRP?

Answer. It is my understanding that the FRP has been developed to provide our country with a more agile and flexible naval force capable of surging quickly to deal with unexpected threats and contingency operations. I have not, however, had an opportunity to perform an in-depth study of the Plan. I can assure you, however, that if I am confirmed, I will review this and related programs aimed at providing a higher level of readiness.

Question. What additional demands for intelligence are incurred by implementing the FRP?

Answer. Without completing a more thorough review of the FRP, it would not be possible for me to answer this question. If confirmed, however, any additional demands placed upon intelligence will be considered within my review of all programs developed to provide a higher level of readiness.

MINE COUNTERMEASURES CAPABILITY

Question. Congress has been particularly interested in the Navy's ability to respond to the asymmetric threat posed by mines. The Navy has had mixed results in fielding robust mine countermeasures capabilities.

If confirmed, what steps would you take to ensure that the Navy maintains its focus on achieving robust mine countermeasures capabilities for the fleet?

Answer. I certainly recognize the importance of having a robust mine countermeasure capability. If confirmed, I will support the fielding of capabilities necessary to meet this important mission. However, I have not had the opportunity to be fully briefed on this matter, and thus I am not in a position to opine on the specific steps needed to ensure a robust mine countermeasure capability.

HOUSING PRIVATIZATION

Question. The Department of Defense has been engaged in the privatization of many of its support functions. Among the most significant privatization efforts are military family housing units and utility systems.

What challenges do the Navy and Marine Corps face in implementing housing privatization?

Answer. I recognize the benefits of a public private venture program. However, I have not had an opportunity to analyze the specific challenges faced by the Navy

and Marine Corps in their housing privatization program. If confirmed, I will ensure that the Department of the Navy is implementing the program in the most effective way possible.

INVESTMENT IN INFRASTRUCTURE

Question. Witnesses appearing before the committee in recent years have testified that the military services underinvest in their facilities compared to private industry standards. Decades of underinvestment in our installations have led to increasing backlogs of facility maintenance needs, created substandard living and working conditions, and made it harder to take advantage of new technologies that could increase productivity.

Based on your private sector experience, do you believe the Navy and Marine Corps are investing enough in their infrastructure?

Answer. My experience in industry is that timely facility maintenance must be performed to avoid putting mission at risk and to control cost growth. Facility maintenance must be a key consideration in budget formulation. If confirmed, I will work closely with the Chief of Naval Operations, the Commandant of the Marine Corps, the Secretary of Defense, and Congress to assure appropriate investment in Department facilities.

IMPLEMENTATION OF BASE CLOSURES AND REALIGNMENTS

Question. The 2005 Defense Base Realignment and Closure (BRAC) process has resulted in the recommended closure or realignment of numerous major naval installations. The DOD installation closure process resulting from BRAC decisions has historically included close cooperation with the affected local community in order to allow these communities an active role in the reuse of property.

In your view, what are the roles and responsibilities of the Department of the Navy within the 2005 BRAC property disposal process to work with local communities?

Answer. The Department of the Navy needs to follow all prescribed BRAC statutes, Federal regulations, and Department of Defense policies and provide timely communications with the local communities regarding closure plans and installation status.

Question. If confirmed, what goals would you establish to assist affected communities with economic development, revitalization, and re-use planning of property received as a result of the BRAC process?

Answer. If confirmed, and if BRAC 2005 is approved, I intend to vigorously support the Department of Defense goals to expeditiously dispose of property in order to facilitate economic development within the affected community. I will also work with local communities to facilitate expeditious conversion of property to civilian use.

Question. What plans do the Navy and Marine Corps have in place to assist DOD personnel who lose their jobs as a result of BRAC actions?

Answer. If confirmed, I expect the Navy and Marine Corps to use all available placement and transition assistance programs established by the Department of Defense.

DEPARTMENT OF THE NAVY SCIENCE AND TECHNOLOGY

Question. For fiscal year 2006, the Department of the Navy plans to dedicate approximately $1.8 billion to science and technology (S&T) programs, which comprises 1.4 percent of the total departmental budget, and $448 million to basic defense research, or 0.36 percent of the total Department of the Navy budget.

Do you believe that the current balance between short- and long-term research is appropriate to meet current and future Department of the Navy needs?

Answer. A balanced approach to short-term and long-term research is critical to our Nation's future. Although it may appear easier to focus upon short-term research needs, long-term research is an essential aspect of stewardship. If confirmed, I intend to evaluate the S&T program and ensure that the appropriate balance is created.

Question. If confirmed, what direction would you provide regarding the importance of innovative defense science in meeting Navy and Marine Corps missions?

Answer. I have had a long held belief that innovative, high payoff research is an integral part of any S&T investment portfolio. If confirmed, I will engage the S&T Corporate Board (Vice Chief, Assistant Commandant, and ASN RD&A) to ensure the Department of the Navy has adequately addressed this critical area. I would also work closely with the Director of DARPA to leverage their technology investments.

Question. If confirmed, what guidance would you give to ensure research priorities that will meet the needs of the Navy and Marine Corps in 2020?

Answer. If confirmed, I will support a balanced program of S&T investment in basic research, applied research, and advance development across the spectrum of naval needs. I will seek an S&T program that responds appropriately to the needs of today's Navy, tomorrow's Navy, and the Navy after next.

DEFENSE INTEGRATED MANPOWER HUMAN RESOURCES SYSTEM (DIMHRS)

Question. DIMHRS is a single integrated human resources pay and personnel system for all the armed services and the Defense Finance and Accounting System (DFAS), and is intended to replace many of the systems currently used to perform personnel management and pay functions. DIMHRS has been under development for several years and has come under criticism for cost growth, delays in implementation, and not meeting the expectations of each Service. The Acting Deputy Secretary of Defense has directed a review of DIMHRS in order to determine its future.

What are your views of the need for completion of implementation of DIMHRS and what specific benefits, if any, would the Department of the Navy derive from this system?

Answer. I understand that DIMHRS is an ambitious initiative that was designed to address these issues. As with all major development and acquisition processes, it is critical to weigh cost growth, schedule delays, and expectation shortfalls associated with the scale and complexity of the environment in which they are being developed. Additionally, it is important to consider all of these needs as they relate to the entire Department of Defense.

With respect to the Department of the Navy, there is a need for a high performing, integrated human resources pay and personnel management system, that can keep pace with the increasing demands for accurate personnel information arising from Service and Joint operations. Deployed marines and sailors need to focus on the mission at hand—they, and their families should not have to worry about whether or not their pay is being correctly administered.

DELIVERY OF LEGAL SERVICES

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

Answer. The roles of the General Counsel and Judge Advocate General (JAG) are well defined by law, regulation, and Secretarial instruction. Each provides direct legal advice to the Secretary of the Navy. The General Counsel is the chief legal officer for the Department, the Secretary's principal legal adviser, and the Designated Agency Ethics Official. The Navy JAG is the senior military lawyer in the Department, alternate Designated Agency Ethics Official, and specializes in military justice and other related areas. Most important is the close professional and personal partnership that exists between the General Counsel, the JAG, and the Staff Judge Advocate (SJA) to the Commandant of the Marine Corps (CMC). If confirmed, I will strive to continue to promote the strong communication, transparency, and mutual support that their current relationship engenders.

Question. What are your views about the responsibility of staff judge advocates within the Navy and Marine Corps to provide independent legal advice to military commanders in the fleet and throughout the naval establishment?

Answer. Staff judge advocates are essential to the proper functioning of fleet and shore-based commands of the Navy and Marine Corps. It is important that commanders receive timely, professional legal advice from staff judge advocates whom they trust implicitly. Likewise, staff judge advocates afloat and ashore must have the confidence, integrity, and expertise necessary to provide their respective commanders sound counsel and legal advice.

Question. What are your views about the responsibility of the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant to provide independent legal advice to the Chief of Naval Operations and the Commandant of the Marine Corps, respectively?

Answer. The Chief of Naval Operations and the Commandant of the Marine Corps should receive independent legal advice from their senior uniformed judge advocates.

NATIONAL SECURITY PERSONNEL SYSTEM (NSPS)

Question. What are your views on the strengths and weaknesses of the NSPS implementation steps undertaken within the Department thus far?

Answer. I am aware that a significant amount of effort has been expended by the Navy to implement NSPS. I am not, however, knowledgeable of the specific steps that have been undertaken.

Question. What do you believe will be the benefits of NSPS when implemented, and what steps would you take, if confirmed, to ensure a smooth and effective transition?

Answer. As I understand it, NSPS will provide additional flexibility as well as the ability to attract, develop, and maintain a new generation of civilians in public service. If confirmed, I will ensure that we aggressively train all personnel on the procedures of the NSPS, as well as encourage all leadership to avail themselves and their workforce to NSPS.

NAVY AND MARINE CORPS PERSONNEL RECRUITING AND RETENTION

Question. The retention of quality sailors and marines, officer and enlisted, active-duty and Reserve, is vital to the Department of the Navy.

How would you evaluate the status of the Navy and Marine Corps in successfully recruiting and retaining high caliber personnel?

Answer. Overall, the Navy and Marine Corps are doing a great job recruiting and retaining high caliber personnel for Active-Duty and Reserve service. Both Services have exceeded their goals for Active-Duty enlisted accessions and new contracts in fiscal year 2005.

It is my understanding, however, that the Navy is experiencing difficulty in the competition for medical professionals in both active and Reserve community. Additionally, Reserve recruiting and retention has been challenging. If confirmed, I am committed to working with the entire Navy team to ensure that we overcome these problems.

Question. What initiatives would you take, if confirmed, to further improve the attractiveness of Navy and Marine Corps, active and Reserve service?

Answer. Recruiting and retaining the right people for the right jobs is more challenging than ever before. If confirmed, I will work with the Chief of Naval Operations and the Commandant of the Marine Corps to find ways to further improve the naval services' attractiveness as an employer of choice.

ACTIVE-DUTY NAVY END STRENGTH

Question. The Active-Duty end strength for the Navy was reduced by 7,900 personnel for fiscal year 2005. The administration has proposed an additional reduction of 13,200 personnel for fiscal year 2006. This total reduction of 21,100 personnel in 2 years would result in an authorized end strength of 352,700. Even before these personnel cuts were proposed, many were concerned that the personnel tempo was adversely affecting the quality of life of Navy personnel and their families.

Do you support these significant reductions in Active-Duty end strength?

Answer. Reductions predicated on adopting new technologies, implementing 21st century personnel management strategies and processes, and where appropriate, shifting certain functions to Reserve component, government civilian or contractor personnel, present valid opportunities to reduce strength and capitalize on associated cost savings, while maintaining, and even increasing, warfighting capability. If confirmed, I am committed to, in close coordination with the Chief of Naval Operations, and consistent with the outputs of QDR, further evaluate the appropriate size, shape, and skill mix of the force.

Question. If confirmed, what actions will you take to control personnel tempo so that active-duty Navy personnel will have reasonable periods of time to spend with their families between deployments?

Answer. Although the global war on terror has created a high demand for naval forces, the needs of Navy families as well as operational needs must be fully considered when constructing deployment and underway schedules.

SENIOR MILITARY AND CIVILIAN ACCOUNTABILITY

Question. While representative of a small number of individuals, revelations of abuses of rank and authority by senior military and civilian leaders and failures to perform up to accepted standards are frequently reported. Victims of such abuses often report that they felt that no one would pay attention to or believe their complaints. Accusations of unduly lenient treatment of senior officers and senior officials against whom accusations have been substantiated are also frequently heard.

What are your views regarding the appropriate standard of accountability for senior civilian and military leaders of the Department?

Answer. It is essential to maintain a culture that is supportive of a capable, ethical and diverse workforce. This culture must be rooted in the Navy's core values of

honor, courage, and commitment. A critical aspect of such a culture is to hold individuals accountable for abuses of their rank or authority. Senior civilian and military leaders must uphold the highest standards of principled leadership. Even if isolated, any abuse of rank or authority can undermine trust in a military organization. As a result, we must ensure prompt and thorough investigation of complaints, as well as swift and equitable treatment of those few personnel who fail to demonstrate exemplary conduct. At the same time, we must not lose sight that the Navy continues to imbue its leaders with the tenets of principled leadership through its commitment to ethics and leadership training.

Question. If confirmed, what steps would you take to ensure that senior leaders of the Navy and Marine Corps are held accountable for their actions and performance?

Answer. The Navy has a historic and ongoing commitment to inculcate its officers and sailors from the outset of their careers with the Navy's core values. This commitment is further extended through a high level of accountability that is placed upon commanding officers and senior leaders. If confirmed, I will continue to foster and enforce the Navy's earnest commitment to the highest ethical standards of principled leadership and service.

NAVY SUPPORT TO GROUND FORCES

Question. The Navy has been challenged to find new ways of supporting the Army and Marine Corps by taking on nontraditional support functions.

In your view, what are the kinds of nontraditional support the Navy feasibly can provide, and what additional missions, if any, should the Navy be assigned in the global war on terrorism?

Answer. The Navy needs to lean forward using Navy sailor skill sets and core competencies to support nontraditional missions in the global war on terror. If confirmed, I will work with the Secretary of Defense, all the Services, and Congress to ensure we have Navy forces ready to fight where and when we need them, and that we continue to employ Navy skills and capabilities in every manner possible in the global war on terror.

Question. Given that these are new roles for Navy personnel, what additional training and equipment has been provided, or, in your view, needs to be provided?

Answer. A critical aspect of the Secretary of the Navy's stewardship is the responsibility to ensure that those people entrusted to him receive the appropriate equipment and training to perform their job. I have not had the opportunity to be fully briefed on the types of equipment or additional training necessary to address this new, evolving threat. However, if confirmed, I plan to work with the entire Navy team to ensure that the necessary amount of training and equipment is provided to servicemembers.

PREVENTION AND RESPONSE TO SEXUAL ASSAULTS

Question. On February 25, 2004, the Senate Armed Services Committee Subcommittee on Personnel conducted a hearing on policies and programs of the Department of Defense for preventing and responding to incidents of sexual assault in the Armed Forces. In late April 2004, the DOD Task Force on Care for Victims of Sexual Assault issued its report and recommendations, noting "If the Department of Defense is to provide a responsive system to address sexual assault, it must be a top-down program with emphasis placed at the highest levels within the Department down to the lowest levels of command leadership. It must develop performance metrics and establish an evaluative framework for regular review and quality improvement."

What is your evaluation of the progress to date made by the Navy and Marine Corps in preventing and responding adequately to incidents of sexual assault?

Answer. I am aware that the Navy has undertaken several important measures to address the prevention and response to sexual assaults and harassment. I have not, however, had an opportunity to fully review these programs. This is clearly a high priority for me and is an essential aspect of maintaining the appropriate Navy and Marine Corp values. If confirmed, I will ensure that the Navy and Marine Corps continue to be proactive in the development of adequate means to prevent and respond to incidents of sexual assault.

Question. What problems do you foresee, if any, in implementing the revised policy with respect to confidential reporting of sexual assaults by sailors and marines?

Answer. I understand and support the objectives of confidential reporting and if confirmed, I will review the policy implementation as part of a review of the overall sexual assault prevention and response programs.

Question. If confirmed, what actions do you plan to take to ensure that senior civilian leaders of the Department of the Navy have day-to-day visibility into incidents of sexual assault and the effectiveness of policies aimed at preventing and responding appropriately to such incidents?

Answer. If confirmed, I will evaluate the current reporting systems accessible to Department senior civilian and military leadership to determine whether or not modifications would be appropriate.

SEXUAL HARASSMENT AND VIOLENCE AT THE UNITED STATES NAVAL ACADEMY

Question. The Defense Task Force on Sexual Harassment and Violence at the Military Service Academies reported that "Historically, sexual harassment and sexual assault have been inadequately addressed at both Academies [United States Military Academy and United States Naval Academy]. Harassment is the more prevalent and corrosive problem, creating an environment in which sexual assault is more likely to occur. Although progress has been made, hostile attitudes and inappropriate actions toward women, and the toleration of these by some cadets and midshipmen, continue to hinder the establishment of a safe and professional environment in which to prepare military officers. Much of the solution to preventing this behavior rests with cadets and midshipmen themselves."

If confirmed, what actions would you take to encourage midshipmen to step up to their responsibility to create a culture where sexual harassment and sexual assault are not tolerated?

If confirmed, what other actions would you take to address the continuing problem of sexual harassment and sexual assault at the U.S. Naval Academy?

Answer. The mission of the U.S. Naval Academy is to develop midshipmen morally, mentally, and physically to become combat leaders of the highest character to lead sailors and marines. Midshipmen are expected to live and uphold the highest standards, just as they will be expected to do as officers in the Navy and Marine Corps. The standard set is very clear: sexual harassment and assault are not tolerated.

If confirmed, I will take the findings and recommendations of the Defense Task Force to heart. Their comprehensive review and insightful recommendations will help in the Department's continuing commitment to improve its efforts to prevent and respond to sexual harassment and assault.

I am committed to monitor the progress of these efforts through the use of the chain of command, personal visits and observation, and, the use of all available oversight mechanisms such as the Board of Visitors and the United States Naval Academy's Executive Steering Group.

MILITARY TO CIVILIAN MEDICAL CONVERSIONS

Question. The Navy plans to replace thousands of military personnel with civilians and has focused on conversions of medical billets deemed not to be needed for medical readiness. Yet the committee has been informed that in locations at which sailors and marines are assigned, such as Camp Lejeune, North Carolina, Twentynine Palms and Camp Pendleton, California, and Recruit Training Center, Great Lakes, Illinois, access to services could be impeded by planned conversion of medical, dental, pharmacy, and mental health positions to civilian positions which cannot realistically be filled by civilian substitutes.

What are your views on the feasibility and cost-effectiveness of military to civilian conversions in reducing costs, and, if confirmed, would you support a review of the Navy's conversion plan to assess the availability of high-quality civilian medical and dental personnel to serve military members and their families?

Answer. My experience with outsourcing has taught me that it is often possible to find ways to reduce overall costs without a reduction in the quality of service. If confirmed, I am committed to exploring opportunities for military to civilian conversions while ensuring that such conversions don't create shortfalls in services.

HUMAN CAPITAL

Question. The Navy has a large civilian workforce that is integral to the support of the Navy's worldwide mission.

What is your vision for an effective human capital strategy for the Navy's civilian workforce?

Answer. My vision for an effective human capital strategy is one that results in a highly-motivated, well-educated, highly-trained, and multi-skilled mix of people. This requires best practices in human resources management that will support attracting, developing, and retaining this workforce, such as those being implemented under the NSPS.

Question. The development and implementation of a recruitment strategy to attract talented, motivated, and diverse job applicants at all levels is critical to the Department's ability to develop and maintain the workforce it desires. The flexibilities inherent in the NSPS will provide us with the tools needed to compete effectively for talented and motivated workers, and to retain the best and the brightest. The reforms will provide supervisors and managers greater flexibility in managing our civil service employees, facilitate competition for high quality talent, offer compensation competitive with the private sector, and reward outstanding service. It will build greater pride in the civilian workforce and attract a new generation of civilians to public service. Properly executed, these changes also will assist us in better utilizing the Active-Duty Force by making it easier to employ civilians in jobs currently filled by uniformed military personnel.

Do you believe that the Navy has appropriate planning processes in place to identify and address gaps in the capabilities of its civilian workforce?

Answer. Gaps in the capabilities of the civilian workforce is a critical issue. If confirmed, I intend to engage in an aggressive and competitive program to ensure that the Navy has the most effective civilian workforce for the 21st century.

Question. What do you view as the greatest challenges in recruiting and retaining a highly skilled civilian workforce?

Answer. Competition from private industry and their willingness to tailor compensation and benefits packages in a highly flexible and adaptive way is a significant challenge.

PERSONNEL AND HEALTH BENEFIT COSTS

Question. The cost of the Defense Health Program, like the cost of medical care nationwide, is escalating rapidly. Similarly, the cost of personnel as a key component of the Services' budgets has risen significantly in recent years.

If confirmed, how would you approach the issue of rising health care and personnel costs?

Answer. Rising costs associated with health care pose a significant threat to the fiscal strength of organizations nationwide—whether governmental or private. Streamlining and effective cost accounting alone cannot adequately ameliorate the effects of future rising medical costs. The Department must consider more fundamental changes to the way it does business.

Costs associated with personnel are by far the largest part of the Department's budget. A key priority is to operate as efficiently and effectively as possible with respect to utilization of personnel. The military and civilian force structure must be right sized for the mission but not any larger than necessary. As stewards of the taxpayers' money, the Department needs to utilize the fiscal resources it dedicates for personnel in the optimum manner. A key part of this thought process is to ensure that the Department apportions that part of the budget devoted to personnel on those benefits that are the most valued to naval personnel. Medical is just one piece of the overall benefit package.

If confirmed, I will seek new options and approaches to address the rising cost of health care and other personnel costs and work with Congress to address this critical matter.

QUALITY OF LIFE PROGRAMS

Question. If confirmed, what priorities would you establish to ensure that military quality of life programs are sustained and improved for Navy and Marine Corps members and their families?

Answer. Quality of life for Navy and Marine Corps personnel of all ranks and their families is a key component to ensuring personnel readiness, job satisfaction, and competitiveness in the job market. The Department's quality of life programs must provide high quality services to deliver these desired outcomes. If confirmed, I intend to work with the Chief of Naval Operations and the Commandant of the Marine Corps to maintain focus and commitment to the quality of life needs of all naval personnel.

Question. What challenges do you foresee in sustaining quality of life programs, and are there new initiatives that you would undertake, if confirmed, to ensure the availability of high quality services, including child care, education, and recreational opportunities, for sailors and marines and their families?

Answer. It is important to understand what makes for a high quality of life so that the Department of the Navy can make the wisest investment of its resources. Operational commitments—abroad and at home—place stresses on naval personnel and their families. The Department should continually seek to improve and inno-

vate, identifying those benefits that provide the greatest levels of satisfaction and find the best and most appropriate means to make them available.

BALLISTIC MISSILE DEFENSE

Question. Do you view ballistic missile defense—for both deployed forces and the U.S. homeland—as a core mission for the Navy?

Answer. Yes, defense against ballistic missiles of all ranges should be a core mission for the Navy. It has become evident that the ability to address the wide range of threats from ballistic missiles requires significant flexibility. With oceans covering 70 percent of the Earth's surface, the Navy is uniquely able to position its assets in appropriate locations to accomplish this mission. This flexibility allows the Navy to be responsive to continually changing ballistic missile threats to our Nation and to U.S. interests overseas. If confirmed, I will work with appropriate organizations to assure that the unique capabilities of the Navy are leveraged to best effect in support of our Nation's ballistic missile defense programs.

READINESS LEVELS

Question. What is your assessment of the current readiness of the Department of the Navy to execute its assigned missions?

Answer. For over 229 years our naval forces have stood ready to answer the Nation's call. Today's forces maintain this proud tradition and are currently engaged in combat and combat support missions in Operations Iraqi Freedom and Enduring Freedom, and stand ready to answer the call across the spectrum of missions called for in the National Military Strategy. Additionally, sailors and marines have been on the front lines conducting humanitarian assistance and disaster relief missions in the Gulf Coast as a result of Hurricanes Katrina and Rita. This heightened OPTEMPO and Navy support in nontraditional roles such as the tsunami relief efforts in Indonesia have added additional stress on naval forces. Navy will sustain the operational readiness of its forces through the Fleet Response Plan and its associated training and maintenance processes, along with the dedication and ingenuity of our people. If confirmed, I will continue this proud tradition of readiness.

What do you view as the major readiness challenges that will have to be addressed by the Navy and Marine Corps over the next 3 years, and, if confirmed, how would you approach these issues?

Answer. The most significant readiness challenge the Department will face in the near term is managing the OPTEMPO with the multiplicity of missions the Navy and Marine Corps are supporting.

Mindful of the results of both BRAC and QDR, if confirmed, I will work with the CNO, to review the current issues of the fleet; craft a clear, concise vision and execution plan; develop a means to track real savings for future use; work closely with my counterparts in the other Services, OSD, Congress and defense industry leaders; and deepen the relationship within the Navy and Marine Corps team.

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, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Secretary of the Navy?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR SAXBY CHAMBLISS

CLEANUP OF ALLEGHENY BALLISTICS LABORATORY

1. Senator CHAMBLISS. Dr. Winter, I have been in discussions with the Navy recently regarding seeking reimbursement from government contractors for cleanup of environmental contamination at government-owned, contractor-operated facilities. This relates to one of my constituents, Hercules, which the Navy is holding liable for costs under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for cleanup activities at the former Allegheny Ballistics Laboratory in West Virginia. Hercules maintains that it was a responsible partner with the government for five decades and operated strictly by the rules of its contract which stated that the Navy would assume responsibility for any damage to the property resulting from Hercules' operation of this facility. However, the Navy is attempting to assign Hercules a $70 million liability. I do not know if you are aware of this situation, but if you are, I would appreciate any comments you have, and if you are not, I would appreciate your assurances that you will look into this situation immediately, if you are confirmed.

Dr. WINTER. I am not familiar with the issues relating to the cleanup costs associated with the operations of the Allegheny Ballistics Laboratory. I do assure you, however, if confirmed, I will certainly look into the situation promptly.

NAVY END STRENGTH

2. Senator CHAMBLISS. Dr. Winter, the Department of Defense is in the process of transformation and finding ways to conduct operations more efficiently and cheaply which I whole-heartedly applaud. While the other Services are either remaining stable or growing in size, the Navy continues to downsize. In fiscal year 2006 the Navy will reduce 13,000 Active-Duty billets (3.5 percent), and 10,000 Selected Reserve billets (12 percent). Based on your corporate experience, what is your perspective on downsizings of this nature as they affect efficiency, performance, and morale of the workforce?

Dr. WINTER. Downsizing based upon noted inefficiencies is an appropriate transformation tool. If done properly, such a downsizing can improve efficiency, productivity, and morale. My approach to downsizing is based upon many factors, including the adoption of new technologies, the implementation of new personnel management strategies, and the ability to shift various functions to alternative providers.

3. Senator CHAMBLISS. Dr. Winter, based on your corporate experience, what are signs that an organization may be downsizing too much?

Dr. WINTER. Based on my corporate experience, an organization that downsizes too much, or too quickly, displays a number of indicators. These indications include an increase in accidents, a heightening of maintenance problems, or an overall increase in the number of mistakes performed during normal day-to-day operations. An increase in individual personnel performance issues, such as a greater use of sick leave, may also be noted.

4. Senator CHAMBLISS. Dr. Winter, if you are confirmed, what will be your approach to reviewing the manpower requirements of the Navy and ensuring that the Navy recruits and retains the appropriate number of sailors?

Dr. WINTER. Recruiting and retaining the right people for the right jobs is more challenging than ever before. As a result, it is necessary to involve all aspects of the Navy team in considering new and creative approaches. If confirmed, I intend to work closely with the CNO to explore innovative approaches to the manpower recruiting and retention challenge.

QUESTION SUBMITTED BY SENATOR CARL LEVIN

NAVY SPACE

5. Senator LEVIN. Dr. Winter, in your view should the Navy continue to participate in space acquisition programs? If yes, what in your view is the best way to ensure participation in the future?

Dr. WINTER. The Navy will continue to remain a critical user of space systems. As such, it is crucial that the Navy remains capable of influencing decisions regarding the requirements for these systems. One of the best ways to accomplish this objective is through continued participation in the acquisition process.

QUESTIONS SUBMITTED BY SENATOR EDWARD M. KENNEDY

NEED FOR PERSIAN GULF PRESENCE

6. Senator KENNEDY. Dr. Winter, during the Cold War, the United States protected its interests in the Persian Gulf by relying on local allies and preparing facilities that would permit a rapid intervention, but we did not keep large combat forces deployed there on a permanent basis. This worked very well, even when we were facing the Soviet challenge, and we used this same approach to expel Iraq from Kuwait in 1990–1991. Since then, we have kept thousands of combat troops in the region, and some argue that their presence has fueled the rise of extremist groups like Al Qaeda. Can the United States return to an offshore balancing strategy in the Gulf, and rely primarily on local actors and our own air and naval forces?

Dr. WINTER. Maintaining security with a small footprint is a proven strategic objective that naval forces are ideally suited to provide. If confirmed, I will work with Secretary Rumsfeld, the Joint Staff, and all of the Services to ensure that the unique capabilities of the Navy and Marine Corps are best leveraged to support this objective.

WAR COST AND MODERNIZATION

7. Senator KENNEDY. Dr. Winter, are you worried that the costs of the Iraq war are going to prevent the Navy from modernizing its forces in a timely manner?

Dr. WINTER. Modernization of naval forces is a key objective for the Navy. The cost of war is likely to have an effect upon the finances available to perform this modernization. If confirmed, I intend to carefully examine the Department's modernization needs and then balance those needs with an appropriate level of fiscal restraint.

QUESTION SUBMITTED BY SENATOR JOSEPH I. LIEBERMAN

SUBMARINE BASE NEW LONDON

8. Senator LIEBERMAN. Dr. Winter, in reaching its decision to keep Submarine Base New London open, the BRAC Commission found that broad synergy derived from the proximity of the base and operating forces to Electric Boat, and to world-class undersea expertise resident at local distinguished institutions including (but not limited to) the University of Connecticut (Marine Sciences Department) and the University of Rhode Island (Graduate School of Oceanography). The Commission found that the co-location of these facilities and expertise created a unique Center of Excellence that should be maintained.

The Navy is in the early stages of building and fielding the Littoral Combat Ship (LCS). The LCS is intended to be a flexible platform designed with different modules to handle multiple missions. Two important LCS modules will be for antisubmarine warfare and for countermine activities. These are important missions that are complementary to other undersea activities and offer us the opportunity to build on the synergy at New London that the BRAC Commission identified.

Because of the BRAC Commission decision and the deployment of the LCS, the Navy has a unique opportunity to deliberately develop Submarine Base New London into a more comprehensive hub to be not just a Submarine Center of Excellence, but instead to become a true Undersea Center of Excellence. To accomplish this, we should base the new antisubmarine and countermine LCS modules at New London with the attack submarine force already stationed there. Combining these activities at New London would enable the Navy to build a true Undersea Center of Excellence and would give this Nation an even greater advantage in undersea operations than we enjoy today. Will you commit to exploring this idea and seriously address the issue of developing New London into a broader Undersea Center of Excellence?

Dr. WINTER. Yes. If confirmed, I will explore this idea.

[The nomination reference of Donald C. Winter follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 6, 2005.

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

Donald C. Winter, of Virginia, to be Secretary of the Navy, vice Gordon England.

[The biographical sketch of Donald C. Winter, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DONALD C. WINTER

Donald C. Winter is corporate vice president and president of Northrop Grumman's Mission Systems sector. He oversees operations of the business and its 18,000 employees, who offer value-added solutions through information technology systems and services; systems engineering and analysis; systems development and integration; scientific, engineering, and technical services; and enterprise management services. Dr. Winter was named president and CEO of TRW Systems (which was acquired by Northrop Grumman in December 2002) in January 2000.

Dr. Winter began his TRW career when he joined the TRW Systems Group Research Staff in 1972. He spent the next 8 years directing research and development activities in laser physics and applications.

From 1980 to 1982, he was with the Defense Advanced Research Projects Agency (DARPA) as program manager for space acquisition, tracking, and pointing programs. During that period, he was awarded the Secretary of Defense Medal for Meritorious Civilian Service.

Dr. Winter rejoined TRW in 1982 and held senior systems engineering and program management responsibilities for a variety of space system programs.

From 1990 through 1997, as vice president and general manager of the Defense Systems Division of TRW's Space and Electronics (S&E) business, Dr. Winter directed space systems activities that supported the national defense effort. These activities included prime contracts for development and deployment of space systems, systems engineering and support, operations and maintenance, and development of advanced technologies directly related to new and evolving systems.

During 1998 and 1999, he served as vice president and deputy general manager for group development, S&E. In that role, he managed S&E's business development, including the unit's marketing, planning, international, engineering, and technology functions.

Dr. Winter serves on the board of directors for the USO of Metropolitan Washington and the Wolf Trap Foundation and on the board of governors for the Electronic Industries Alliance.

Dr. Winter earned a bachelor of science degree (with highest distinction) in physics from the University of Rochester in 1969. He received a master of science degree and a doctorate in physics from the University of Michigan in 1970 and 1972, respectively. He is a 1979 graduate of the USC Management Policy Institute, a 1987 graduate of the UCLA Executive Program, and a 1991 graduate of the Harvard University Program for Senior Executives in National and International Security. In 2002, Dr. Winter was elected a member of the National Academy of Engineering.

[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 Donald C. Winter in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Donald Charles Winter, aka Don Winter.

2. **Position to which nominated:**
Secretary of the Navy.

3. **Date of nomination:**
6 September 05.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
June 15, 1948; Brooklyn, NY.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Linda Jo Engel on June 15, 1969.

7. **Names and ages of children:**
Benjamin Andrew Winter, 30; Jonathan David Winter, 27.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
9/62–6/65, Oceanside High School, Diploma, 6/65.
9/65–6/69, University of Rochester, BS Physics Summa Cum Laude, 6/69.
9/69–3/72, University of Michigan, MS Physics, 12/70, PhD Physics, 3/72.
10/78–3/79, University of Southern California, Certificate (management), 3/79.
9/86–6/87, University of California, LA, Certificate (management), 6/87.
8/91, Harvard University, National and International Security Program.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
11/99–Present, President, Mission Systems, Northrop Grumman Corporation (formerly TRW Systems), Reston, VA.
7/82–11/99, TRW, Redondo Beach, CA, Various senior executive positions including VP and Division General Manager, Defense Satellite Division and Deputy General Manager for Group Development.

10. **Government experience:** List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above.
8/80–7/82, Program Manager, Defense Advanced Research Projects Agency.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
Elected Officer (Corporate Vice President) Northrop Grumman Corp.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

USO of Metropolitan Washington; Member, Board of Directors.

Electronic Industries Alliance; Member, Board of Governors.

Wolf Trap Foundation for the Performing Arts; Member, Board of Directors.

National Academy of Engineering; Member, Vice Chair Peer Committee Section 12.

American Institute of Aeronautics and Astronautics; Associate Fellow.

Manhattan Beach Badminton Club; Member.

Republican National Committee President's Club; Member.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

Member, President's Club, Republican National Committee.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

2000 (payroll deduction) - $500 to TRW Good Government Fund.

2001 (payroll deduction) - $720 to TRW Good Government Fund.

2002 (payroll deduction) - $2,600 to TRW Good Government Fund.

1/10/03 - $1,000 to Republican National Committee.

2/5/04 - $1,000 to Republican National Committee.

4/27/04 - $5,000 to National Republican Congressional Committee.

10/4/04 - $1,000 to National Republican Senatorial Committee.

10/5/04 - $1,000 to Republican National Committee.

2/4/05 - $1,000 to Republican National Committee.

4/5/05 - $1,000 to National Republican Senatorial Committee.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

Rackham Fellow, University of Michigan.

Elected Member, National Academy of Engineering.

Defense Meritorious Service Award.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

[Nominee responded and the information is contained in the committee's executive files.]

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

[Nominee responded and the information is contained in the committee's executive files.]

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

DONALD C. WINTER.

This 9th day of September 2005.

[The nomination of Donald C. Winter was reported to the Senate by Chairman Warner on October 27, 2005, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on November 10, 2005.]

NOMINATIONS OF HON. JOHN J. YOUNG, JR., TO BE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING; J. DORRANCE SMITH, TO BE ASSISTANT SECRETARY OF DEFENSE FOR PUBLIC AFFAIRS; DELORES M. ETTER, TO BE ASSISTANT SECRETARY OF THE NAVY FOR RESEARCH, DEVELOPMENT, AND ACQUISITION; GEN BURWELL B. BELL III, USA, FOR REAPPOINTMENT TO THE GRADE OF GENERAL AND TO BE COMMANDER, UNITED NATIONS COMMAND/COMBINED FORCES COMMAND, AND COMMANDER, UNITED STATES FORCES KOREA; AND LT. GEN. LANCE L. SMITH, USAF, FOR APPOINTMENT TO THE GRADE OF GENERAL AND TO BE COMMANDER, UNITED STATES JOINT FORCES COMMAND AND SUPREME ALLIED COMMANDER TRANSFORMATION

TUESDAY, OCTOBER 25, 2005

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:33 a.m. in room SD–106, Dirksen Senate Office Building, Senator John Warner (chairman) presiding.

Committee members present: Senators Warner, Inhofe, Collins, Talent, Thune, Levin, Dayton, and Clinton.

Other Senators present: Senators Stevens and Inouye.

Committee staff members present: Charles S. Abell, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: William M. Caniano, professional staff member; Ambrose R. Hock, professional staff member; Gregory T. Kiley, professional staff member; Thomas L. MacKenzie, professional staff member; Elaine A. McCusker, professional staff member; Stanley R. O'Connor, Jr., professional staff member; Lynn F. Rusten, professional staff member; and Richard F. Walsh, counsel.

Minority staff members present: Richard D. DeBobes, Democratic staff director; Evelyn N. Farkas, professional staff member; Creighton Greene, professional staff member; Gerald J. Leeling, minority counsel; Peter K. Levine, minority counsel; and Arun A. Seraphin, professional staff member.

Staff assistants present: Micah H. Harris, Jessica L. Kingston, Jill L. Simodejka, and Pendred K. Wilson.

Committee members' assistants present: Mackenzie M. Eaglen, assistant to Senator Collins; Lindsey R. Neas, assistant to Senator Talent; Stuart C. Mallory, assistant to Senator Thune; William K. Sutey, assistant to Senator Bill Nelson; Kimberly Jackson, assistant to Senator Dayton; and Andrew Shapiro, assistant to Senator Clinton.

OPENING STATEMENT OF SENATOR JOHN WARNER, CHAIRMAN

Chairman WARNER. Good morning, everyone. How pleased we all are to have before us this morning such a very distinguished group of nominees, both civilian and military, for posts in our Government. We welcome the three civilian nominees: Secretary John Young, well known to the Senate, Assistant Secretary of the Navy for Research, Development, and Acquisition, nominated to be the Director of Defense Research and Engineering; Dorrance Smith, who has been nominated to be Assistant Secretary of Defense for Public Affairs; and Dr. Delores Etter, who has been nominated to be the Assistant Secretary of the Navy for Research, Development, and Acquisition. I very much enjoyed my visits with each of you in the course of the proceedings here.

We also welcome General Burwell Bell, U.S. Army, nominated to be the Commander, United Nations Command/Combined Forces Command, and U.S. Forces Korea; and Lieutenant General Lance Smith, U.S. Air Force, nominated to be the Commander, U.S. Joint Forces Command (JFCOM), and Supreme Allied Commander Transformation. They will be in our second panel.

I welcome my two distinguished colleagues from the Senate. Gentlemen, we will pause for a moment if each of you would like to proceed with your introductions. Senator Stevens.

STATEMENT OF HON. TED STEVENS, U.S. SENATOR FROM THE STATE OF ALASKA

Senator STEVENS. Thank you very much, Mr. Chairman. I am honored to be here once again to present John Young, Secretary Young, to the committee. From 1991 to 2001, John served as a staff member on our Defense Appropriations Subcommittee. He is truly bipartisan. During that time our committee chairmanship moved back and forth between my distinguished colleague and myself. John worked for both Senator Inouye and me in the same position. He was a valuable member of our staff.

He came to our committee as a Congressional fellow from the Sandia National Labs. He became a professional staff member in 1993 and served as the staff analyst for a variety of Department of Defense (DOD) programs. John reviewed and offered funding recommendations for our subcommittee on all DOD aircraft procurement programs. He also analyzed Navy aircraft-related re-

search, development, test, and evaluation (RDT&E) programs defense-wide and within the Air Force. He provided analysis of the activities of the Ballistic Missile Defense Organization and the Defense Advanced Research Projects Agency (DARPA).

President Bush nominated John to serve as Assistant Secretary of the Navy, as we all know, for Research, Development, and Acquisition in 2001. He has proven in this role that he is a skilled leader, dedicated to ensure that our men and women in uniform have the resources they need to complete their missions.

He was instrumental in achieving significant improvements to the Navy's acquisition programs, making many of those programs more efficient. He used innovative methods to achieve cost savings in a variety of programs which had a tremendous benefit to the Department of the Navy.

His success in the role of Assistant Secretary led President Bush to nominate him to serve as Director of Defense Research and Engineering. I am confident that Secretary Young will approach this new position with the same commitment and dedication he has exhibited during his time with the Defense Appropriations Subcommittee. He will fill a role performed by very able people we have all known in the past, and I am sure he will distinguish himself in this new position.

I am delighted to be here with the co-chair of our subcommittee, the co-chair of the Commerce Committee, my good friend, to support the nomination also, and I would yield to him.

Chairman WARNER. The Senator from Hawaii, the distinguished Senator Inouye.

STATEMENT OF HON. DANIEL K. INOUYE, U.S. SENATOR FROM THE STATE OF HAWAII

Senator INOUYE. Mr. Chairman and Senator Levin, I am pleased to join my friend and colleague Senator Stevens in introducing John Young, the President's nominee to be Director of Defense Research and Engineering. More than 4 years ago I had the pleasure of introducing Mr. Young to this committee as the President's nominee for the position of Assistant Secretary of the Navy, and I am pleased to once again speak for him in this new position for which he has been nominated.

As Chairman Stevens noted, John Young came to the Appropriations Committee in 1991 as a young, 28-year-old American Institute of Astronautics fellow from Sandia. He already had an engineering degree from Georgia Tech, a master's from Stanford, and a lot of experience in the aerospace industry. His capabilities were so outstanding that he came to the committee for a 12-month assignment and, Mr. Chairman, we kept him for 10 years.

John Young left the committee to serve as Assistant Secretary of the Navy. In this position, as Chairman Stevens has pointed out, he has earned high marks for instituting innovative practices in the Navy acquisition programs. His accomplishments are too numerous to list, but his tireless efforts to reform our business practices in shipbuilding, aircraft manufacturing, and weapons procurement are well known to this committee and to the entire defense industry.

I have never met anyone who has had anything but the greatest respect for his talent, his knowledge, and his very pleasant demeanor.

So Mr. Chairman, Senator Levin, I once again recommend him to you without equivocation.

Chairman WARNER. Thank you very much, colleagues. We on this committee are deeply honored that you would find the time, but the cause is good. He is an outstanding individual and will continue to serve his Nation with great distinction, I am confident.

Thank you, gentlemen.

Senator Roberts is due at any time, but we will proceed and we will interrupt for Senator Roberts when he arrives. Should he not be able to make it, I will insert his statement for the record.

[The prepared statement of Senator Roberts follows:]

PREPARED STATEMENT BY SENATOR PAT ROBERTS

Thank you Mr. Chairman. I would like to take this opportunity to voice my strong support for Dr. Etter, who is before the committee as the nominee for Assistant Secretary of the Navy for Research, Development, and Acquisition. Dr. Etter is the Joan of Arc of Science and Technology—a proven and steadfast advocate for technological investment in our military and an outstanding choice to oversee the Navy's research and development efforts.

I first met Dr. Etter through my work as the chairman of the Subcommittee on Emerging Threats and Capabilities. At that time, Dr. Etter was the Deputy Under Secretary of Defense for Science and Technology. During her tenure there, Dr. Etter displayed a thorough command of Department of Defense (DOD) science and technology programs, and an understanding that a strong and consistent investment in such programs has been and will continue to be the primary means for allowing the United States to confront the uncertain and evolving threats to national security in the 21st century. During that time, I often relied on Dr. Etter's expertise and strong support for creating, developing, and implementing an aggressive science and technology program within the individual Services, and across the Department.

When Dr. Etter and I first began working together, I recall I had some serious concerns regarding one particular services's science and technology program, and the impact it would have on the other Services and the defense technology investment overall. After asking Dr. Etter to "ride shotgun" with me as we worked to get the country's science and technology dollars back, I understood then why we would one day see her before the committee again, as we do today. I was thoroughly impressed with her dedication and commitment to building a true, long term base for the development of science and technology programs. She is a true advocate.

Dr. Etter understands that it should be a priority of the DOD, the individual Services, and this committee, to maintain a strong, stable investment in science and technology programs. Such an investment is critical to develop superior technology that permits the U.S. to gain military advantage today, provides flexible options to future warfighters, and continuously hedges against technological surprise. The military scope of our enemies will be forever changing—adapting to create asymmetrical conditions of warfare that our current forces may not be designed to address. Dr. Etter understands that our ongoing efforts to maintain current advantages and military superiority must be founded in strong and robust programs that embrace the investment and development in science and technological initiatives.

Mr. Chairman, as I mentioned before, Dr. Etter served with distinction as the Deputy Under Secretary of Defense for Science and Technology. She is also a member of the National Science Board, the National Academy of Engineering, and the Defense Science Board, and currently serves on faculty at the United States Naval Academy where she was the first recipient of the Office of Naval Research Distinguished Chair in Science and Technology. She has received the Department of the Navy Distinguished Public Service Award, the Secretary of Defense Outstanding Public Service Medal, and the Department of Defense Distinguished Public Service Medal.

One thing is clear—Dr. Etter is well qualified for this position. She has the understanding, initiative, and leadership to serve with honor as the next Assistant Secretary of the Navy for Research, Development, and Acquisition. With that, I strongly endorse the confirmation of Dr. Etter, and urge my colleagues in this committee to vote favorably upon her nomination.

Thank you.

Chairman WARNER. I thought at this point in time I would ask the first panel to introduce your families. Secretary Young, would you kindly introduce your family and those attending.

Mr. YOUNG. Mr. Chairman, thank you very much for the opportunity. We made the choice to have my children stay in school today. My wife Barbara is with me. I would also like to note my extended family team here, who helped me recently to work in the Navy on acquisition programs, Captain Jim McManamon, Colonel Bill Anderson, and Daniele Wright, are critical members of the team in acquisition in the Navy.

Chairman WARNER. I think it is marvelous that you bring your senior staff in. I always reflect on my time in the building and what extraordinary individuals I had as senior staff. I might say to those in attendance that both of my executive assistants (EA) eventually became Chief of Naval Operations (CNO). So there is hope afterwards.

Mr. Smith, I believe you have some guests.

Mr. SMITH. My family is in Houston, Texas, sir. They could not be here today.

Chairman WARNER. All right. Well, they are here in spirit.

Mr. SMITH. Yes, sir.

Chairman WARNER. Dr. Etter.

Dr. ETTER. Mr. Chairman, I am very pleased to have members of my family here. First, my husband Jerry. We have recently celebrated our 38th anniversary. He was in the Air Force as an officer for 12 years. My brother is here from Tulsa, Oklahoma, Ron Van Camp. My daughter is on the west coast and has three very young children, so she was not able to join us. But in her place, I have brought some midshipmen from the Naval Academy. The Naval Academy has a very wonderful program that matches members of the local community with plebes or freshmen as they come in, and these four midshipmen are some that we are sponsoring.

I would like to introduce them to you. We have Will Snead from Ohio.

Chairman WARNER. If you gentlemen would stand, please, and lady, stand, please. Thank you very much.

Dr. ETTER. Carleigh Gregory from Virginia, Matt Nunez from Ohio, and Matt Warshaw from Louisiana.

Chairman WARNER. We welcome you. We congratulate you on your appointments and your service to your Nation in the Academy, and good luck.

I am going to pass over my material on Secretary Young. I think I can just put it in the record. There is quite a bit there. We are delighted, of course, to have this opportunity to have you before us.

Mr. Smith, I enjoyed our visit, as I said very clearly. You have an extraordinary career in journalism. You are very modest about it. You have an Emmy Award, a winning television producer with over 30 years of media experience. You served as senior media adviser to Ambassador Paul Bremmer from 2003 to 2004, and you are responsible for a developing state-of-the-art communications facility in Baghdad for the Coalition Provisional Authority (CPA). Mr. Smith worked to establish the fledgling Iraq Media Network and

was awarded the Secretary of Defense Medal for Exceptional Public Service.

He has also given public service with the Federal Emergency Management Agency (FEMA) in 2001, overseeing media coverage in the aftermath of the terrorist attack in New York on September 11, 2001; and also with the White House staff as Assistant to the President of the United States for Media Affairs from 1991 through 1992.

We thank you for your past service and your willingness to continue that service. I think you are facing some of the most challenging times in the contemporary history of our country and your background reflects that you are able to accept that challenge and meet it.

Dr. Etter, I so enjoyed our visit. You are no stranger to the committee, having served from June 1998 through July 2001 as the Deputy Under Secretary of Defense for Science and Technology. You presently serve on the Electrical Engineering Faculty of the United States Naval Academy as the first recipient of the Office of Naval Research Distinguished Chair in Science and Technology. This, according to my staff, makes her a world-class "wires" professor, a formidable entity indeed.

We get up here and we start reading these things and we do not have the slightest idea of what it is all about. I happen to have graduated from the Naval Research Laboratory here in Washington, DC, and was awarded a third class petty officer stripe in 1946. That is as much as I got out of there. But I will look into this. Maybe I can go back and pick up mine. That is pretty good. I like that.

I commend you for pursuing the technical challenge of training. In our visit we exchanged our mutual concern for the growing shortage of young men and women who are willing to undertake the arduous task of pursuing technical studies, whether it is mathematics, electrical engineering, computer sciences, or the like, and at the same time nations in the world, notably India and China, are far ahead of us in the technical education of their young people.

Thank you.

Senator Levin.

STATEMENT OF SENATOR CARL LEVIN

Senator LEVIN. Mr. Chairman, thank you and let me join you in welcoming our witnesses here this morning. I do know our first nominee, John Young, from his work here in the Senate in the 1990s: a professional staff member on the Defense Subcommittee of the Appropriations Committee. He is extremely well-qualified, well-liked. I look forward to his being promptly confirmed. I think we all know of his background and of his competence and of his pleasant demeanor which Senator Inouye pointed out. We are always delighted to have Senator Inouye in our presence.

I am not familiar with either of our other two nominees, I am afraid. I look forward to asking them some questions and welcome not just the three nominees that we have here, but also those who have accompanied the nominees—family, plebes, friends, supporters, well-wishers all. They are all welcome and they play an important part in this confirmation proceeding.

Chairman WARNER. Thank you very much, Senator Levin.

As is the longstanding tradition of this committee, we ask all our nominees, military and civilian, to answer a series of advance policy questions. The nominees have responded to those questions and, without objection, I will make the questions and their responses part of the record.

I also have certain standard questions we ask of every nominee who appears before the committee and would now ask, if our two senior military officers would likewise stand so I do not have to repeat this twice. If you would be kind enough, gentlemen, to just stand in the background.

The first question: Have you adhered to the applicable laws and regulations governing conflicts of interest.

Mr. YOUNG. Yes.

Mr. SMITH. Yes.

Dr. ETTER. Yes.

General BELL. Yes.

General SMITH. Yes.

Chairman WARNER. I note all agreed.

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

Mr. YOUNG. No, sir.

Mr. SMITH. No, sir.

Dr. ETTER. No, sir.

General BELL. No, sir.

General SMITH. No, sir.

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

Mr. YOUNG. Yes, Mr. Chairman.

Mr. SMITH. Yes.

Dr. ETTER. Yes.

General BELL. Yes.

General SMITH. Yes.

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

Mr. YOUNG. Yes, sir.

Mr. SMITH. Yes, sir.

Dr. ETTER. Yes, sir.

General BELL. Yes, sir.

General SMITH. Yes, sir.

Chairman WARNER. Will those witnesses be protected from any possible reprisal for their testimony or briefings before the Congress of the United States?

Mr. YOUNG. Yes, sir.

Mr. SMITH. Yes, sir.

Dr. ETTER. Yes, sir.

General BELL. Yes, sir.

General SMITH. Yes, sir.

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

Mr. YOUNG. Yes, sir.

Mr. SMITH. Yes, sir.

Dr. ETTER. Yes, sir.

General BELL. Yes, sir.

General SMITH. Yes, sir.

Chairman WARNER. Do you agree to provide documents, including copies of electronic forms of communications, in a timely manner when requested by a duly constituted committee of the Congress of the United States, or to consult with the committee regarding the basis for any good faith delay or denial in providing such documents?

Mr. YOUNG. Yes, sir.

Mr. SMITH. Yes, sir.

Dr. ETTER. Yes, sir.

General BELL. Yes, sir.

General SMITH. Yes, sir.

Chairman WARNER. I thank all witnesses.

Secretary Young, if you would like to make an opening statement, we are delighted to receive it.

Mr. YOUNG. Thank you, Mr. Chairman, Senator Levin, members of the committee. It is a privilege to have the chance to appear before you today as the President's nominee to serve as the Director of Defense Research and Engineering. First, I am most grateful to Chairman Stevens and Senator Inouye for their very kind introductions. These gentlemen have steadfastly supported our Nation's defense capability because of lessons they learned earlier, knowledge gained through dangerous service and personal sacrifice. I was indeed fortunate to follow their leadership and to learn from them as a staff member on the Defense Appropriations Subcommittee. The Nation has been most fortunate to benefit from their dedication of their entire adult lives and their personal energy to keeping America strong and free.

Chairman Stevens was the key advocate of my ability to serve this administration as the Navy acquisition executive. I am most grateful for this committee confirming me to that job. Equally important, Chairman Warner, you and members of the committee have provided tremendous support for Navy and Marine Corps programs, allowing your naval acquisition team to resolve many challenges and to make key changes in the acquisition process. I have truly enjoyed this rare chance to serve.

As you warned at the first hearing, Mr. Chairman, the Pentagon is inclined to demand long hours of those who work to change and shape programs. My wife, Barbara, and my children, Nathan, William, and Catherine have made my determined service possible. Barbara has made sure that our household continues to function and the kids make every game and lesson, even as she works full time. I cannot serve without her support.

Chairman WARNER. You might mention the names and the ages of that family. This record is printed up, and I still have my old, yellowed hearing record from 35 years ago when I sat in that chair, and your kids might want to read about themselves some day.

Mr. YOUNG. I am very proud of my oldest son, Nathan Young, who is 14, has passed his mom and insists on measuring every day to see if he has passed me. My middle son William is 11 and has a competitive intensity that is somewhat like mine. He is determined to win and is convinced he will be an Atlanta Brave in the future. My daughter Catherine is a brave and determined soul. She

broke her leg earlier this year when she was 7. She is now 8 and fully recovered. Kids do get well and keep going, and she is ready to go skiing again, I believe.

Thank you for that chance, Mr. Chairman.

Chairman WARNER. Thank you very much.

Mr. YOUNG. I am truly honored to be nominated by President Bush and Secretary Rumsfeld to serve as the Director of Defense Research and Engineering, commonly called DDR&E. The record of accomplishment by individuals previously serving as DDR&E makes the task of upholding that tradition daunting. However, if confirmed I will work with determination to shape and guide our investment in the future and our Nation's defense capability.

The Nation currently faces threats across a broad spectrum, from nation states developing peer capabilities to terrorist organizations harnessing available technologies and unconventional techniques. The task particularly before the DOD research and engineering team is to apply the same available technologies and, where necessary, harness American know-how to devise new concepts in order to defeat the threats the Nation faces today and the threats that we may face in the future.

We must undertake this work with urgency. The men and women who are prepared to sacrifice for this country deserve absolutely no less. If confirmed, I will seek to meet this challenge, relying on the ingenuity of scientists and engineers in the government, industry, and academic communities. We will seek to accelerate the development and delivery of capabilities, working to facilitate action and to avoid the friction and inertia of the current process.

The support of this committee and Congress will be essential in any effort to enhance our current processes and pursue our strategic goals. I am grateful for your consideration of my nomination, and I look forward to your questions. Thank you, sir.

Chairman WARNER. Thank you very much, Mr. Secretary. It was an excellent opening statement. I am so glad that you acknowledge the important contribution of your family. I feel that is true both of the civilian structure in the building as well as the military structure, and at every turn I welcome references to that support, which is absolutely essential.

I would only say to you and those in attendance, every decision made after 8 o'clock in the Pentagon is reversed usually the next morning. Get them home.

Now we have Mr. Smith.

Mr. SMITH. Thank you, Mr. Chairman.

I would like to thank President Bush for having the confidence to nominate me and Secretary Rumsfeld for the opportunity to serve. It is an honor for me to be considered for such an important position. The challenges facing public affairs at the DOD are great. Events of the last year have demonstrated that the role and responsibilities of the U.S. military around the world are expanding. Whether fighting the global war on terror, responding to natural disasters like Hurricane Katrina, or the earthquake in Pakistan, the men and women of our Armed Forces are on the front lines.

I believe they represent the best of America. Effectively telling their story has become essential for our National security. Communicating their varied missions in an open, honest, and transparent

way is both a challenge and an opportunity. If confirmed, I will strive to use all the resources, assets, and expertise of the DOD to further the goals of our Armed Forces.

I thank the committee for its time and consideration of me for this unique position.

Chairman WARNER. Thank you very much, Mr. Smith.

Dr. Etter.

Dr. ETTER. Thank you, Mr. Chairman. It is a special honor for me to be here today. I thank President Bush and Secretary Rumsfeld for nominating me for this position and for the opportunity to serve my country if confirmed.

Growing up in a small town in Oklahoma, I would never have imagined I would be sitting in this room preparing, if confirmed, to accept responsibility for the Department of the Navy's research, development, and acquisition programs. I am here today because of the wonderful university system in this country that opens its doors to anyone willing to work hard. I am a product of the State university systems that are the envy of the world. I attended Oklahoma State University, the University of Texas at Arlington, Wright State University in Dayton, and the University of New Mexico. I have been on the faculties of the University of New Mexico, University of Colorado at Boulder, and the United States Naval Academy. I also spent a year as a visiting faculty member at Stanford University.

Each of these schools has helped prepare me for the opportunities that I have today. I recognize that educational opportunities that I have had available are only there because of the freedoms we enjoy in this country. To keep our democracy strong, we must have a military that can ensure our national security.

I am very proud to have had the opportunity as Deputy Under Secretary of Defense for Science and Technology to help make sure this country has the technology edge it needs for the future. If confirmed in this position, I look forward to working to make sure the men and the women of the Navy and the Marine Corps have the equipment, systems, and platforms that will give them advanced capabilities to complete their missions and to ensure our national security.

Thank you.

Chairman WARNER. Thank you very much, Dr. Etter. I am much taken by that record of all your various academic posts. But you are right in the front lines now. All of the theories, you are going to have to put them to work or cast them aside, whatever the case may be.

We will now proceed with 6-minute rounds of questions for each member.

Mr. Young, I will ask that question which you have been asked repeatedly for a very long time, and that is what do you forecast for the ability of the Department of the Navy to get adequate funds for shipbuilding, and how in your new post will you help facilitate that challenge?

Mr. YOUNG. Mr. Chairman, you know this almost better than I do. Admiral Mullen, as the new CNO, has placed a priority and that is the choice that will have to be made. A priority set of choices will have to be made within the overall Navy enterprise

budget to ensure that adequate funds are devoted to shipbuilding. Admiral Mullen and I have discussed this, and he has agreed to take a hard look at some of the requirements issues that have driven costs. So, in combination with setting aside appropriate budget resources and keeping requirements constrained, I think the Navy can indeed increase the shipbuilding rate and deliver the fleet that the Nation expects. It will take discipline to do that.

Chairman WARNER. Well, I have my own theories, and that is—and you can just listen to them; you do not have to comment on it—I do believe that the situation is so serious—and I am not faulting this administration, or the previous administration. I am not into the political arena on this. What is the latest count, 233 ships at sea, give or take a ship? Ask the captain over there.

Mr. YOUNG. Please.

Captain MCMANAMON. 281.

Chairman WARNER. 280?

Captain MCMANAMON. Right, 96 at sea, 281 available for deployment?

Chairman WARNER. Well, all right. I looked at another statistic. I think there are a lot of patrol boats you have in there.

My point is I think that—and I intend to do this, take an initiative with our distinguished President and suggest that this requires a separate allocation of funding, quite apart from the annual POM process, the division of funds between the three military departments, and to begin a down to earth, long-term shipbuilding program to try, not just to restore numbers, but to bring the elements of the fleet up to where they can continue to defend this Nation and our interests abroad.

Our concept of defense is basically based on forward projection, as you well know, and that requires naval power any way you look at it. So you will not be in the direct line on that, but stand by.

Mr. YOUNG. I am certainly, after 4 years, sympathetic to your concerns and would be happy to talk to you, Mr. Chairman. I think there are aspects of our budget process that do make it a challenge to protect those resources, and so your initiatives will probably be welcomed.

Chairman WARNER. Thank you.

Turning to another subject which troubles us all, and that is the improvised explosive device (IED) problem, which is growing, maybe not in numbers of incidents, but the consequences of the various ordnance packages being put together now are just horrendous. They are defeating in many ways all of our efforts to armor and up-armor and side-armor and everything else our vehicles.

This committee, I am proud of its record, periodically, about every 30 days, has a group over from the Joint Task Force in the DOD, and I think we are scheduled here very shortly to have another meeting. I would like to have your perspective on this, and particularly in your new position, where you have the reins of all of the research and defense capabilities of this country in many respects.

Are we doing everything? Is there more that can be done? Because these are just tragic types of injuries, and oftentimes they are so serious that they make it difficult for us to fulfill the missions that we have over there. Those of us who have visited and

continue to visit—I just returned here a few weeks ago—I do not see any of the young people in uniform flinching from going out and confronting this risk every day.

I just want to make certain that our technology base here in America, manufacturing base, is doing everything possible to address this situation.

Mr. YOUNG. Mr. Chairman, we are doing a great deal, but I am not prepared to tell you there is not more that can be done, and we will seek to uncover all those rocks. In fact, pending in my office is an effort to buy additional jammers to deal with an evolution of the threat, if you will, to avoid any classified issues.

Under Secretary England's leadership, we created a year and a half ago Operation Respond to try to equip the marines as they went back into Iraq. We bought jammers in advance of the requirement and the need to do that. A year or so ago we signed for robots from the sources that were available that could go out if we found the IEDs, to disarm them.

We have used our aircraft in the Navy, Growlers and other aircraft, to find and, if possible, jam. I think people are, with the help many times of the men and women in the field, using every tool available to deal with this threat. It is a difficult and agile threat. So we are going to have to keep pace with it. We have used some special skills at the Naval Surface Warfare Center at Dahlgren, Virginia, their explosives expertise, to understand how the enemy is building the devices, how they are fusing the devices, so we are always knowledgeable about what our challenge is to address the threat. I assure you we will continue to push this very hard, because until we can stop these losses we will not be ahead of this curve.

Chairman WARNER. I visited Dahlgren here some months ago and saw their work. I am curious. Has that, without identifying it because it has a certain classification, but has that piece of extraordinary equipment been utilized yet in the Iraqi theater?

Mr. YOUNG. Assuming we are talking about the same thing, I did not mention that. I am glad you referenced it. My last report is we are conducting some of the last rounds of testing here in the U.S. to make sure we understand how it will operate in theater and then preparing to get it into the theater.

Chairman WARNER. Thank you very much.

My time is up. Senator Levin.

Senator LEVIN. Thank you, Mr. Chairman.

First, Secretary Young, there has been a suggestion made by a number of people that we modify the acquisition process to include the service chiefs in the acquisition chain of command for major defense acquisition programs. What is your position on that?

Mr. YOUNG. Senator Levin, I thank you for the chance on the advance policy questions to comment. I very much thank you for the chance to comment now.

I believe the framers of Goldwater-Nichols were remarkably prescient in putting a member of the President's team on the buying side to represent the taxpayers and the citizens, and they put the requirements function in the hands of the service chiefs so they can set requirements, and there is a creative tension, like the checks and balances throughout our Government. So we have that dia-

logue to ensure we buy to reasonable requirements that can be met by the technology, be met within the budget, and represent the best use of the taxpayers' dollars.

I believe pushing that function to the service chiefs poses a great risk of increasing requirements, increasing costs, and I believe it would be a disservice to the President, and I oppose that.

Senator LEVIN. Dr. Etter, you would be involved somewhat in that, too. Do you have an opinion on that?

Dr. ETTER. I certainly support the answer of Secretary Young. I think Goldwater-Nichols is the right way to do this, and I look forward to continuing the work that Secretary Young has set up in the Navy.

Senator LEVIN. Secretary Young, your predecessor does not seem to have spent a great deal of time exercising oversight over the activities of DARPA. It is officially under the direction of the Director of Defense Research and Engineering. There have been a number of concerns raised about the lack of oversight over some of the DARPA programs, such as the Total Information Awareness program, and the failure to ensure that DARPA programs are consistent with and coordinated with service research efforts.

What is your relationship going to be with the Director of DARPA, if you are confirmed?

Mr. YOUNG. Senator, in my time here in Congress I reviewed the DARPA account and found it to be quite fun, to be honest with you, to spend days combing through the technology. So maybe to the anxiety of DARPA, I expect to go back to that front and learn and grow and guide that program. It is important for the director to be able to run the agency, but I expect to exercise the DDR&E's role in guiding the priorities and objectives of the DARPA program, and also working to ensure that investment gets in the hands of the Services and, therefore, the hands of the warfighter.

Senator LEVIN. Mr. Smith, you wrote a piece in the Wall Street Journal a few months ago called "The Enemy on Our Airwaves" which talked about an American who was taken hostage in Iraq, whose name is Jeffrey Ake. A video of him in captivity was shown on al Jazeera and then shortly afterwards the American TV networks aired the same video. You called that a vivid example of the "ongoing relationship between terrorists, al Jazeera, and the networks," using his words, the "networks" referring to the U.S. networks.

You made reference to that relationship in a number of places in this article, that there is a relationship between al Jazeera, terrorists, and the American television networks. You then made the statement that "Osama bin Laden, al Zarqawi and al Qaeda have a partner in al Jazeera and, by extension, most networks in the United States."

That is a very serious allegation. Did you really mean that there is a relationship between al Qaeda and the U.S. television networks?

Mr. SMITH. Senator, given the time that I spent in Iraq from June 2003 to September—sorry, September 2003 to June 2004, when I was running the Iraqi Media Network, you learn how the enemy operates from a communications standpoint. What I was revealing there is a relationship that exists, that the enemy is quite

aware of and they use it, and they understand that if they have a piece of video and they give it to al Jazeera and it gets on al Jazeera, by extension it gets on the six major networks in the United States. That is part of their communications strategy that we saw time and again.

I was basically just revealing the nature of that relationship.

Senator LEVIN. Does that make them a partner? Does that really make the television networks of the United States a partner of Osama bin Laden and Zarqawi and al Qaeda? Those are the words you used, that they are a partner. I know they are going to be used—if our enemy succeeds in using propaganda successfully. Obviously, they are going to try to use whatever tools they possibly can, including the fact that we have free speech in this country and we have television networks that can run whatever they want to run.

But does that establish a relationship between the U.S. television networks?

Mr. SMITH. There is a relationship that exists there.

Senator LEVIN. What is the relationship?

Mr. SMITH. The relationship is a cooperative one where they trade video. If al Jazeera airs something, they have access to whatever it is that al Jazeera airs.

Senator LEVIN. Does that create a relationship in your judgment?

Mr. SMITH. I think it is a relationship. I think it is a semantical debate, sir.

Senator LEVIN. You are going to play a very critical role, if you are confirmed, in terms of information.

Mr. SMITH. Yes, sir.

Senator LEVIN. Our enemy obviously wants to use our freedom for their own advantage. There is a difference between that and characterizing, and, I think, mischaracterizing and unfairly characterizing, that effort on the part of our enemy to use our freedoms to their advantage and turning that into a relationship between the television networks—and you name every one of them—and our enemy. I think it is an unfair characterization and it troubles me if it implies anything in terms of what your view is of your role as running information for the DOD.

Mr. SMITH. Well, if I may, sir, the larger point that I was making, is that the United States Government—and I wrote this as a private citizen at the time. What disturbed me was the manner in which this information would be shown on the networks here and in the Middle East, and that our government needed a policy that was consistent in dealing with al Jazeera, that as we were fighting a war on the ground we needed to also recognize that there is a war of the airwaves, and it is one that we should engage in.

Senator LEVIN. Does our Government run the networks?

Mr. SMITH. No, I was saying that as it relates to dealing with al Jazeera—which I was in Iraq, we dealt with this. For instance, in Baghdad we had a rapid response team so that when al Jazeera would put out information that was incorrect and other news organizations who they were involved with would come and ask us whether it was correct or not, we had the ability to tell them whether it was correct or not. I was basically making that point, that the Government needed a policy of dealing with all the infor-

mation coming out of the Middle East and in instances where it was incorrect we should have a policy of dealing with that.

Senator LEVIN. Promptly responding to information and propaganda.

Mr. SMITH. That we needed to do that, yes, sir.

Senator LEVIN. I could not agree with you more. That is very different from labeling our networks as partners with our enemy and saying that they aid and abet our enemy because they make private decisions, uncontrolled by our government, as to what to run on those networks. I think it is a very serious mischaracterization. It is troubling to me if it suggests what your approach is going to be to information, if you are confirmed in this position. I hope it does not reflect that approach because, as you pointed out in your opening statement, you think that it is important that the missions and our activities be reported in an open, honest, transparent way, and that does not mean labeling people who run pieces of tape for our networks, who are free to run under our Constitution what they choose, for you to label them as aiders and abettors or as partners with our enemy. It seems to me that is an unfair labeling of people who are engaged in providing news to our people.

I will leave it at that. But again, I am troubled very much by that article.

Thank you.

My time is up, Mr. Chairman.

Senator INHOFE [presiding]. Thank you very much.

Let me just give you a different perspective, Mr. Smith, since Senator Levin brought it up. I quite frankly do not agree with him on that. It shows that in this panel up here you have Senators that are not in lockstep with each other. We do not agree all the time.

I can tell you right now, if there is one thing that bothers me more than anything else it is the bias that is in the media. I think it is very serious and I think we need to talk about it. I think most people in my State of Oklahoma have heard me talking about it long enough that they understand what is going on over there.

I would have to say that I was very proud. First of all, I probably have been in Iraq more than any other member of this committee. I suggest that is the case. Just about every month I go over there, and I think it is a responsibility of this committee to see what is going on over there and to get an accurate picture of it, because I find that those individuals on this panel that are most critical of the war itself are the ones who do not go over there and spend the time with the troops.

Now, the comment was made about aiding and abetting the enemy. Let me just read something. One of my favorite people that I ran into over there was this Lieutenant Colonel Tim Ryan. I have been using this, and I have talked to him about it over there as he was leading troops in and out of battles. He said:

"The inaccurate picture they paint has distorted the world view of the daily realities in Iraq. The result is a further erosion of international support for the United States' efforts there and the strengthening of the insurgents' resolve and recruiting efforts"—"the strengthening of the insurgents' resolve and recruiting efforts, while weakening our own. Through their incomplete, uninformed,

and unbalanced reporting, many members of the media covering the war in Iraq are aiding and abetting the enemy."

I would suggest that maybe if you said it or did not say it, that is not as important as the fact that those troops who are in the field fighting for their lives and the freedoms of the people over there, they are using that language. It is very strong language.

I would also say that the insurgents are benefiting from that. We have a letter that we intercepted from bin Laden's deputy, Zawahiri, which was sent to the leader of the insurgency in Iraq, Zarqawi, that says: "I say to you that we are in a battle and that more than half of this battle is taking place in the battlefield of the media." They are winning that battle, and we have to do something about it.

First of all, let me just ask you a question. I think we would all agree, whether or not we agree how bad the media is, we would all agree that we need to get the real story out there. Do you have any new ideas on how we might be able to accomplish that, Mr. Smith?

Mr. SMITH. Senator, if confirmed I would like to return to the region.

Senator INHOFE. You were there for what, 9 months?

Mr. SMITH. I was there for 9 months, from September 11, 2003, to June 2004, and during that time built the filing center for the international press, credentialed all of the press, basically connected Baghdad to Washington so that we could communicate in an open and transparent and honest way.

From what I can gather, having not been back there, the situation on the ground is certainly different. The communications and how we communicate back from Baghdad, Iraq, to here is different.

I do not think that I could make any assessment, without going over there and physically seeing. As we saw yesterday with the car bombs outside the Palestine and Sheraton Hotels, the challenging situation that the journalists are in requires us to figure out how to communicate with them in October 2005. One of the highest priorities that I would have, would be to go there and see exactly how information is getting out, how the briefings are going, how the credentialing process is, and the danger at the checkpoints in moving journalists.

All of these issues I think are best understood by going to the site and seeing precisely what the issues are and then trying to recreate in some way the ability to work with the journalists there so that the story that exists there is getting out in a real-time basis.

Senator INHOFE. Well, I would hope so. What I try to do, Mr. Smith, when I go is concentrate in certain areas. A few trips back, I spent the whole time in the Sunni Triangle because that is where supposedly, they hate us the most. I would mention a couple little anecdotal things and maybe ask you how we can get this out so that people can know what is going on.

One would be in Fallujah, where we had a former brigade commander for Saddam Hussein who had hated Americans, until he started training his Iraqi security forces with our marines. Now, as a result of that he learned to love the marines and love the American people and the freedoms that we are bringing to that country.

Right in the center of Fallujah, he told me that when they rotated the marines out, he said, we got together. They had been involved in embedded training. He said: We actually cried together at the time they left.

Now, that story, nobody ever hears things like that. Over at the same time in Tikrit, when they blew up one of the training centers and there were 40 people either killed or injured badly, and each family of each person who was killed or injured supplied another family member to go in and be trained for them.

Stories like that, that need to get out, how can we get those stories out?

Mr. SMITH. Well, I think one way would be to reinvigorate the embed program. I think the logistical and physical difficulties in a place like Fallujah for a correspondent in Iraq is overwhelming. Without military help, without the Defense Department assets, it is very difficult for them to get in a car and go to Fallujah and cover a story like that without risking their lives, because the security situation is what it is.

I think we have to analyze the security situation as it relates to the communications environment and see what we can do to get these stories out in an open and honest way and in a timely fashion.

Senator INHOFE. Somehow shame the press into repeating some of these stories.

Well, my time is not quite up. I would like to show you something to demonstrate the bias of the media. To put these numbers in perspective, and I want you to look at this, the number of editorials—this is talking the New York Times and the Washington Post—since March 2004 about the U.S. detainee policies, including Abu Ghraib, were 90, 9–0, 90 editorials. The number of editorials since March of 2001 about the beheading of hostages by terrorists in Iraq and elsewhere, such as Nicholas Berg and Daniel Pearl, only eight. Eight editorials concerning that and 90 concerning perhaps what a lot of people like to think are abuses that we are responsible for. Now, I can assure you that they love that over there, to use that in Iraq.

Lastly, one of the terms that I coined at this table during one of these hearings to show you that the troops do listen and are alert, I referred to the cut-and-run caucus is alive and well, and one of the troops came up to me last week while we were watching night operations. They said: Well, I can see in Washington the cut-and-run caucus is alive and well, but it is nice to see we have someone on our side up there on the Hill.

Well, these things need to be talked about, and I applaud you for what you have done so far and you have a big job to do that. Maybe the rapid response can be sophisticated and enhanced in some way that it can do a better job.

Thank you very much.

Chairman WARNER [presiding]. Thank you, Senator.

Senator Dayton.

Senator DAYTON. Thank you, Mr. Chairman.

We could have a lengthy discussion here about our various perceptions of what constitutes bias in the media. I find for myself and I believe others that bias is in the eyes of the beholder. We tend

to believe that the media that presents stories differently from how we perceive them is biased and that present stories that are consonant with how we perceive things are of course accurate.

I am more than not impressed with the media and the courage that it takes for journalists, print, television, you name it, to be over in Iraq and often giving eyewitness accounts of battles in Fallujah and other very dangerous places. It may be that their perspective from that particular vantage point is slightly skewed one way or another, because they are reporting accurately what is going on. That may not be representative of the entire picture, but in a free country that is their obligation, to report what they see, what they can find, and to do so as objectively and honestly as possible. Our democracy depends upon that, whether we agree or disagree with every particular story or every particular editorial.

I will say without being hard-pressed, I think the media has done and continues to do a remarkable job of telling us what we cannot see, because we cannot be there every day. They are risking their lives in the process of doing so along with our incredibly courageous men and women in the Armed Forces who are doing the same.

Mr. Smith, I would like to ask you about information coming to our particular committee. We have struggled in this committee, I think members on both sides of the aisle, because I do not think it is a partisan issue, to get accurate information. For example, the strength of the Iraq indigenous forces, the number of uparmored vehicles that are being produced, that are over in Iraq, that are not. We get conflicting information or contradictory information.

How can you help us to get accurate information and assure us that, especially when you are representing the Office of the Secretary of Defense (OSD), and I am respectful of that, we are going to get accurate information?

Mr. SMITH. Senator, I look forward to working with this committee in a timely and open manner, and I would like to establish the kind of relationship where you think that you are getting the information from the DOD; in those situations in which you feel like, for whatever reason, that information is not forthcoming, I will do my level best to solve that problem.

Senator DAYTON. Do you consider it part of your responsibility, sir, to assure us to the best of your ability that the information we are being provided is accurate?

Mr. SMITH. Absolutely.

Senator DAYTON. Okay.

You would not hesitate to either contradict that or to go back and get better information if you, even before it came to us, believed that that was not fully accurate?

Mr. SMITH. I would do my best.

Senator DAYTON. Thank you.

Secretary Young, I commend you for keeping your kids in school as opposed to being here and for your dedication to your family. I commend all three of you for your willingness to serve our country and make the sacrifices, and your family members who make those sacrifices, in terms of lost time with you and the like.

Along the lines of what Senator Warner was exploring, how do we improve defense research and engineering and transforming

that into equipment that can benefit our fighting soldiers? Is there anything we can do in the Senate or in Congress to accelerate that process? What can you do administratively to do so?

Mr. YOUNG. I think there are a couple of things that are done now and may need to be done with more energy. One is to better pair some of the research community with the people buying platforms and programs and see if they can make plans to insert those technologies where they fit or let the people that are on that front line of delivering hardware help shape investment areas where they feel they are short. That connection is there, but not as robust in some areas.

Second, the budget process is going to be a challenge. Today we are building the 2007 budget. The services finished several months ago, so it is really in the hands of the OSD for bigger level adjustments. But if you have a new technology that could move on a 2-year cycle and you cannot get into the budget until 2008 and so you will not have money until October 2007, that is not very agile.

I do not know if we can solve that, but I do think we want to talk to Congress about ways to be more agile, especially against issues like IEDs, where if we see an idea we need to be able to put money on it now, not in 2008.

Senator DAYTON. I think that is an excellent point, and I trust that you would bring those to our attention immediately if we can expedite any of that.

Dr. Etter, I would ask you a similar question. What can we do to expedite the acquisition of necessary equipment so our fighting forces have the very best available at all times?

Dr. ETTER. Senator, I think this is a very important issue. It is always frustrating to have technologies that we are aware of that we do not get out into fielded systems for our men and women. I think this is really critical.

One of the programs that I have watched over the last few years that I think is doing an excellent job is the Advanced Concepts Technology Development (ACTD) program. This is the ACTD program. That is one that works with prototypes and gets them out into operational units and also has service buy-in. I think that is a very good program.

However, it is not sufficient. There is still a lot more that needs to be done and that is something that I will look forward to trying to find some new ways to help improve the technology transition.

Senator DAYTON. Thank you, Mr. Chairman.

Chairman WARNER. Thank you very much.

The distinguished Senator from Missouri.

Senator TALENT. Thank you, Mr. Chairman.

I want to add my voice to others thanking you all for being willing to do this. These are interesting and difficult times that we live in.

Dr. Etter, let me just approach you with my concern. I will not omit the others. Mr. Smith probably would not want to comment since it is not really his area, but Secretary Young might. I am concerned about the industrial base and concerned about whether we are approaching industrial base issues in an intelligent and comprehensive way. Just as an example, we have had about 400 foundries close in the country in the last 3 years. There are now only

four in the country capable of pouring specialty alloys and stainless steel castings to precise military specifications. We all have a sense, I think, that in other parts of the supply base as well, we are narrowed down now to a pretty thin number of suppliers in many cases for goods that we would say are pretty vital.

All this, I think, is sort of a gut feeling that we have sitting here, and probably you have had. I bet Secretary Young has had this concern in the back of his mind. It is a real problem in the area of shipbuilding. You and I discussed this privately a little bit, that because of various concerns as we buy fewer ships that the industrial base is beginning to disappear, which means we are not going to be able to buy more ships if we decide to do that down the road or we are going to have to depend on overseas suppliers, where there are obviously some concerns.

A lot of our casting works, for example, have gone over to the Chinese, and I do not think any of us feel comfortable with relying on Chinese foundries for this stuff.

Are we approaching this systematically enough? Should we come up with a list of areas that we really believe for security reasons are so vital that in those areas we have to sustain the industrial base? What do you think about that? How high a priority is this for you?

If you want to comment too, Secretary Young, just based on what you have done in the past, please do so.

Dr. ETTER. Senator, I think this is a very critical issue, and I think it is one that will be at the top of my list if confirmed into this position. I think there are a number of issues that relate to this. Certainly competition is one, that as we get to fewer and fewer suppliers things become more expensive because we do not have the competition.

I am also very concerned about single points of failure. I think, as we have seen, it can be natural disasters or it could be terrorist attacks, but I think we also have to be concerned about having multiple sources of important capabilities or products. I do not have specific comments at this point that I can add, but I can tell you that this will be a very important issue for me. I know that it is particularly important in the shipbuilding areas.

Senator TALENT. Maybe this is an area where each of the acquisition assistant secretaries could come up with their own lists and their own sense, and then the services could meet and try and come up with some more comprehensive list of areas where they have concerns. I believe that if we approach this in a more systematic way, first of all we will have some sense of security that we are doing something about it, and we will be able to do it in the most efficient way also, because I am sure a lot of these things are interrelated.

Maybe in some areas we have to rely on overseas suppliers, but after we look at it and we make a judgment that they are very secure, that we do not have to worry about that. It is something we are getting from Britain for example—but right now I do not have any sense that any of us have a good enough handle on this.

Do you want to make a comment, Secretary Young?

Mr. YOUNG. Senator, I certainly agree with your comments. When the Department a couple years ago dealt with Buy-America

legislation and this committee was particularly leading the effort to get that balance right, it forwarded to Secretary Wolfowitz and institutions that we should look very hard to the things that are critical to our ability to operate and understand domestic supply aspects of that.

We learned some lessons in the early stages of Operation Iraqi Freedom, and so I think that work has been started, but needs to be brought to greater light. Then we will have to see how we make those choices within the system, I and the acquisition team feel intense pressure right now on price and the perception that prices are too high in the face of requirements that are very high. Those are extreme competing forces when put together with the budget reality that make it very hard to make those industrial decisions.

Some choices we will make in certain programs right now will make those programs more expensive and they will have industrial benefits. But it is hard to make those competing forces and reconcile them, especially within the building and here on Capitol Hill.

Senator TALENT. One of the points that I like to make, Mr. Secretary—to the extent that these security concerns or prudential concerns really are valid—then at the end of the day we should care about them from a budgetary standpoint as well. Dr. Etter mentioned the importance of competition. If we make a mistake in this area and there are vital supply lines where we are hostage to some other competitor, it is going to end up costing us a lot more money. I am just convinced of it.

Or if we have to scramble to rebuild the industrial base at a certain point, we will be throwing money at it. I have seen this in so many areas. I have been around here long enough now to see this, that short-term concerns about the budget can drive you to take measures that end up costing you more, as well as imperiling your security. If we have some kind of a systematic overlay on all of this, it will help protect us against giving in to those kind of short-term concerns.

I hope you feel that way, Dr. Etter, and that you will work within the system. It could be a real lasting contribution that you make, assuming that you are confirmed, to the security of the country, and I am sure that you will make others as well.

Thank you, Mr. Chairman.

Chairman WARNER. Senator, I would like to associate myself with your observations. You have been one of the most steadfast proponents of shipbuilding on this committee and continue to express very forthrightly your views.

Senator TALENT. Well, Mr. Chairman, I do not have a home State interest in shipbuilding directly.

Chairman WARNER. No, last I saw there is no dockage in Missouri.

Senator TALENT. No, no. I have been very forthright on that, because we are always accused here of just trying to protect our home State interest, as if that is a bad thing, by the way. That is sort of why we are here. I wish people would understand that people in the military supply business can get to us because we represent them, and they see all this on the ground, and a lot of them are

real patriots and, apart from their own business, they are worried about the long-term ability of our industry to supply our needs.

I think all of us up here share this. We could end up getting caught. I do not want to be in a situation where we are running short on something, and we cannot get it because the Chinese decide they are not going to send it that week. We could be there.

I appreciate your leadership and Senator Levin's on this as well.

Chairman WARNER. Well, we thank you very much.

We will now go into a second round of questions.

Dr. Etter, have you had the full opportunity to express your views, subject to confirmation of course, with regard to what you hope to do regarding shipbuilding? It is clearly a matter that is very much before this committee, and I just want to make sure the record has all your thoughts in it at this time.

Dr. ETTER. I do understand that shipbuilding is going to be a very important part of my responsibilities. I have talked to a few people about this issue, so I understand some of the current issues. I know the concern about that really relates to the previous discussion of making sure that we have sufficient capacity as needed.

I am looking forward to the results of the Quadrennial Defense Review (QDR), because I think that will give some guidance in this area. I am also looking forward to meeting with Admiral Mullen and understanding his views and requirements in this area. With the understanding of that and some of the acquisition reforms that I hope I am able to bring to the Department, I know there are some studies being done now. Retired General Kadish, is leading a study. I am hoping that some of the recommendations that will come out of the study will be ones that I will be able to take to heart and apply to this issue. I know it is an important issue and it is one that I am going to look at very closely, if confirmed.

Chairman WARNER. I thank you for that. I notice that in the advance questions you suggest, "challenge industry to maintain the efficiency required to compete in the commercial sector by transitioning as many shipbuilding contracts as possible to fixed-price type contracts."

It is well known that the United States shipbuilding industry is almost entirely supported by the Navy and the Coast Guard. Just the wage scales make it exceedingly difficult for these yards, other than the military and the Jones Act, to get competition in this area.

But try hard.

Dr. ETTER. Thank you.

Chairman WARNER. All right.

Mr. Smith, we discussed in my office the concern that I and members of this committee have regarding the protection of journalists as they are embedded with our forces in the various areas of conflict the world over, as a matter of fact. I frankly think that embedding is a good step forward in the profession, and I support it, and I think the journalists, although we can argue about what they wrote and what they did not write, but by and large they are accepting hardships and risk commensurate with those in uniform.

I think this subject requires your immediate and personal attention. I provided you with letters that have been forwarded to me by very responsible individuals making, I thought, a strong case for

the review. I brought it to the attention of Generals Abizaid and Casey on their recent visit here in the United States when they briefed Congress and appeared before this committee. They assured me that they, independent of the Secretary of Defense, would also initiate reviews on it.

I think the record should reflect a little bit about your concern because you have done some study on this subject.

Mr. SMITH. Yes, sir, thank you for the letter. I read it last night, and it would be part of the mission that I would undertake if confirmed to go to the area of operation and meet with the journalists and find out firsthand what we can do to ensure their safety or make their ability to get in and out of places in a more secure way.

I recognize the severity of the lifestyle that they have in covering the story and I think I would, as we did when we served with the CPA, take the necessary steps to try to accommodate them as much as possible.

Chairman WARNER. I thank you for that. I look forward to working with you.

Showing my generation, we talked a little bit about Stars and Stripes. I sort of grew up with that editorially independent newspaper; it has been published continuously since 1942 in Europe, 1945 in the Pacific. We used to refer to it as the hometown newspaper because that was about all we had a chance to get in some of those locations.

There is some effort afoot to make Stars and Stripes available to servicemembers stationed in the United States. Now, if this is a subject with which you have no familiarity, I suggest you wait until you have had an opportunity to study it.

Mr. SMITH. I would like to look into that in the future, Senator.

Chairman WARNER. That is a very good answer.

I think it is of value to the folks back here at home. I am not sure just what the financial situation is that would require that to be made available here. The fact that you will look into it, I appreciate that very much.

Mr. SMITH. Thank you.

Chairman WARNER. We are due to have a vote, I say to my colleagues. But, I see Senator Thune here.

Senator THUNE. Thank you, Mr. Chairman. I know we are going to be moving toward a vote here pretty soon, and so I will not prolong it.

Chairman WARNER. Take your full time, Senator.

Senator THUNE. I appreciate that. I want to welcome our nominees today, and I appreciate your willingness to serve and echo what I am sure has already been said about the important work that you will be doing and that is ongoing with our military in the various theaters of operation.

I had the opportunity to visit with Mr. Smith in my office here recently and one of the many issues and many challenges I think that we face in places like Iraq right now is this whole ability to be able to communicate the good work that our troops are accomplishing there. One of the things I hear more than anything else in visiting with our service personnel who have been on the ground in that theater is that they do not believe that the good work that

they are doing is fully appreciated by the American people, principally because a lot of that is not effectively communicated.

I know you will undertake to do the analysis of how we can best report and inform the American people about the good work that is being accomplished there. I appreciate some of your comments and observations about that the other day in my office, and I want to let you know that we are fully supportive of and interested in any efforts that you can make in that regard, and I want to thank you and the other nominees for their service.

There are, of course, many of us who day-in and day-out, in this committee and throughout the entire Congress, are very interested in the progress that is being made in Iraq and Afghanistan and are very grateful for the service of our troops. We had a couple of South Dakotans just in the last week who were killed in different theaters of operation. Those are very difficult in any circumstance and the loss of life is always tragic. We want to make sure that it is not in vain and that the goals that we are striving to accomplish there are being achieved.

I do not have any questions in particular at this time, but I want to again extend our support to you as you begin to undertake the jobs that you have in front of you. I know that you appreciate the enormous responsibility that comes with that. We hope that as you begin to undertake those responsibilities we will continue to make good headway in the objectives that we are trying to achieve in those various theaters of operation.

Thank you again for your willingness to serve your country in this capacity, and we look forward to working with you.

Mr. Chairman, I yield back the balance of my time.

Chairman WARNER. Thank you very much.

Senator Levin.

Senator LEVIN. Thank you, Mr. Chairman.

Dr. Etter, on the shipbuilding issue, many members of this committee and the Senate and the House have expressed concern about the relatively small number of ships that we are building each year. You have been asked about that. This problem is going to get worse because of the cost overruns. The budgets are not being lived up to with the Navy in terms of shipbuilding any more than they are with other major weapons systems, by the way. The ships are not unique in this regard.

What do you believe that the Navy and the DOD should do to try to get the cost of the shipbuilding programs under control? Do you have any recommendations for them?

Dr. ETTER. Senator, I have a few general comments in this area. I think that as one looks at programs that are going over cost and over budget there are often some common things that we note. For example, many times we are trying to put technology into the programs that is not mature enough yet. I think one of the areas that I intend to look at closely is the technical maturity of capabilities that we are putting into systems.

I think another area that I plan to look at closely is the software area. As you look at systems today, often the software comprises as much of the system as the hardware. I think looking at how we might be able to do software in a more disciplined way so that we

can reduce some of the costs and the schedule overruns caused by its development will be another area I am going to look at.

I understand that a key responsibility in my position, if confirmed, will be to figure out how we do a better job on schedule and cost. There are a number of areas that I plan to look into to do that. Thank you.

Senator LEVIN. Thank you.

Secretary Young, there was a reference made to the manufacturing and industrial base and how it is so important to our security that it be strong. What steps do you think should be taken to ensure that the manufacturing and industrial base is sufficient to meet our future needs in the Department?

Mr. YOUNG. I think at least a couple of ideas are on the table and there may be more beyond that if I am confirmed in the job and have a chance to work the issue. I am aware of a recent Defense Science Board study that talks about the need for science and technology investment in manufacturing technology to help the Nation's competitiveness, to help lower the costs of weapons systems, the issue you have raised. I have seen an initial brief of that and want to get more details on it, but I do believe there is an opportunity to make an investment in this area in technologies that can enable us to lower the costs of our systems and that technology can be adapted in other places in industry for the benefit of the country.

Another area of investment here is understanding what technology areas and what elements in the industrial base are critical to us. Seeing what is possible within the rules and the requirements, because at the end of the day, as Secretary England says, we can really only buy to the requirements. But if the requirements support it and if we can understand better going into it, we can make some strategic choices that will help that industrial base stay healthy. We have sought to do that in several programs in the Navy.

Senator LEVIN. Thank you.

Mr. Smith, going back to this article which you wrote, one of the comments that you made had to do with Qatar and the fact that they reportedly provide $100 million a year to al Jazeera. Then your questions are: "Does Qatar's funding of al Jazeera constitute state sponsorship of terrorism?" That is the question you asked. What is your answer to that question?

Mr. SMITH. Sir, I just posed the question as to whether or not the funding of a network to the tune of I think it is over $100 million, that obviously has a collaborative relationship to some degree with terrorists, did that not mean there was some relationship between that government and the terrorists through al Jazeera?

Senator LEVIN. Do you have an opinion?

Mr. SMITH. It an interesting, irrefutable fact that if the $120 million that was being given to al Jazeera went away, that al Jazeera would not exist the way that it does today. That is the point.

Senator LEVIN. But do you have an answer to your own question, whether or not the funding by the government constitutes state sponsorship of terrorism? Do you have an opinion on that question which you asked?

Mr. SMITH. I do not at this time.

Senator LEVIN. All right. You asked another question: "As long as al Jazeera continues to practice in cahoots with the terrorists while we are at war, should the U.S. Government maintain normal relations with Qatar?" Do you have an opinion on that question which you asked?

Mr. SMITH. Not at this time.

Senator LEVIN. Do you have an opinion as to whether we ought to maintain our forward headquarters of the Central Command (CENTCOM) in Qatar?

Mr. SMITH. Not at this time. I think we should maintain our CENTCOM headquarters.

Senator LEVIN. In Qatar, even though they provide support to al Jazeera? What is the basis for that? If they may be sponsoring terrorism by providing funding to al Jazeera, how in heaven's name would you think we ought to maintain our forward headquarters there?

Mr. SMITH. My position in public affairs would not have any relationship to where our troops are deployed.

Senator LEVIN. Yes, but you are not in public affairs yet.

Mr. SMITH. Sir, and when I wrote the piece I was a private citizen, in April 2005.

Senator LEVIN. That is why I am asking your opinion as a private citizen.

Mr. SMITH. Pardon?

Senator LEVIN. That is why I am asking your opinion as a private citizen. Do you believe as a private citizen, which you are, that we should maintain our forward headquarters in Qatar?

Mr. SMITH. As a private citizen I do, yes.

Senator LEVIN. Even though they provide $100 million plus to the people who are in cahoots with terrorists?

Mr. SMITH. I do, yes.

Senator LEVIN. Why?

Mr. SMITH. I think that there are other ways to deal with the Qatar-al Jazeera relationship other than where CENTCOM is based.

Senator LEVIN. I am troubled by your answer here today to my question about whether or not the U.S. television networks have a relationship with terrorists, the named terrorists that you mentioned: Osama bin Laden, al Zarqawi, and al Qaeda. Your answer to my question whether they are partners is that there is a relationship between al Jazeera and the networks. But you do not answer my question as to whether or not you believe as a private citizen it is a fair characterization to say that our television networks are partners with Osama bin Laden.

Mr. SMITH. I said they are partners with al Jazeera.

Senator LEVIN. You said that "Osama bin Laden, Zarqawi, al Qaeda have a partner in al Jazeera and, by extension, most networks."

Mr. SMITH. "And by extension."

Senator LEVIN.—"in the United States."

Mr. SMITH. That is correct.

Senator LEVIN. Do you think that is a fair characterization?

Mr. SMITH. I think that is the truth, sir. They have a relationship with al Jazeera.

Senator LEVIN. By extension, you think it is a fair characterization that therefore they have a partner in our networks?

Mr. SMITH. I think they have a relationship with al Jazeera and al Jazeera, I believe, has a relationship with terrorists.

Senator LEVIN. I am just asking you whether or not you think that was a fair characterization, your statement?

Mr. SMITH. Yes, sir, I do.

Senator LEVIN. Is it also fair to say that the networks aid and abet terrorism by showing film that they have shown?

Mr. SMITH. I think it is fair to say that the terrorists understand that by having film shown in al Jazeera it will then be shown on the networks.

Senator LEVIN. Do you think it is a fair characterization now to say that the networks aid and abet terrorism by showing that film?

Mr. SMITH. I do not.

Senator LEVIN. What did you mean, then, when you said "What if one of the networks had taken a stand and refused to air the hostage video on the grounds that it was aiding and abetting the enemy, and that from this point forward it would not be a tool of terrorism propaganda?"

Have you changed your mind since you wrote that?

Mr. SMITH. I was raising the point that you never know where this video comes from and that the networks—just simply because it plays on al Jazeera does not mean that it should necessarily play on any given network.

Senator LEVIN. My last question. It has to do with what is paid for by the United States and what the government does control here, and that has to do with the Armed Forces Radio and Television Service (AFRTS). Our regulations require that that programming be characterized by fairness and balance in terms of political programming.

Have you looked at the talk shows which are carried by the Armed Forces Radio Network?

Mr. SMITH. Not since I have returned from Iraq, Senator.

Senator LEVIN. When you were there did you look at them?

Mr. SMITH. Periodically, they were on one of the monitors in my office, yes, sir.

Senator LEVIN. Do you think it would be a fair balance to only run conservative talk show hosts and not progressive talk show hosts? Would that represent, if it is true, a fair balance?

Mr. SMITH. I did not.

Senator LEVIN. I am not asking you what you did then. I am just saying now. I am not saying that you had anything to do with this. I am saying right now, and you are not in the decisionmaking process right now. If right now, the AFRTS only runs conservative talk shows, not progressive talk shows, would you consider that to be a "fair and balanced presentation"?

Mr. SMITH. I would have to look at the overall program schedule for AFRTS and, if confirmed, I would do that and try to make a determination if that was the case.

Senator LEVIN. If it were?

Mr. SMITH. I think that I would apply the directive, which says AFRTS should be fair and balanced, and I believe in that. That is

what it should be, and if it was not, I would do what I could to make it fair and balanced.

Senator LEVIN. I thank you.

Thank you very much.

Chairman WARNER. Thank you, Senator Levin.

It is the chair's desire to have this panel remain and, upon the return from our vote, I will ascertain if there are Senators who are now voting, have not been here this morning, and desire to ask questions. We will proceed to the second panel as quickly as we can, and thank you very much.

We stand in recess until the call of the chair.

[Recess from 10:55 a.m. to 11:12 a.m.]

The committee will resume its questions with the first panel. We recognize two colleagues that have joined us, but I see the Senator from Maine, who is a very distinguished member of our committee and an authority on shipbuilding. You have before you two very valuable sources of information.

Senator COLLINS. Thank you very much, Mr. Chairman. These witnesses are of particular interest to me, and I appreciate the opportunity to join you today.

Secretary Young, I want to begin by wishing you well in our new position. We have had a great deal of contact over the past few years in your role as the chief acquisition officer for the United States Navy. I have not always agreed with your decisions, but I have always appreciated your candid, straightforward responses to my questions.

Dr. Etter, we face a lot of challenges with shipbuilding. We have seen a decline in the number of ships that we are building. We are seeing costs go up, due in my view in part to the instability in the shipbuilding budget. We also face a problem within Congress in the way that we fund ships.

Have you looked at alternative strategies for funding shipbuilding that would allow the costs to be spread over a number of years, rather than fully funding a ship upfront in 1 year?

Dr. ETTER. Senator, I have looked at some of the different ways that people have suggested we might be able to do shipbuilding and in particular, multi-year strategies. I think those ideas look very promising. If confirmed in this position, this is one of the things that I expect to look at very closely, because I understand the importance of shipbuilding, not only to the Navy but to the country in terms of national security. I will be looking very closely at various ways that we can work this issue.

Senator COLLINS. I believe that if the shipbuilders could be assured of a steady, even flow of funding that would allow them to better plan their workforce, that not only would it bring much-needed stability to the industrial base, but it would also lower costs to the Navy and ultimately to the taxpayers. I hope you will work with the distinguished chairman of this committee and all of us who have this as a goal. This can be a win-win for the Navy, for the taxpayers, and for the shipbuilders if we bring stability and predictability in the funding streams that support shipbuilding.

Dr. ETTER. Thank you. I look forward to doing that.

Senator COLLINS. The second issue that I want to raise with you was an ill-conceived strategy by the Navy, from the Navy, to move

to only having one shipyard build the DD(X). This winner-take-all strategy would have jeopardized at least one of the two major surface combatant shipyards, possibly Bath Iron Works in my State, or Ingalls Shipyard in Mississippi.

It is my hope that the Navy, having looked at the effects of a natural disaster on the Ingalls Shipyard, has thought better of pursuing a one shipyard strategy. I believe that the impact of Hurricane Katrina on the shipyard in Mississippi demonstrates the folly of the Navy relying on only one shipyard as a source for the DD(X) or for any other ships that are vital to our naval capacity.

Are you familiar with the controversy over the winner-take-all, one shipyard strategy advanced for the DD(X) and with Congress's great concern and efforts to dissuade the Navy, both through conversations and legislatively, from pursuing that strategy?

Dr. ETTER. Senator, I have not been briefed on that program, and so I would not be able to respond directly to it. I do understand the concern about a single shipyard and the vulnerabilities that that poses. It is an issue I am going to be looking at very closely.

Senator COLLINS. Well, I look forward to talking with you in more depth about that strategy. Many of us had advocated last year and had warned that it would be a mistake for the Navy to rely on a sole supplier. I think that the recent tragic events of Katrina have demonstrated that our warnings were well taken.

Thank you, Mr. Chairman.

Chairman WARNER. I thank the Senator from Maine, and I am glad you brought up that concept of the two-yard industrial base. I think we have to keep a watchful eye on that here in this committee as we go along.

Senator COLLINS. Thank you.

Chairman WARNER. The distinguished Senator from New York. The Senator from Minnesota has had the opportunity for one round. He may seek other.

Senator CLINTON. Thank you, Mr. Chairman, and I welcome the nominees. I want to especially express appreciation to Mr. Young, whom I have enjoyed working with in your previous position as Assistant Secretary of the Navy for Acquisition, and appreciated greatly your objectivity and fairness in deciding a number of contentious contracting issues, including the Marine One contract.

Your new position, Mr. Young, will place you in a critical role to help define the DOD research agenda. As you may know, the Air Force Research Laboratory in Rome, New York, is a world leader in the development of revolutionary cybersecurity technologies, and I would like you to know you are invited to come up and visit Rome Labs for yourself and to see what we are doing in cybersecurity.

My invitation is related to a larger concern I have about the direction of funding for science and research within the DOD. The Defense Advanced Research Projects Agency, otherwise known as DARPA, has seen some significant cutbacks in the last several years. The Department's science and technology programs are absolutely essential and what they have historically done is to make investments in our Nation's universities and innovative high tech small businesses in areas such as robotics, artificial intelligence, nanotechnology, and the like, and we have obviously seen the results of that research grow into new capabilities that have been

proven effective in the global war on terrorism, operations in Iraq, and elsewhere, but also in the civilian world with the spinoffs.

That is why I am concerned that the Department seems to be systematically underinvesting in fundamental and long-term research programs. The Department's science and technology request for 2006 was down $2.8 billion from the 2005 appropriated levels and even $28 million below the original 2005 budget request. In fact, the request is so low it has triggered a congressionally-mandated Defense Science Board review of the effects of these lowered science and technology investments on our National security, and I look forward to the results of that review.

But I think it is important that we stop a minute and think about the consequences of these cutbacks. Of particular concern with respect to how DARPA is being treated is that we used to have a division between applied research in DARPA and more innovative, almost blue sky research. In fact, much of the blue sky research is what it is most famous for, and the spinoffs have fueled the economy, not just our National security and military capability.

The National Academy of Sciences in a recent report requested by the committee recommended that DOD begin to try to redress the imbalance in its current basic research allocation. I have been surprised to have members of the information technology community come and express their concern. They do not have any stake in the DARPA research, but they know how essential it is to keep our overall national research and science and technology edge.

So the Defense Science Board has raised concerns over DARPA's funding of computer science, and that it is particularly concerning because DARPA has further limited university participation in its computer science programs, including non-fiscal limitations, such as the classification of work in areas that were previously unclassified, precluding university submissions as prime contractors on certain solicitations, reducing the periods of performance to 18 to 24 months.

This kind of short-term focus is not conducive to university programs to address broad fundamental technological and scientific challenges, especially when we know that research in computer science will be at the very core of networkcentric warfare. So I would hope, Mr. Young, that you would look into this and, assuming that you are confirmed, that you would take this as a very serious charge, because we just had another study by the National Academy of Sciences that basically said the United States is losing its technological and scientific leadership, and that is going to have long-term consequences, certainly for defense, but also for our standard of living and our economic prosperity.

I do not have a question so much as a plea, that we try to address this, because we are moving further and further behind.

The last point that I wanted to make really goes to Mr. Smith. I know before I arrived there were some questions by some of my colleagues about the diversity of opinions that should be part of the free exchange of information and ideas in our society. It is, after all, one of the hallmarks of who we are as a Nation. It is what we fight for. It is what we stand up for.

I was recently concerned to see that what I thought was going to be the addition of diversity to Armed Forces Radio with the addi-

tion of a different voice than Rush Limbaugh, who has been on for years, with the addition of Ed Schultz, who is a very funny and quite provocative and effective raconteur, was pulled. It seemed a little suspicious to many of us because it followed his making fun of the staged press conference with the soldiers in Iraq and the President.

I do not think that our Armed Forces would be surprised by making fun of that. We know enough about what they see and how they view the world. It was disturbing because it seemed like it was an act of censorship, in effect. Certainly, as long as Mr. Limbaugh has been on, I do not know anybody who has tried to take him off, and he has said outrageous things about many people with no foundation in fact over many years.

I would hope that decision would be revisited and that we would, not just in word but in deed, demonstrate our commitment to diversity of opinions inside and outside our military, and I think at least to better decisionmaking.

Thank you.

Chairman WARNER. Senator Levin, do you have further questions for the panel.

Senator LEVIN. One additional question about embedded reporters with the military units, Mr. Smith. What are the rules relative to access to classified material for the embedded reporters?

Mr. SMITH. I am not familiar with them at this time, Senator.

Senator LEVIN. When you were in Iraq that was not an issue?

Mr. SMITH. No, sir. The embeds had pretty much gone out of business, which is one of the problems. By the time I got there, the embed program had been dismantled, I believe.

Senator LEVIN. Thank you.

Thank you.

Chairman WARNER. Well then, that raises an interesting question in itself. If the embed program, as we learned during the early part of this conflict, is abandoned, what has taken its place to permit the journalists to pursue their responsibilities with equal vigor as they did when they were embeds?

Mr. SMITH. Senator, I believe that there are from time to time embeds with various——

Chairman WARNER. That is my understanding, yes.

Mr. SMITH. The program that ran through the taking of Baghdad by the time that we got there with the CPA—we did some individual embeds, but as I recall it was not a robust program the way that it was before. It is one of the things that I would like to look at if I am confirmed and try to reinvigorate.

Chairman WARNER. Today the assignments over there are just as tough, if not tougher, than they were when they were accompanying the troops on the early initial thrusts up to Baghdad. So in my visits I have seen them at all the forward areas that I visited here recently. So if they are not embedded, they are there under some other statue.

Mr. SMITH. I will look into it.

Chairman WARNER. Now, colleagues, I would like to proceed to the second panel. Hearing no desire for further questions, I thank each of you. There will be additional questions coming from members and the record will remain open for some 48 hours, and we

ask that you reply to those questions as quickly as possible. Thank you very much. We have had an excellent hearing and I again commend each of you for undertaking this additional chapter of public service.

We will now proceed to the second panel. [Pause.]

Thank you very much, gentlemen. At this time I wonder if you would introduce to the committee those distinguished guests that are accompanying you.

General Bell.

STATEMENT OF GEN BURWELL B. BELL III, USA, FOR REAPPOINTMENT TO THE GRADE OF GENERAL AND TO BE COMMANDER, UNITED NATIONS COMMAND/COMBINED FORCES COMMAND, AND COMMANDER, UNITED STATES FORCES KOREA

General BELL. Thank you very much, Mr. Chairman. If I might introduce my wife Katie, my partner of 36 years, since I came into the military from college, and she is seated right here behind me. We have had a wonderful, wonderful marriage over all these years in the military, and I am very proud of her. She is probably the greatest patriot in my family, and I look at myself as a pretty good patriot. She is a terrific American.

If I might just introduce quickly two other members of my party: Lieutenant Colonel Chuck Sexton, one of my military assistants. Chuck commanded an infantry battalion in Baghdad recently and has come to work for me in Europe. Lieutenant Colonel Dave Toczyk, who served on the North Atlantic Treaty Organization (NATO) International Security Assistance Force staff in Kabul, Afghanistan, and is also on my staff in Europe. I just want to thank them for their service.

Thank you, Mr. Chairman.

Chairman WARNER. Do you wish to make mention for the record of other members of your family who cannot join today?

General BELL. Mr. Chairman, my son was not able to join me. He is dealing with a hurricane in Florida. He and his wife live in Tampa, and I believe would have been here could they have made it, but they are still in Tampa today, sir.

Chairman WARNER. Well, thank you very much.

Now, General Smith.

STATEMENT OF LT. GEN. LANCE L. SMITH, USAF, FOR APPOINTMENT TO THE GRADE OF GENERAL AND TO BE COMMANDER, UNITED STATES JOINT FORCES COMMAND AND SUPREME ALLIED COMMANDER TRANSFORMATION

General SMITH. Thank you, Mr. Chairman.

I would like to introduce my wife Linda. She has been with me actually for longer than 37 years. We got married in college. I married a much younger lady, I will tell you that. I have two great sons, both of whom are in Wilmington, North Carolina, in the computer business. They are looking at trying to deal with Wilma as it comes up the coast after just skirting Tampa right now.

Chairman WARNER. Probably making more money than you ever will.

General SMITH. Sir, each one of them is doing that.

My wife is the daughter of an Army officer. I am the son of an Army officer. My father and mother were marines in World War II.

Chairman WARNER. Extraordinary.

General SMITH. Then he did the Montgomery GI Bill and then came back in the Army. I regret that I have no Navy in my blood, but I am from Virginia, sir, so I hope that helps.

Chairman WARNER. Yes, you made that very clear. But you will be splashing around in a lot of salt water down in the Norfolk region.

It is interesting, for the record, Senator Levin, he is going to occupy the Virginia House on that historic row of homes there on the naval base in Virginia. That house, I say to your wife, I have been a guest in many times over the years, and I actually had a little something to do with patching it up once. But it is a tiger to deal with. Good luck.

General SMITH. If confirmed, sir, we look forward to that.

Chairman WARNER. I am sure. That is wonderful. Well, I thank you very much.

Both of you came into our United States military during the Vietnam era, with General Smith actually serving as a combat aviator and General Bell going over to face the Warsaw Pact in the Cold War. So both of you are warriors in your own right and throughout your careers the extraordinary accomplishments each of you have, and I commend the President and all those for finding such extraordinary two men who are willing to stay on with their families and continue in public service in very challenging positions.

Again back to you, General Bell. You have a distinguished history of assignments, including Command of III Corps in Fort Hood, Texas, from August 2001 to 2002, Commander of the Army Armor Center, Fort Knox, July 1999 to 2001; served as executive officer to the Commander of CENTCOM during Operations Desert Shield and Desert Storm—is that not interesting—and as an assistant division commander of the 1st Infantry Division and chief of staff of the U.S. Army Europe forward headquarters in Hungary during Operation Joint Endeavor in the Balkans. An extraordinary record.

Likewise, your record is equally extraordinary, General Smith. One of the Air Force's most distinguished combat pilots, having earned the Silver Star flying over Vietnam in the A–1 Skyraider. We visited together about that aircraft. I was not in a flying status, but they were in our squadron in Korea. It was the A–1, the same model that you had.

General SMITH. Yes, sir.

Chairman WARNER. It could carry a lot of ordnance.

General SMITH. It sure could.

Chairman WARNER. Commanded two fighter wings and led two air expeditionary deployments in Southeast Asia. During our office call, General Smith admitted to being the last Vietnam combat pilot still on Active-Duty. What about your colleague in Turkey?

General SMITH. Sir, he flew A–37s. I am the last Skyraider driver on Active-Duty that I am aware of.

Chairman WARNER. Skyraider. Well, the other plane had its difficulties, too.

General SMITH. Yes, sir.

Chairman WARNER. We want to make sure, because I had the pleasure of being with Senator Stevens when we visited his new headquarters there in Turkey. A very outstanding gentleman.

Among your previous command assignments, you served as Deputy Commander, U.S. Forces Korea, from 2001 to 2003; Commander of the Air Force Doctrine Center, and Commandant of the Air War College. Extraordinary.

Senator Levin.

Senator LEVIN. Thank you, Mr. Chairman. I just join you in welcoming our two very highly-qualified nominees, welcoming their families, their spouses and their supporters. Between them they have 70 years of service to our Nation. Neither one of them look that old, but it is a long time of service, and we commend them on it.

We are fortunate to have officers like our two nominees. This Nation is stronger because of your service and because of the strength and the support of your spouses and your families that made that service possible. So we greet you, we commend you, and we look forward to your rapid confirmation.

Chairman WARNER. Thank you very much, Senator Levin.

The Joint Forces Command, I watched the evolution of that very important command over the years. Obviously we are privileged to have it in our State of Virginia. As the Deputy Commander of the CENTCOM, you have had opportunities to work with this Joint Forces Command. You have a very distinguished predecessor in Admiral Giambastiani, who is a man of just unlimited energy, ideas, and vision.

How do you propose to meet these force requirements, particularly the joint staff and other combatant commands, to meet these force requirements that are facing you in this new post?

General SMITH. Mr. Chairman, that is certainly a challenge. I have had the opportunity to be on the receiving end of those forces and what Joint Forces Command has done in concert with the Services. It has really worked hard to be able to provide the kind of forces that can join in combat and be prepared when they get there. A great deal of that has to be given credit to Admiral Giambastiani, as well as the service chiefs, as it is much better now than it was certainly when I first arrived at CENTCOM.

Several things have happened that, if confirmed, I would certainly continue and pursue even further. One is to try and make sure that we identify the forces that are going to come over to theater and the individual augmentees as early as possible in the process, so that we have an opportunity to train them, both as a unit and then as individual augmentees, through some very innovative programs that have been developed.

One is the mission rehearsal program, exercise program, where the unit that is coming over to take command, for instance Multinational Corps-Iraq, goes through a simulation, modeling and simulation, with the people that will actually be going and taking part in leadership roles in Iraq or Afghanistan. That is very effective and it allows them to find gaps in their knowledge and to make sure that the people are prepared for what it is that they are going to undergo.

There is also another program for individual augmentees, which really assists those people that cannot take part in those exercises in going through distributed learning and a variety of other methods of distance learning to be able to prepare themselves for the positions that they will take.

So as the joint provider, I think those are the critical elements to make sure that we are getting the forces over there that are trained and capable of performing the mission.

Chairman WARNER. Also, the command has I think admirably met the requirements for natural disasters, particularly Hurricane Katrina. In the integration with the National Guard, it had a heroic role in that situation, and the Reserve Forces and other elements of our National power. I do believe that it would be incumbent upon you to review early on what was right about that operation and what needs to be corrected for the future. Will you undertake that?

General SMITH. Sir, I certainly will.

Chairman WARNER. I will come back to General Bell.

Senator Levin.

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

General Bell, the issues in North Korea continue to bedevil us. Senator Clinton and I wrote an op-ed in the Washington Post back in July suggesting that the administration inject some greater urgency into the negotiations process, and it appears now that there is such urgency that is being reflected. But the problem is that time seems to be on North Korea's side in some respects at least.

North Korea has likely continued to manufacture and reprocess plutonium over the last 4 years since it walked away from the Agreed Framework. The main advantage of that Agreed Framework was that it froze plutonium and it put it under safeguards. I am just wondering what your assessment is of the usefulness of freezing plutonium production in North Korea? Is that something we should strive mightily to achieve?

General BELL. Thank you, Senator. I think we should strive mightily to denuclearize North Korea. I think that is everyone's objective. It is certainly in the interests of all the parties in northeast Asia and for that matter the world community to see a North Korea that is at peace with its neighbors, denuclearized, and without weapons of mass destruction (WMDs). In that context, any effort that should be brought forth to ensure that they could not in the future prepare or bring forth nuclear weapons would be in all of our interests.

Senator, I cannot specifically address the issue of plutonium at this point. I would be happy, if confirmed, to come back and give you some more details, but I do know that it is in all of our interests to see a denuclearized North Korea and a North Korea that is at peace in the world community.

Senator LEVIN. Thank you. What military confidence-building measures do you believe might be available to be instituted between the U.N. Combined Forces Command, us obviously, and the North Koreans?

General BELL. Thank you, Senator. I think those are important, that confidence measures be instituted. To a certain degree, over the last couple of years we have seen confidence measures. For ex-

ample, since 1990 we have had a repatriation program that has thankfully brought many Americans lost in the Korean conflict home. Since 1995 we have had 38 teams that have been given access to North Korea. Regrettably, those teams are on hold right now pending further negotiations.

The activities between the Republic of Korea (ROK) and North Korea to have cross-border engagements, whether it is industrial engagement, family reunions, et cetera, I think, all begin to build towards discussions, dialogue, and the enhancement of confidence-building.

With all of that, nonetheless, I think the maintenance of a strong deterrence with the full realization by all parties that if deterrence were to fail that the alliance could defend the ROK is vital. I would, if confirmed to this position, certainly pursue along all avenues opportunities for confidence-building measures, both militarily and, if I could assist and make recommendations in other areas as well, while ensuring that we maintain a strong deterrence and capability to defend.

Senator LEVIN. Relative to the need to maintain a strong deterrent, there was the recent Government Accountability Office (GAO) report that found that the readiness of our prepositioned equipment in Korea was below what it should be. In addition to that readiness problem, which represents an operational risk and would reduce the ability to deter, the report also highlights another problem which is of equal concern to me, and that is that they are finding that the internal readiness reporting systems were overstating the readiness of our equipment and as a result, senior DOD leaders and Congress received a misleading readiness picture.

I am wondering if you could give us your current understanding of the status of efforts to improve the readiness of our equipment and to address those other issues relative to reporting which the GAO raised?

General BELL. Senator Levin, I have had the opportunity to read that report, and it is my understanding from other reports I have read that there was a significant value in the report done by the GAO. Some of the Army prepositioned equipment—and I believe that is what we are speaking about here directly—was found to not be as ready as we had either hoped or perhaps even reported.

If confirmed, the agency that is directly responsible for the maintenance of that equipment, the Army Materiel Command, in partnership with the Commander, U.S. Forces Korea, must ensure that our prepositioned stocks are, one, ready, and two, that everybody knows that they are ready.

In my past lives serving in the Army, I have had the opportunity for my units to draw that very equipment and employ it on exercises in the ROK and then return it to its warehouses, and we found when I had the opportunity to use it, to be in good working order. So the fact that it was found not to be in tip-top shape is disturbing, but I would offer to you that every report I have read since then is that the Army Materiel Command and U.S. Forces Korea have ensured that the equipment has been brought back to its proper configuration.

With respect, Senator, to reporting, one of the most solemn responsibilities of military leadership is to ensure that we under-

stand the status of our forces across all the readiness functions, whether it is materiel readiness or personnel readiness or personnel training, report that fairly and accurately to our superiors, and then get something done about it.

Senator, if I am confirmed to this position I will maintain that perspective. I will ensure that we report accurately and that if we need help I will make sure that is well known. I can assure you that I will be honest and forthright in my assessments.

Senator LEVIN. Thank you.

My time is up. Thank you.

Chairman WARNER. Thank you very much.

Senator Dayton.

Senator DAYTON. Thank you, Mr. Chairman.

I want to thank both of you for your extraordinary service to our country and your willingness to continue. General Bell, given your perspective on the situation in Europe and also now in Korea, we have just gone through or are going through a very difficult process, Base Realignment and Closure (BRAC), of closing bases and consolidating in the United States. It was at least my understanding from the outset in meetings with Secretary Rumsfeld that the intention was to parallel that with an international BRAC.

Do you think we have done or are doing all that we reasonably can to consolidate bases and to reduce to a still effective number the number of Active Forces we have in Europe, Korea, and elsewhere in the world with which you might be familiar?

General BELL. Senator Dayton, thanks for that question. I am not an expert on anything, I suppose, but if there is anything I could claim knowledge on it is this subject with respect to Europe. We have an aggressive plan in place, and properly so, to redeploy to the United States our heavy armor forces that are currently stationed in Europe and are in many cases deployed to Iraq, but nonetheless redeploy them from Europe, to the United States and put them in bases as adjudicated by the BRAC process here in the United States.

With respect to Army bases in Europe, we have had for the last 10 years 234 separate Army installations. The plan that we put forth for the near-term future will take that number down to 88, grouped around, instead of the current 13 major community hubs, 4 community hubs. So you can see in terms of consolidation, we are going to experience in Europe about a two-thirds reduction in consolidation of bases for the Army.

I would offer to you also, Senator, that in doing that it is incumbent on us all to make sure that, first, we retain our very best facilities. There has been a significant investment strategy in Europe since the end of the Cold War, and we do not want to walk away from those really good facilities that we put a lot of money into.

Then we also want to ensure that as we fall in on these main operating bases, that we provide our soldiers, our families, our civilian work force, and for that matter the entire military, with the best possible working, training, and living conditions that the American military servicemember needs and deserves, whether they are overseas or here in the United States.

So we are aggressively pursuing a consolidation, redeployment activity that will reduce significantly the cost to the American taxpayer of maintaining this force in Europe.

Senator DAYTON. What is the approximate time frame for that?

General BELL. Senator, we have already begun. In fact, for this fiscal year which has just started, by next summer one of our infantry divisions, mechanized infantry, really an armor division, First Infantry Division, flag will be returning to the United States to, as I understand it, Fort Riley, Kansas. So we are aggressively returning equipment to stocks, moving it into the supply system so it can be refurbished if necessary, for that armor division, which is one of the two divisions that we are going to send back to the States.

We anticipate over 11 installations next summer alone being shut down and put into the process of returning to the host nation. The process has started.

We were looking at about a 10-year period to get all this done in Europe. With the right amount of resourcing, with the opportunities, and keeping in mind that we have to ensure that the force participates in combat operations as it should, so I cannot do some things while parts of the force are in Iraq, but nonetheless I believe we can accomplish this in 5 years, not 10. The planning that we have done reflects a 5-year plan, with the opportunity, if we cannot get that done in 5 years, to stretch it a little bit. But I hope we can pull it off in 5 years, Senator.

Senator DAYTON. Well, I thank you for the clarity of your response. Thank you very much.

General Smith, in your response to the questionnaire that you provided to the committee you say that the commander serves as the chief advocate for jointness and interoperability to champion the joint warfighting requirements of the other combatant commanders, and then you delineate five major areas. Compared to say 10 years ago, 15 years ago, how much progress have we made in achieving that kind of interoperability? Where are we in achieving progress, and what more immediately lies ahead?

General SMITH. Sir, I would say we are probably somewhere along the 50 yard line, and when we started we were back on our own goal line. There are still legacy systems out there that anecdotally we have problems with, telephones that cannot talk to one another and the like. We are not at the point yet where a program as it is being developed is born joint, which is where we are trying to get.

But clearly, we are much better at establishing standards and architectures that as the services build their systems it makes it possible to link and talk to other systems. That is effective much of the time. It is not effective all of the time. Part of my role should I be confirmed, is to try and move that closer to the day when all systems are born joint and those systems that exist out there can talk to each other and operate together.

Senator DAYTON. Recognizing that there is the chain of command, are you still willing to bring to this committee's attention and to Congress those areas that are deficient or with recommendations for how we can act to streamline or improve them?

General SMITH. Absolutely, sir. In many cases it is through you that we can make many of these things happen. I mean, Goldwater-Nichols is a case in point.

Senator DAYTON. Thank you.

Thank you, Mr. Chairman. My time is up.

Senator LEVIN [presiding]. Thank you.

Senator Clinton.

Senator CLINTON. Thank you, Mr. Chairman.

I want to welcome both of you and also your wives. I note that this is a joint service responsibility, and I appreciate their service as well as yours.

General Smith, I appreciated the opportunity to talk with you in my office last week. I have a special interest in Joint Forces Command. I have visited Norfolk twice as part of my participation in the Joint Forces Command's Transformation Advisory Group, and I think that the command that you are about to assume has a particularly critical role to play in developing processes and technologies that support joint operations.

I appreciated the candor that you displayed in answering Senator Dayton's response, because I think the 50 yard line is probably about right. I am not sure we can take another 10 or 15 years to get to the goal line, and I believe that we need to hear from you after you have gotten your feet on the ground about what more we can do to assist Joint Forces to moving some of these critically needed technologies and components like interoperability forward.

I also think our acquisition and procurement system could benefit from a joint approach, and hope that you will consider that issue once you are confirmed. I do look forward to working with you in the future.

General Bell, I think that you have a particularly difficult assignment facing you right now. We all know the reasons. Senator Levin spoke in some detail about the nuclear challenges we face from the North. But we also face a fraying of our relations with the people of South Korea and their understanding of the importance of our position there and what we have done over so many decades to really provide them the freedom that they have enjoyed to develop the economy that is now providing so many benefits for the South Koreans.

In effect you will have a diplomatic role as well as a military one. I know you understand how important that is and I appreciate your taking it on.

I want to just follow up on some of Senator Levin's concerns. In February, North Korea declared its self-imposed moratorium—that its self-imposed moratorium on long-range missile testing was over. On April 28, at a hearing of this committee I asked Vice Admiral Jacoby, the Director of the Defense Intelligence Agency, whether North Korea has the ability to arm a missile with a nuclear device.

In your estimation, what is the best way to deter North Korea from conducting long-range missile tests?

General BELL. Thank you, Senator Clinton. I think the first and most important way is to ensure that the North Koreans understand that our alliances are not just intact, they are strong, and that the community of free nations led by the United States is willing to defend our democracies, and that for them to pursue WMDs,

nuclear weapons, and missile technology on which potentially these kinds of weapons could be mounted is not in their best interests and certainly not in the best interests of a peaceful world.

I think first we have to be strong in our own readiness and our own capabilities. Second, I think we are properly positioned to enter into a dialogue with the North Koreans through the Six-Party Talks. These talks have been fruitful in recent times. They represent all the countries that are most engaged in this area of the world with respect to the assurances of a peaceful and stable Korean peninsula. I think our ambassador to these talks, Ambassador Hill, has achieved great success recently. Everything must be verifiable and we have to proceed forward, but I would say in the context of the Six-Party Talks that the assurances that we both denuclearize or that we see a denuclearized North Korea as well as a standing down of the technologies, missile and otherwise, to deliver these weapons is important, and that we should support this process and ensure that it goes forward successfully.

Senator CLINTON. Related to that, General, given North Korea's record of proliferation of missiles and illicit trade activity, what is the best way to deter North Korea from selling nuclear material or technology to rogue states or terrorist groups?

General BELL. Well, the best way to deter them, Senator Clinton, would be to make sure that they do not have the stuff to sell or to market. I would hope again that the Six-Party Talks would lead to a regimen where these kinds of weapons would be removed from the North Korean inventory. That is first.

Second, we need to assure that our alliances, friends, and partners around the world assist us in ensuring that not only do they not participate in proliferation, but that they also inform those who they have close contacts with not to do the same. I think that the United States and all of our allies around the world, friends and partners should draw a very sharp line on this issue and ensure that we, first, state clearly that we do not want them to participate in anything that could proliferate these kinds of weapons. Second, if they do, we would like to discuss that with them as to what it means to our relationships.

From a military perspective—and I readily admit to you that I have certain diplomatic roles. But from a military perspective, my view would be to make sure that our alliance with the ROK and the coalition members remains strong, so that that piece of deterrence and defense if necessary is never at doubt. I can assure you, Senator, that if I am confirmed to this position that will be my focus.

Senator CLINTON. I really appreciate that very much, General, because I think we are at a critical juncture, obviously, in our relations with the north, which is obvious from the Six-Party Talks and the threats they pose, but I think also with the south. I think that there is a lack of understanding and a sense of almost historical amnesia that we have to combat and make sure people understand what the stakes are.

Thank you very much.

Chairman WARNER [presiding]. Thank you, Senator.

Returning to a second round, General Bell, this committee over the years has been very careful in its oversight of your troop situa-

tion, the difficult conditions under which they serve, and to the extent that they have accompanied families. We have taken the initiative to help in the pay and benefits arena.

I want you to have the opportunity to get over there and make your own assessment, but I just want your commitment that you would not hesitate to come before this committee if you felt that there were situations that needed to be addressed legislatively.

General BELL. Mr. Chairman, I can assure you that I will do that, and I appreciate you affording me that opportunity and I look forward to having that opportunity in the future if I am confirmed.

Chairman WARNER. Now, our President and the Secretary of Defense and others, presumably in consultation with the Secretary of State, have determined they are going to reduce substantially the troop level over a period of time. I hail that. But under the current protocol, you are commander in chief of United Nations forces, is that correct?

General BELL. That is correct, Mr. Chairman.

Chairman WARNER. Should there be a tragic misfortune of combat breaking out, you then become commander in chief of all military, including South Korea; is that correct?

General BELL. That is correct.

Chairman WARNER. To what extent—and probably you have to wait until you get over there, but I want to raise this—are we reviewing with South Korea, a very proud, strong, emerging country and one that has invested so heavily in its national security. I think the stabilization of the Korean peninsula is in large measure due to the extraordinary—I think it is the eleventh strongest economy in the world now. Is that a subject that is under review at this time, that command structure?

General BELL. Mr. Chairman, the command structure between the United States and the ROK, principally are the two parties that we are talking about, is under review today and has been over the years since we have entered into a treaty, a mutual defense treaty, with the ROK.

If I might just for a second, Mr. Chairman, remind us all that when we first entered into a more peaceful environment following the armistice agreement back in 1953, at that time the United States through various command arrangements maintained command and control of not just our military force, but also the ROK forces, even in peacetime. As we have moved over the years and as their economy has improved and their standard of living has improved and their ability to form and train their military services has improved and they have in fact produced a very top quality military, those command and control arrangements have been reviewed and altered.

In fact, just several years ago the command and control of the ROK military forces in peacetime was returned to the ROK, leaving the United States' senior military commander, his capacity as Combined Forces Commander, in charge or, if you will, in the command seat during conflict or during wartime.

I think the issue for the future is, one, that our alliance has to be maintained to ensure defense capability and deterrence; and two, that we as good partners should continue to look at command arrangements, as we do in our other alliances. I would offer that,

irrespective of what command arrangements that we believe are best suited for the peninsula, unity of effort will always be necessary. So whatever arrangements are made in the future, if confirmed, I would ensure that we were able to absolutely be very confident that the unity of effort to bring military capability to bear would not be compromised in any way, shape, or form. That would be my area of focus, Senator.

Chairman WARNER. I thank you, General.

I wish to say to both of you distinguished officers and your families: Well done in the past, and I wish you the very best for your pursuit of the next chapter of your distinguished military careers. I have every confidence that you will fulfill those missions with the dignity and professionalism that you have had ever since you were second lieutenants. So I wish you well.

Senator Levin, I am going to turn over this hearing to you and take off.

Senator LEVIN [presiding]. Thank you. I just have a few additional questions for General Smith and then we can recess. Thank you.

General, this is a question that relates to your present position as Deputy Commander of U.S. CENTCOM. I have some concerns about the loyalty of the Iraqi army. We all have concerns about how well and how speedily they are being trained, and those have been well-discussed in depth—how quickly, how many units of the Iraqi army and other security forces are being trained. But I also have a nagging doubt about the loyalty issue, so that we are not just training Iraqis, but that we are taking the steps necessary by vetting to try to assure that those forces will be responsive to the national authority rather than to clerics, for instance.

Can you just share with us any concerns or thoughts you might have on that issue?

General SMITH. Yes, Senator Levin. We share the same concerns. We are building a volunteer force over there, and it is difficult certainly in the enlisted ranks to vet those people that are coming to volunteer to join. Certainly, in our anxiousness to get as many people on board as possible, there is an opportunity for those that have different loyalties to join.

Now, we use Iraqis to try and vet those people as well as possible, but I have little doubt that we will not be 100 percent successful in that. We will have to rely on the commanders, the noncommissioned officers (NCOs) that we are building. We are taking special interest in vetting carefully and then in training to ensure that their loyalties are to Iraq and not to a tribe or an ethnic group or a religious group.

It is one of the reasons why building the leadership structure has taken longer than we would have liked. I have confidence that in the senior NCO corps, in the officer corps, that, given the patience and the time being consumed on the part of the Iraqis as well as the Multinational Force-Iraq, that we will build an officer corps that is loyal to Iraq for the most part.

We are going to have to rely on them to recognize those folks within their enlisted ranks that are really not supporting the cause.

Senator LEVIN. Thank you.

General, I understand that the Secretary of Defense proposed to NATO that the chains of command for the International Security Assistance Force in Afghanistan be merged with the U.S.-led counterterrorism force, but that a number of NATO allies rejected that proposal. Does the existence of separate chains of command in Afghanistan raise concerns?

General SMITH. Sir, it does. Our goal is to have a senior U.S. officer, or coalition officer, who would be dual-hatted, with a role within the NATO force over there and at the same time a role through the CENTCOM chain of command that would ultimately report to General Abizaid. I think that will ultimately work, and we will work this through the NATO structure to ensure that our red lines, CENTCOM's red lines, are met.

Now, those red lines primarily are the freedom to maneuver and be able to take on the counterterrorist fight and go after al Qaeda, Osama bin Laden, and Zawahiri, those folks that are operating primarily along the Afghan-Pakistan border.

In doing that, we absolutely recognize that we are going to have to coordinate closely with the NATO folks. So we will work through the various chains of command to ensure that we can do that. We understand some of the nations' resistance to merge the two because there are nations that do not want to get directly involved in the counterterrorist fight, and we understand that. We will work through that, Senator, and build something that allows us to do the mission that we are required to do.

Senator LEVIN. Thank you.

Two years ago Congress gave JFCOM limited acquisition authority on a pilot basis. You indicated in response to the committee's advance questions that you would like to see Congress extend and expand JFCOM's acquisition authority. DOD has yet to specifically request any funding for JFCOM to exercise this authority. I am just wondering whether you expect that the Department will request specifically funding to support JFCOM's acquisition authority in the 2007 budget request?

General SMITH. Sir, I do, if for no other reason than that my predecessor is now the Vice Chairman, and it is on his list to do. It is an issue that you have raised, that has the interest of this committee, to make sure that we get technologies rapidly to the warfighter. We have seen the benefit of that from CENTCOM and I would hope that that would be extended, yes, sir.

Senator LEVIN. Just one last question for you. What do you see as the proper role for the JFCOM in training of our forces? It is still primarily a title 10 responsibility of the military services, but do you think that the JFCOM is doing too little or too much to guide joint training at this time?

General SMITH. Sir, I am going to have to spend some time on the job to reflect on some of those issues. I clearly understand the Service responsibility to train, equip, and provide forces. What Joint Forces Command provides is those lessons learned and those standards that they can train to, or at least they can use in their training programs. Where we focus our joint training primarily is in the joint task force area, where the Services come together and where they have to operate as a joint and combined staff.

In that area, we have made huge headway. How we interact with and impact the Services is something that one of our great senior mentors down there, General Gary Luck, and I had a serious conversation about yesterday and about how to go about performing that. Should I be confirmed, that is one of the things that I will have to look at very early on.

Senator LEVIN. Fair enough.

The chairman was speaking for the entire committee when he thanked you for your service, for your commitment, for your professionalism. All of us look forward to your assuming these new duties.

With that, we will stand adjourned. We thank your wives again, too. That can never be said enough.

[Whereupon, at 12:14 p.m., the committee adjourned.]

[Prepared questions submitted to Hon. John J. Young, Jr., by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense (DOD) Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and the chain of command by clearly delineating the combatant commanders' responsibilities and authorities and the role of the Joint Chiefs of Staff. These reforms have also vastly improved cooperation between the services and the combatant commanders in the strategic planning process, in the development of requirements, in joint training and education, and in the execution of military operations.

Have your views on the importance, feasibility, and implementation of the Goldwater-Nichols Act reforms changed since you testified before the committee at your confirmation hearing on June 27, 2001?

Answer. No, my views have not changed. I remain firmly committed to the complete and effective implementation of the reforms brought about by the Goldwater-Nichols Act.

Indeed, with regard to acquisition, I believe that Congress was remarkably prescient and thoughtful in allocating responsibility for requirements to the Service Chiefs and responsibility for acquisition to the Service Secretariat. This allocation creates a creative tension, which ensures competition and creativity as well as best value for the taxpayer. I believe proposals to change this aspect of Goldwater-Nichols by shifting acquisition to the Service Chiefs would be a disservice to the President and our Nation's taxpayers. The debate over requirements, technology, cost and capability should begin at levels below the President and the Secretary of Defense. There is great risk in such a change of even further overstating of requirements, growing unfunded requirements lists, and further escalation in the cost of weapon systems.

Question. Do you see the need for modifications of any Goldwater-Nichols Act provisions based on your experience as ASN(RDA)? If so, what areas do you believe might be appropriate to address in these modifications?

Answer. I do not see a need for modifications of Goldwater-Nichols in the areas affecting acquisition. The civilian and military roles defined in the act produce a healthy tension that balances warfighting needs with taxpayer interests.

Based on my experience as the Department of the Navy Acquisition Executive, I would be strongly opposed to recent studies proposing modifications that would shift acquisition program management to the Service Chiefs. For the sake of the taxpayer, there needs to be a constant debate at all working levels between the acquisition team—led by presidential appointees—and the requirements community—led by the Service Chiefs and the Joint Staff. The debate should encompass available technology, cost, affordability, delivered capability, joint options, and alternative solutions.

DUTIES

Question. What is your understanding of the duties and functions of the Director of Defense Research and Engineering (DDR&E)?

Answer. The DDR&E is the principal staff advisor to the Under Secretary of Defense (AT&L) and to the Secretary and Deputy Secretary of Defense for research and engineering matters. The DDR&E serves as the Chief Technology Officer for the Department of Defense.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I believe that my responsibilities and service as the ASN(RDA) coupled with my experience as a professional staff member on the Senate Appropriations Defense Subcommittee as well as experience working in a variety of positions in industry provides me with a strong and extensive background in research and engineering issues.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the DDR&E?

Answer. If confirmed, I will review the current duties outlined in DOD Directive 5134.3 DDR&E to ensure that the directive provides the necessary authorities and flexibilities to develop research and engineering opportunities to enhance military capabilities.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of Defense will assign to you?

Answer. If confirmed, I expect the Secretary to assign me duties and functions commensurate with those of a Chief Technology Officer, and any others as he may deem appropriate.

RELATIONSHIPS

Question. Section 139a of title 10, United States Code, and DOD Directive 5134.3 discuss the responsibilities and functions of the DDR&E. Other sections of law and traditional practice also establish important relationships outside the chain of command. Please describe your understanding of the relationship of the DDR&E with the following:

The Deputy Under Secretary of Defense.

Answer. If confirmed, I will work closely with the Deputy Under Secretary to provide advice and assistance commensurate with the role of a Chief Technology Officer, including development of policies for rapid technology transition, science and technology investment priorities and funding levels, and current and future military capabilities.

Question. The Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)).

Answer. The DDR&E is subject to the authority, direction, and control of the USD(AT&L). If confirmed, I expect to be a key player in Office of the USD(AT&L) and provide the leadership for the research and engineering community.

Question. The Under Secretary of Defense for Intelligence.

Answer. If confirmed, I will work to foster a close working relationship with the Under Secretary of Defense for Intelligence to ensure our research and engineering needs are synchronized across the Department.

Question. The Under Secretary of Defense (Comptroller/Chief Financial Officer).

Answer. If confirmed, I will work closely with the Under Secretary of Defense (Comptroller/Chief Financial Officer) to ensure investment in research and engineering is in balance with the overall priorities of the Department.

Question. The Service Secretaries.

Answer. If confirmed, I will work to foster a close working relationship with the military department secretaries to ensure their research and engineering priorities, and technology investments are supporting the overall Department goals and are in balance.

Question. The Service Acquisition Executives.

Answer. Research and engineering is the first step in the overall acquisition process, so I view the Service Acquisition Executives as a primary customer of research and engineering. If confirmed, I will work closely with the Service Acquisition Executives on research and engineering matters.

Question. The Director of the Defense Advanced Research Projects Agency (DARPA).

Answer. If confirmed, I will exercise authority, direction, and control over the Director of the DARPA and work with DARPA to ensure their efforts are supporting the overall Department research and engineering goals.

Question. The Director of the Defense Technology Security Administration.

Answer. If confirmed, I will work with the Director of Defense Technology Security Administration on technological issues pertaining to international acquisition and export activities.

Question. The Joint Staff.

Answer. Research and engineering provides new operational capability options to the warfighter. I view them as another primary customer of research and engineering. If confirmed, I will work closely with the Joint Staff on issues relating to research and engineering with the goal of understanding the requirements process and specific capability needs in order to ensure our warfighters are affordably equipped with superior warfighting capabilities.

Question. Director, Defense Test Resource Management Center.

Answer. If confirmed, I will work with the Director, Defense Test Resource Management Center to consider technology options and alternate procedures for enhancing the test and evaluation of DOD systems.

Question. The Director, Operational Test and Evaluation.

Answer. If confirmed, I will work with the Director, Operational Test and Evaluation to consider technology options and alternate procedures for enhancing the test and evaluation of DOD systems.

MAJOR CHALLENGES

Question. In your view, what are the major challenges that will confront the DDR&E?

Answer. Major challenges to the DDR&E come from several different factors that shape technology development. The first is to maintain our superior warfighting capability in a fiscally constrained environment. The second challenge comes from balancing near- and far-term technology efforts to provide technology solutions to today's problems and new capabilities for tomorrow's force. A third major challenge is the pace and globalization of technology development. Finally, providing technology to meet the immediate and future warfighter needs for the global war on terrorism represents an urgent challenge. Across this set of challenges, we must ensure the taxpayer's dollars are invested in priority areas and provide a good return on that investment for the Nation and our warfighters. If confirmed, I look forward to focusing research and engineering efforts to identify and address these and other emerging challenges.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I would do my best to address the challenges identified. As a starting point, I plan to review RDT&E programs and processes with emphasis on coordinating investment strategies, leveraging technology from all sources (including commercial), and pursuing more effective transition of RDT&E results into affordable acquisition programs. I will, of course, work closely with the RDT&E community. I also expect to be an integral part of the Office of the Secretary of Defesne (OSD) team and to work closely with the Joint Staff, Services and Agencies, and Congress to get optimum value from our RDT&E investments.

Question. What do you consider to be the most serious problems in the performance of the functions of the DDR&E?

Answer. If confirmed and appointed, I will review the initiatives, processes and performance of the DDR&E organization and the DOD research and engineering enterprise in an effort to ensure that the enterprise is best positioned to provide superior oversight and results on the Department's research and engineering programs. Based on my experiences, I believe that key challenges to performing the functions of DDR&E are the budget process and its lack of funding flexibility, the current requirements generation processes, the resistance to change and greater jointness, and the need to attract, retain and empower highly-capable people.

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

Answer. If confirmed, I would do my best to position the organization for success as expeditiously as possible.

PRIORITIES

Question. If confirmed, what broad priorities would you establish in terms of issues which must be addressed by the Director of Defense Research and Engineering?

Answer. If confirmed, I would develop and refine priorities to address the major challenges facing the DOD research and engineering program.

INVESTMENT IN SCIENCE AND TECHNOLOGY

Question. The fiscal year 2006 budget request for science and technology (S&T) is less as a percentage of the total Department budget than the fiscal year 2005 budget request for S&T programs. The fiscal year 2006 budget request for S&T is also below the previous year's requested level and requires a certification to Congress in response to fiscal year 2000 defense authorization legislation.

What role should the DDR&E play in the detailed development and coordination of service and agency S&T investment strategies, programs, and budgets?

Answer. The DDR&E must ensure that the Service programs are in balance with the overall Department goals, must collaborate with other Federal departments and agencies to ensure DOD programs are complementary with other S&T programs in the Federal Government, and must seek to balance S&T programs between competing near-term and long-term needs.

Question. What, in your view, is the role and value of S&T programs in meeting the Department's transformation goals and in countering irregular, catastrophic, traditional, and disruptive threats?

Answer. The DOD S&T program has a long history of developing superior technologies and capabilities to address the current and future security threats. The Department's investment in S&T has historically given our forces the technological superiority to prevail over predicted threats and the agility to adapt quickly to unanticipated threats. I believe this role is still valid in today's strategic environment. As the pace of global technology availability increases, with a commensurate increase in the pace of threat evolution, the role of a well balanced S&T program is more important than ever.

Question. Are there any S&T areas that you view as underfunded by the Department?

Answer. If confirmed, I will review in detail the DOD S&T portfolio to assess appropriate levels of investment for specific technology areas. I expect to see shifts in S&T investments in response to changing needs and opportunities on a continuing basis. Areas where I see our needs increasing are in technologies that can help us defeat the tools and tactics of terrorists and lower acquisition and life-cycle costs.

Question. In your judgment, will the funding levels in these areas affect the Department's ability to meet the threats of the future?

Answer. If confirmed, after the review of the DOD S&T portfolio, I will take appropriate action, if necessary, to balance the investment. I believe S&T funding is important to our future capabilities, and I would be concerned if funding levels ever became seriously out of balance with the rest of our Defense program.

BASIC DEFENSE SCIENCE

Question. A recent National Academy of Sciences study entitled Assessment of Department of Defense Basic Research noted that "the need for discovery from basic research does not end once a specific use is identified, but continues through applied research, development, and operations stages. . . . DOD should view basic research, applied research, and development as continuing activities occurring in parallel, with numerous supporting connections throughout the process. . . . Senior DOD management should support long-term exploration and discovery and communicate this understanding to its research managers."

Given the continuing nature of basic research and the broad implications and applications of discovery-focused and innovation-focused sciences, what criteria would you use to measure the success of these programs and investments?

Answer. If confirmed, I would review the National Academy of Sciences study to consider their conclusions and assess the benefits of new measures and criteria. By its very nature, the output of basic research is difficult to track. It may take many years to produce results, it may be an apparent dead end that reappears in an unexpected application, and it is almost impossible to forecast which of the seeds we plant will bear fruit. In general, basic research output can be measured in at least three areas: (1) New knowledge—publications in reference journals, (2) Intellectual capital—students supported, degrees awarded, (3) Tech transitions—new knowledge (scientific findings) picked up in technology and development programs by the Services and industry. One overarching goal is to ensure organizations funded by DOD and the broader research community possess an understanding of our broad areas of need. Effectively communicating these defense priorities will provide a general direction from which to pursue scientific discovery. If confirmed, I expect my additional criteria will include measuring the quality of DOD-sponsored research through the various peer reviews and external review panels the Department uses and ensuring that our investments emphasize technology areas where it is essential that DOD be the world leader.

Question. How would you determine whether there is an adequate investment in basic research to develop the capabilities the Department will need in 2020?

Answer. I'm not aware of any accepted formula for determining the appropriate level of investment for basic research. I do however recognize that past investments in basic research have been vital to the warfighting advantage we have today. The appropriate level of basic research investment today should be viewed with an eye on historical impact, taking into account that stability of funding is paramount in the effective execution of the basic research program. If confirmed, I look forward to working with this committee to ensure that DOD S&T investment is adequate and in balance with the overall DOD investment strategy.

COORDINATION OF DEFENSE S&T WITH OTHER AGENCIES

Question. The DOD currently executes approximately 8 percent of the total Federal basic and applied research portfolio.

Do you believe the mechanisms of coordination between Federal civilian agencies and the Department are adequate to ensure that the military can best leverage the advances of agencies such as:

National Science Foundation on defense needs for basic science?

Answer. Adequate coordination and collaboration processes appear to exist. If confirmed, I will ensure that dialogue between the Department and the National Science Foundation is open and transparent to our decisionmaking.

Question. National Aeronautics and Space Administration (NASA) on hypersonics and other space research and the viability and availability of testing facilities?

Answer. Adequate coordination and collaboration processes appear to exist. If confirmed, I will ensure that dialogue between the Department and the NASA is open and transparent to our decisionmaking.

Question. National Institutes of Health (NIH) on areas in which military medical research and vaccine development overlap with civilian medical needs?

Answer. Adequate coordination and collaboration processes appear to exist. If confirmed, I will ensure that dialogue between the Department and the NIH is open and transparent to our decisionmaking.

Question. Intelligence Community (IC) in setting defense research priorities to prepare for future threat environments?

Answer. Adequate coordination and collaboration processes appear to exist. If confirmed, I will ensure that dialogue between the Department and the IC is open and transparent to our decisionmaking.

Question. Department of Homeland Security (DHS) on homeland defense and national security-related science?

Answer. Adequate coordination and collaboration processes appear to exist. If confirmed, I will ensure that dialogue between the Department and the DHS is open and transparent to our decisionmaking.

Question. If confirmed, how would you work with other Federal agencies and the Office of Science and Technology Policy to improve coordination?

Answer. If confirmed, I would continue to keep an open dialogue with other Federal agencies and the Office of Science and Technology Policy.

DEFENSE LABORATORIES AND TEST FACILITIES

Question. The DDR&E is responsible for the oversight of matters associated with research and engineering and the technical workforce at Defense laboratories operated by the military services or other Department components.

If confirmed, how would you work to ensure that the DOD laboratories facilitate development of capabilities to meet the needs of the acquisition and warfighting communities?

Answer. If confirmed, I would support close collaboration between the acquisition, technology, and operational communities to identify current needs and to anticipate future operational needs arising from a changing national and world security environment.

TECHNOLOGY STRATEGY

Question. The Nation is confronted with a dispersed enemy which is expert at using relatively simple, inexpensive technology to achieve destructive and disruptive results. The committee has focused on creative prediction of, and adaptation to, continuously changing threats. Past investments in long-term research have resulted in the Department's ability to rapidly advance technologies and solutions from the laboratory to confront emerging threats.

What are the weaknesses, if any, of the current Defense S&T strategic planning process?

Answer. If confirmed, I will review the Department's S&T strategic planning process to ensure continued consistency with broader DOD goals and objectives as well as look for opportunities to inject technology options into DOD plans as appropriate. As an observer and participant in these processes, I can tell you one of the weaknesses in terms of advancing technologies, especially in technology areas of rapid change, is the lack of funding flexibility and the extended timelines of our requirements and budget processes.

Question. If confirmed, how would you work to ensure that strategic plans are utilized during the budget planning and programming process?

Answer. If confirmed, I will use the strategic guidance to work with DOD components to align S&T investments in concert with DOD goals and objectives.

TECHNOLOGY TRANSITION

Question. The Department's efforts to quickly transition technologies to the warfighter have yielded important results in the last few years. The Department's fiscal year 2006 budget proposes increases across a spectrum of technology transition programs. Challenges remain, however, in integrating the transition of new technologies into existing programs of record and major weapons systems and platforms.

What challenges exist in technology transition within the Department?

Answer. One of the principal challenges to transition is the lack of funding flexibility and the extended timelines of our requirements and budget processes. Successful transition requires an appropriately mature technology, a user need, an insertion window in the program of record and budgeted resources for implementation. This alignment is hard to achieve and maintain, and the gap between S&T and acquisition often needs bridge funding in the execution year. DOD has a limited number of technology transition programs and amount of funding to bridge these gaps, and we have used those tools effectively in recent years.

The Military Services have made strides in focusing their S&T investments on key gaps in their future core military capabilities, and in accelerating critical technologies to end users. It remains a challenge to preserve and apply resources to long-term technology areas that promise substantial return beyond the current fiscal horizon. Transition of proven technologies underpinning uniquely transformational and joint capabilities also continue to be a challenge demanding careful oversight.

Question. What is the role of the DDR&E in facilitating communication between technical communities, acquisition personnel, and end-users to speed technology transition?

Answer. DDR&E brings the overarching perspective to orchestrate complementary technology development efforts and foster productive interagency projects. With a view of research, development, and engineering investments across the Department, DDR&E can bring diverse projects into focus on specific evolving needs. DDR&E is a focal point for rapid transition of technologies into fielded systems and an advocate for innovative technical solutions to Defense-wide goals such as energy independence. I would add the resource sponsor community to that list, and state that the role of the DDR&E is to work closely with all of those communities at the DOD corporate-level and at the Service- and Agency-level to make sure our S&T portfolios include transition-oriented investments and processes that bring the key stakeholders into alignment with a transition agreement. In the Navy, we use a process called Future Naval Capabilities. An important DDR&E role is to find best practices and facilitate their broad implementation in DOD.

VENTURE CAPITAL STRATEGIES

Question. In recent years, several components of the DOD have attempted to follow the lead of the IC by using venture capital firms to make investments in developing technologies.

What role do you believe that venture capital firms should play in DOD's investments in developing technologies? What advantages and disadvantages do you see in the use of venture capital strategies?

Answer. Venture capital firms can provide DOD with additional knowledge of innovative, emerging commercial technology areas relevant to DOD needs, particularly in areas of rapid commercial innovation. Venture capital firms can also provide early insight into technology companies that might not otherwise engage with DOD, potentially expanding DOD's sources for products and ideas. Venture capital firms are good sources of technical and business judgment in the areas where they invest, and are well attuned to where the commercial market will be in a few years. It is important to note, however, that the venture capital objective is to make money,

while DOD's objective is visibility of, and access to, emerging technologies. The various ongoing DOD programs are all considered experiments, and DOD is investing at a level that is very low compared to large venture capital firms. It will take a few more years for DOD to understand the advantages and disadvantages of the various strategies. I believe, however, that the commercial success of U.S. venture capital firms is a strong argument for continued DOD learning from the venture capital community. If confirmed, I will review our strategies, and the terms and conditions, for our venture capital and investments.

Question. Are there particular categories or types of technology for which the use of venture capital strategies are or are not appropriate?

Answer. Venture capital firms and strategies work well in technology areas in which there are significant commercial markets. Venture capital firms focus on portfolio companies that have high commercial potential and on an exit strategy for investors to recoup their investment in a few years. Prime technology areas are information and communication technologies as well as biotechnology. Many DOD technology needs may not present significant commercial opportunities, and high profit margins are not consistent with current acquisition law and regulations. DOD interaction with venture capital firms is likely to be most appropriate in areas where we need COTS or COTS-derivative solutions and want to be positioned to be an early adopter.

Question. When DOD does decide to use venture capital strategies, what steps do you believe the Department should take to ensure that DOD funds are invested in technologies and companies that properly reflect national defense priorities, avoid the potential for conflicts of interest by industry partners, and ensure that the Department's investments are not diluted?

Answer. I believe there is significant value in communicating DOD's operational challenges and technical interests to non-traditional DOD supplier companies affiliated with the venture capital community and in identifying and fostering adoption in the near-term of technology solutions from non-traditional supplier companies. If confirmed, I will explore means to ensure DOD Funds are invested in technologies and companies that properly reflect national defense priorities, avoid potential conflicts of interest, and ensure DOD's investments are not diluted.

TANGO BRAVO

Question. The Tango Bravo program is a collaborative effort managed by the Defense Advanced Research Projects Agency (DARPA) and the Navy with the goal of incorporating advanced technologies into submarines. Some of these technologies, such as shaftless propulsion and weapons exterior to the pressure hull, could enable development of smaller and less expensive submarines, with equal or greater capabilities.

What is your understanding of the technical maturity of the technologies being developed under the Tango Bravo program?

Answer. The technical maturity of the component technologies varies. However, the integration of these technologies into systems that meet the requirements for submarine use is relatively immature. For example, much work has been done with electric motor technology to make them smaller, lighter and more powerful. However, very little work has gone into making them quiet and reliable enough in a harsh seawater environment to be suitable for submarine propulsion or control applications. Tango Bravo is looking to evaluate this in sufficiently large scale to obtain credible results.

Question. When do you think some of these technologies could be ready for design into a new class of submarine, or spiraled into the current class of submarines under construction?

Answer. Tango Bravo is expected to produce measurable results in 36 months and conclusions in 48 months (i.e. by 2009). The final results of the technology demonstrations will be carefully examined by the Navy to determine the appropriate follow-on actions. Depending on the success of the demonstrations and the follow-on development required, 2009 is the earliest that the technologies would be available for inclusion in a design effort.

INTERNATIONAL RESEARCH COOPERATION

Question. What is your assessment of the value of cooperative research and development programs with international partners?

Answer. As technology advancement becomes increasingly global, these cooperative programs become increasingly important to DOD.

Question. In your view, what are the obstacles to more effective international cooperation, and, if confirmed, how would you address those obstacles?

Answer. International industry involvement is essential, and this means that intellectual property control, export controls and other business issues can become obstacles. If confirmed, I would look to pilot programs with our allies to develop best practices.

Question. How will increased international technology cooperation affect our domestic defense industrial base?

Answer. Our defense industrial base operates in a global economy and will be strengthened by well formulated international technology cooperation programs.

Question. How should DOD monitor and assess the research capabilities of our global partners and competitors, and of the global commercial sector?

Answer. This is an important issue for the 21st century, when we can reasonably expect that many technical advances will originate outside the U.S. I believe this is an issue of strategic importance, and if confirmed, would look to the Defense Science Board or a similar advisory body to take a fresh look at this long standing issue.

TEST AND EVALUATION

Question. Rapid fielding initiatives, spiral development, the balance between operational and developmental testing, a reorganization of the budgeting process for the major ranges and test facilities, and requirements for joint testing strategies are a few of the challenges facing the Department's operational, test, and evaluation activities and the newly created Defense Test Resource Management Center.

What are your views on the adequacy and effectiveness of the Department's test and evaluation activity?

Answer. Test and evaluation is a critical component of the Department's research, development and acquisition process. It is imperative that our test facilities, ranges, and processes provide the best possible support to the development and fielding of our weapon systems. I believe the Department's current test and evaluation processes are adequate and effective. If confirmed, I would like to evaluate potential improvements in developmental test and evaluation efficiency.

Question. What is the impact of rapid fielding requirements on the standard testing process? For small systems? For large systems?

Answer. Rapid fielding requirements have and will continue to stress the standard testing process for all systems. However, rapid fielding is imperative in our efforts to equip our troops with unmatched capability and limit the risk posed by agile or asymmetric threats.

If confirmed, I will work closely with the USD (AT&L) and the DOT&E to ensure testing requirements are satisfied.

Question. What role should the Department's test and evaluation organization play in setting criteria for listing of equipment, like armor, in the General Services Administration (GSA) catalog?

Answer. Criteria for listing equipment in the GSA catalogue should stem from input from all communities involved, including T&E, whenever appropriate.

SMALL BUSINESS ISSUES

Question. The Small Business Innovative Research (SBIR) program accounts for approximately $1 billion in defense research grants annually.

If confirmed, how would you work to ensure that the program serves a useful purpose in meeting the Department's research goals?

Answer. If confirmed, one of my priorities would be to thoroughly review the SBIR program and to evaluate any adjustments which could enhance the value of SBIR investments to the DOD, our warfighters, taxpayers, and the participating businesses.

Question. What guidance or direction do you consider necessary regarding transition of the research results of these programs to major weapons systems and equipment?

Answer. If confirmed, I would continue to encourage the transition of successful SBIR projects through: conferences, such as the recent DOD Phase II and Beyond conference which brought together successful SBIR companies with major defense contractors and Service Program Executives; and increased emphasis on Phase II transition through our Phase II Enhancement Program. The DOD Phase II enhancement program allows the defense component to provide additional SBIR funding when the company attracts non-SBIR mission funds to transition research results to specific systems. I believe the best practices that have made the Navy effective in SBIR transitions could have benefits. These include strong involvement by PEOs and SYSCOMs in defining SBIR topics, training and assistance to small businesses to facilitate transition, and holding forums to showcase SBIR products to acquisition

programs and other potential investors. If confirmed, I plan to conduct a thorough review of the SBIR program to consider the adequacy of current policies and evaluate enhancements to better enable transitioning research and linking SBIR projects and participants with major weapon system acquisition programs.

Question. What emphasis would you place, if confirmed, on participation by the acquisition community in setting research priorities for the SBIR and in accepting new solutions into existing programs of record?

Answer. If confirmed, I will continue to actively involve the acquisition community in identifying its research needs and transition opportunities for all research including SBIR. I would expect to increase the emphasis on SBIR coordination and linkage with the acquisition community.

Question. In your judgment, are modifications needed to the Department's SBIR program to ensure it meets the Department's goals and is updated to support research costs of the small business community?

Answer. It is too early for me to make a recommendation. More study is needed to formulate an opinion. However, one of my priorities, if confirmed, will be to review all aspects of the SBIR program and evaluate opportunities to improve the program's effectiveness. Specifically, I want to review DOD policies and applicable statutes to see if changes could further facilitate transitions and small business opportunities. I see transitions and linkage of small businesses to larger acquisition programs as a major benefit to both DOD and small businesses. If confirmed, I will work with this committee and the Small Business Administration (SBA) to address the fiscal factors impacting the SBIR program.

TECHNICAL WORKFORCE AND LABORATORY PERSONNEL MANAGEMENT

Question. The Department's research and development laboratories perform unique functions in serving national security missions and do not readily fit into the general operational management structure. Congress has enacted legislation granting special authorities to the Secretary of Defense for flexible management and personnel demonstration experiments at the laboratories and has exempted the demonstration laboratories from inclusion in the National Security Personnel System until 2008.

What are your views on the most effective management approach for these facilities?

Answer. If confirmed, I will support continuation of approaches that support and enable the operational excellence and relevance of our laboratories to better meet warfighter requirements.

Question. In your view, does the Department have adequate technical expertise within the government workforce to execute its designated acquisition and technical development missions?

Answer. I believe the Department has adequate technical expertise within the government workforce to execute its technical mission. However, the demographics of our technical workforce suggest a large number of retirements in the next 10 years. Thus, we must take appropriate steps to address this issue and to assure that the Department will have access to the scientists and engineers necessary to maintain our technical expertise. I believe the current operational superiority of DOD is a result of the continued technical expertise of scientists and engineers in the U.S. If confirmed, I will work to assure we have the right mix of talent, expertise, and skill to continue to meet our needs in the DOD.

Question. What particular workforce challenges does the office of the DDR&E have?

Answer. Replenishing the technical workforce as the current scientists and engineers retire will be a challenge. As always, when we replace those retiring from our current technical workforce we are in competition with America's private sector. However, we now face an additional challenge. America's students are not as interested in science and engineering as they were almost 50 years ago. The number of U.S. citizens choosing to study science and engineering in our universities is declining relative to the numbers that we are educating from other countries. Since most of our technical employees require security clearances, we must assure the Defense Department can attract sufficient numbers among those that can qualify for clearances. Ensuring we have an adequate supply of technical talent to meet the needs at the Department now and in the future remains a continuing challenge to DOD. If confirmed, I will place a priority on addressing this challenge.

DEFENSE SCIENCE BOARD STUDY

Question. Have you reviewed the ongoing work of the current Defense Science Board Task Force on the roles and authorities of the DDR&E? If so, what are your

views of this work and, if confirmed, how would you plan to utilize the findings of the Defense Science Board Task Force?

Answer. I have not reviewed the ongoing work from the Defense Science Board Task Force on the roles and authorities of the DDR&E. If confirmed, I will review the findings and work with the leadership of the DOD on determining what findings and/or recommendations should be implemented.

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, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the DDR&E?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTION SUBMITTED BY SENATOR JAMES M. INHOFE

RESEARCH AND DEVELOPMENT AND ACQUISITIONS BUDGETING

1. Senator INHOFE. Secretary Young and Dr. Etter, I am concerned about the state of our research and development and procurement and acquisitions programs across our United Stated military. After our country's victory in the Cold War, the Clinton administration reduced our military appropriations excessively in search of a so-called "peace dividend", accounting for cuts of $430 billion from fiscal year 1994–fiscal year 2001. In fact, after concentrating to keep the former Soviet Union in check in the preceding 45-odd years, we should have been steadfast in advancing our weapons systems to combat future threats. Instead, in the National Defense Authorization (NDAA) for Fiscal Year 1997 we had projected reductions of 25 percent of the acquisitions personnel force over a 5-year period. This has put us behind in acquiring new weapon systems which has narrowed the advantage our military has maintained against that of other nations' armed forces. This has resulted in systems that require far more maintenance than is prudent in a war-time environment, decreasing the envelope of safety for our warfighter.

Earlier this year witnesses such as General John Jumper and Secretary Michael Wynne testified before this committee that one of the reasons we are seeing delays and problems in bringing new weapons systems online is because we have cut too deeply in the research and development and acquisitions career fields. This cut excessively reduced personnel whose profession is to shepherd these systems through R&D to the acquisitions process, and ensure the systems meet the military's specifications, budget requirements, and have a schedule of bringing a system online while its technology still meets the threat it was designed to combat. I'd like both of you to comment on the adequacy of the R&D budget, personnel numbers for DOD, and in your case, Dr. Etter, the U.S. Navy, and what Congress may be able to do to assist you in your very timely role of recapitalizing our military, should you be confirmed.

Mr. YOUNG. Balancing the Department's competing resource requirements within a constrained fiscal environment continues to be a challenge. A strong research and development program is important to maintain our technological edge. The Department strives to fund research and development programs at a level appropriate to maintain the technological superiority we currently enjoy.

Achieving this technological superiority requires innovation from a stable workforce with science, math, and engineering skills. Several trends show continued erosion of domestic production of scientists and engineers to a point where the U.S. may no longer be the primary innovator in several areas crucial to national security. To reverse this trend, the Department submitted a legislative proposal to make permanent and expand the Science, Mathematics, and Research for Transformation

(SMART) Program that was established by section 1105 of the Ronald W. Reagan NDAA for Fiscal Year 2005. The expanded program, called the National Defense Education Program (NDEP), should increase the pool of U.S. scientists, mathematicians, and engineers eligible for security clearances, thereby building our future workforce and enhancing our future national security.

QUESTION SUBMITTED BY SENATOR JOHN THUNE

CIVILIAN USE OF MILITARY SATELLITES

2. Senator THUNE. Secretary Young, last year, following the tsunami that devastated Indonesia, the National Geospatial Intelligence Agency (NGA) provided detailed satellite imagery of the affected areas. The images provided by NGA were instrumental to those engaged in recovery and rebuilding operations. If confirmed, will you explore further civilian use of military satellites, like space base radar, for domestic uses?

Mr. YOUNG. I will promote the development of operating concepts and technology to increase the effectiveness of future military satellite systems. The use of such assets for specific purposes such as support for disaster relief and recovery efforts shall be at the discretion of the President and Secretary of Defense consistent with all governing national laws and policies. In many cases, military relief efforts relied on commercially available satellite imagery, and the Department should also constantly look at opportunities to use commercially available imagery sources.

QUESTIONS SUBMITTED BY SENATOR CARL LEVIN

HIGH PRIORITY TECHNOLOGY THRUST AREAS

3. Senator LEVIN. Secretary Young, your predecessor established three major research thrust areas for the Department during his tenure: 1. the National Aerospace Initiative; 2. Surveillance and Knowledge Systems; and 3. Energy and Power Technologies. However, he had some difficulty in convincing the Services or Defense Agencies to increase funding in these areas. If confirmed, what areas of research or technology would you make high budget priorities?

Mr. YOUNG. The National Aerospace Initiative, Surveillance and Knowledge Systems, and Energy and Power Technologies are currently major areas of emphasis for our research and engineering (R&E) program. These technologies have the capability to provide the Department with significant technological advantages. However, as the Department progresses through the Quadrennial Defense Review (QDR), I intend to review the entire span of our R&E program to ensure we are best aligned with the QDR goals and those set by the President and the Secretary of Defense.

4. Senator LEVIN. Secretary Young, how would you ensure that those priorities are funded by the Services and Defense Agencies in their budgets?

Mr. YOUNG. Secretary Rumsfeld has made transformation a priority for the Department, and our technology vectors are key to achieving that transformation, I will work with the Component Science and Technology Executives, through the Defense Science and Technology Advisory Group (DSTAG), to identify the important technology vectors and ensure they receive adequate funding, and if necessary, directly with the Service Secretaries and heads of Defense Agencies to ensure our research and engineering investment is coordinated, in balance with our overall investment strategy, and appropriately prioritized and funded to deliver the future technological warfighting advantage necessary for the men and women who serve this nation.

TECHNOLOGY TRANSITION

5. Senator LEVIN. Secretary Young, in your written responses to our pre-hearing questions you cited "the lack of funding flexibility and the extended timelines of our requirement and budget processes" as a principal challenge to successfully moving technologies from research programs into real battlefield systems. Can you expand on these concerns?

Mr. YOUNG. During the Cold War Era very deliberate, methodical acquisition and budgeting processes were established in order to obtain a well structured, effective system to arm our Nation against a well-known enemy who we expected to fight in a traditional war. We became very proficient at this deliberative budgeting sys-

tem known as the Planning, Programming, Budgeting, and Execution (PPBE) process. This 2-year cycle meant that most resource decision processes were made in a carefully constructed framework that had well defined programs of record established and resourced years before they were actually pursued. However, the threat and acceleration of technology in today's information age has resulted in a deliberate process that is struggling to keep pace with today's rapidly changing world. What was once methodical and responsive now seems inflexible and rigid, especially in certain advanced technology oriented mission areas.

Specifically, in the current process, the military services begin the process of building an integrated budget in January and submit the budget to OSD in the August timeframe. Congress will authorize and appropriate this budget in October the next year, roughly a year and one-half later. If a new technology or investment idea emerges, it will be at least a year and one-half before funds can be spent on this new start. If the idea misses the current year budget process, it is more likely to be 2–4 years until funds are appropriated to start the project. If the project must have a validated requirement as it is often demanded by the DOD budget process and Congress then add at least 2 more years to the process. The nation can not fight agile enemies with a process than can require as many as 4 years to establish a funded development program.

With emphasis shifting towards nontraditional, asymmetrical warfare against emerging non-state terrorist adversaries, the demand for fast responding, and even anticipatory technologies, makes a pressing case for additional, more adaptive and agile processes to complement the current PPBE structure. While our deliberate processes for mainstream military capabilities are still necessary, I believe the time has come to integrate an adaptive, agile process for a portion of our portfolio that allows for the quick insertion of "ready" or "almost ready" advanced technologies. The resources to fund these technologies need to have the flexibility to react inside the standard 2-year PPBE process.

6. Senator LEVIN. Secretary Young, do you have specific examples?

Mr. YOUNG. As a minimum, the Department needs to make changes in its requirements development process to allow accelerated development of requirements. Further, requirements need to be developed through collaboration between the combatant forces, the requirements and resource sponsor, and acquisition community. This collaboration will allow requirements to be informed by the technology maturity, cost, and alternate solutions including joint systems. The Navy and Marine Corps were very successful in using such a collaborative process, in many cases with the acquisition team working directly with the Chief of Naval Operations (CNO) and Commandant of the Marine Corps in Multi-Mission Maritime Aircraft (MMA), Amphibious Assault Ship Replacement LHA(R), Maritime Prepositioning Force (Future) [MPF(F)], and other programs.

The Department needs to work with Congress to seek support for enhanced programs which provide the ability to start new projects and mature new technologies during the execution year. The Department can fully inform Congress on the use of these funds and the specific projects. Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF) provide examples of this challenge. The Department struggled within the execution year using reprogramming authorities to identify and apply funds to urgent needs such as vehicle armor, counter Improvised Explosive Devices (IED) systems, aircraft survivability equipment, soldier protection equipment and base security systems. The need exists to constantly leverage technology for our warfighters, even when we are not operating under the urgency of combat operations.

As a more specific example, I would highlight the Navy T–45 program. The Navy has for some time had a firm requirement for no less than 243 T–45 trainer aircraft. The efficient production rate is 12–15 aircraft per year. When I was asked to sign a justification and authorization (J&A) for the fiscal year 2004 purchase of only six aircraft, I recognized we were paying roughly $6 million extra per aircraft because of the low procurement rate. The Research, Development, and Acquisition (RDA) team completed an analysis which concluded that we could have saved the U.S. taxpayer over $450 million by annually purchasing aircraft at efficient rates. The current requirements and budget process do not always succeed in setting priorities and buying those priorities efficiently, and the result is greater cost to the taxpayer for the same capability.

On a longer-term basis, we need flexibility within the funding for major platforms. Shipbuilding provides the best example. Current policies require the Navy to identify and fully fund the computers and communications systems to be purchased and installed in a ship as much as 7 or more years prior to delivery. Technology

changes—the Department needs some funding and programmatic flexibility to allow the program manager to deliver current technology to the fleet.

Congress has been very helpful in this area through support of a number of programs such as the Quick Reactions Special Projects (QRSP), Advanced Concept Technology Demonstrations (ACTDs), Defense Acquisition Challenge (DAC), Technology Transition Initiative (included under the QRSP program element), Foreign Comparative Testing (FCT) and Service specific Rapid Equipping/Fielding funds. Flexibility in using these innovative programs is critical for the DOD to continue addressing the emerging asymmetrical threats facing our forces today. Technologies that are benefiting from these agile processes include: Biometric devices, increased intelligence gathering and data sharing capabilities, sophisticated persistent surveillance capabilities, space-based capabilities, solutions to overcome the threat from IEDs, unmanned vehicles and sensors of all sorts, epidemic outbreak technology, logistics initiatives, and quick response precision targeting. Many of these mission areas have technologies that can be applied today if we maintain and further develop these adaptive and agile programs.

7. Senator LEVIN. Secretary Young, what would you recommend Congress or the Pentagon do to address these concerns?

Mr. YOUNG. The Department needs to enhance the requirements development process to enable greater collaboration. The Department needs Congress' support for variations which recognize that all requirements do not need to go through a single process that can take years. It would be helpful to have authorized and appropriated programs which allow new starts during the execution year. Further, there is a need for programs to be allowed greater flexibility in the use of funds so that the most current technology can be installed in platforms instead of specifying a year to years in advance the technology to be installed and risking obsolescence. Finally, continued congressional support of our quick reaction agile programs is very helpful.

QUESTIONS SUBMITTED BY SENATOR JOSEPH I. LIEBERMAN

ANALYSIS OF PERSONNEL AUTHORITIES

8. Senator LIEBERMAN. Secretary Young, the office of the DDR&E is currently preparing a "Gap Analysis" which is a comparison of the personnel flexibilities of the laboratory demonstration programs and the National Security Personnel System (NSPS). I understand that the objective of the study is to show if there is any performance gap between the flexibilities available to the laboratories between these two systems. If confirmed, would you provide Congress with a copy of that study so as to inform the committees of jurisdiction as to the benefits to the labs of each of these approaches, as well as to better inform any further actions on these personnel systems?

Mr. YOUNG. The section 1107 report, due to Congress in December 2005, will describe the plan for conducting a comparative evaluation of personnel management flexibilities between NSPS and the laboratory demonstration authority systems. A viable comparative evaluation cannot be conducted, however, until the NSPS design is complete and spiral implementation has reached a sufficient level of maturity to conduct a preliminary evaluation and make initial adjustments. This event-driven review, analysis and comparative evaluation process will support the Secretary's determination of the human resources system that provides the greatest positive impact in promoting mission responsiveness, efficiency and effectiveness in the defense laboratories. Once the Secretary's determination is made, Congress will be provided a copy of the results of the evaluation.

9. Senator LIEBERMAN. Secretary Young, will you ensure that this analysis is considered by the Secretary as he makes the decision on whether or not to include the laboratories into NSPS, as is required by section 9902(c) of the original authorizing statute?

Mr. YOUNG. Yes.

QUESTIONS SUBMITTED BY SENATOR JACK REED

LAB PERSONNEL ISSUES

10. Senator REED. Secretary Young, I and many others in Congress are concerned about DOD's handling of its laboratory personnel, especially in efforts to curtail their ability to continue to use their congressionally authorized personnel dem-

onstration program authorities. Of particular concern is an effort to shift the labs out of these demonstration programs and into the NSPS—without adequate justification or analysis. In an April 26, 2004 letter to Congress, Acting Deputy Secretary Gordon England addressed the question of the utilization of the laboratory personnel demonstration authority. In this letter, he assured Congresswoman Jo Ann Davis that the laboratories would be free to extend and evolve their laboratory demonstration programs. Do you intend, as DDR&E, to support the laboratories in their requests to broaden and fully utilize the demonstration authorities as promised by Acting Deputy Secretary England?

Mr. YOUNG. Yes. Prior to any potential determination by the Secretary of Defense (as stipulated in subsection 9902(c) of title 5, U.S.C.) that the NSPS offers greater flexibilities than the laboratory demonstration authorities, the laboratories will continue with their demo projects and will be allowed to seek innovative enhancements and refinements through the normal Department review and approval process.

11. Senator REED. Secretary Young, would you please make a comparison of lab personnel demonstration authorities with NSPS?

Mr. YOUNG. A comparative evaluation of personnel management flexibilities provided under the NSPS versus the laboratory personnel demonstration project authorities will be conducted when the NSPS design is complete and spiral implementation has reached a sufficient level of maturity to conduct a preliminary system evaluation and make initial adjustments. Until such time as when we have settled on final parameters, a comparison would not be valid.

12. Senator REED. Secretary Young, when your predecessor appeared before the Subcommittee on Emerging Threats and Capabilities earlier this year, I specifically asked him for a comparison of the personnel flexibilities offered by the laboratory demonstration program as compared to the NSPS. I believe that this kind of comparison is necessary for the Department to determine whether it is advantageous for the labs to be included in NSPS—or to have some other personnel system. I have yet to see any such comparison. If confirmed, would you initiate such a comparative study before allowing the labs to be included into NSPS?

Mr. YOUNG. A comparative evaluation will be conducted when the NSPS design is complete and spiral implementation has reached a sufficient level of maturity to achieve a valid comparison. This evaluation will be considered in the Secretary's ultimate determination of the best human resource system for the labs currently excluded from NSPS.

13. Senator REED. Secretary Young, would you please provide to Congress a comparison of these two systems and their impact on the ability of the laboratories to discharge their mission before any such actions are undertaken?

Mr. YOUNG. A comparative evaluation of personnel management flexibilities provided under the NSPS versus the laboratory personnel demonstration project authorities will be conducted when the NSPS design is complete and spiral implementation has reached a sufficient level of maturity to conduct a preliminary system evaluation and make initial adjustments. Until such time as when we have settled on final parameters, a comparison would not be valid.

SCIENCE AND TECHNOLOGY FUNDING LEVELS

14. Senator REED. Secretary Young, I note that the Department's 2006 budget request for science and technology (S&T) is below the 2005 appropriated levels for these accounts and falls short of the QDR goal of investing 3 percent of DOD's budgets in S&T. In fact the 2006 request for S&T is even below the 2005 request for S&T. Does it make sense to you to reduce our investments in science and technology as we try to transform the military and transition new technologies to our operators in the field?

Mr. YOUNG. Determining the level of investment in S&T is a strategic corporate decision. Each year the Department makes an effort to fund the S&T program at a level appropriate to maintain the technological superiority we have enjoyed to date. With the fiscal year 2006 request, this administration has increased the S&T investment 28 percent higher than fiscal year 2001 request (23 percent higher than the fiscal year 2001 request adjusted for inflation). The Department continues to place a high priority on ensuring adequate funding levels, and I expect to work to maintain our S&T investment levels.

15. Senator REED. Secretary Young, how will you work to reverse these decreases in funding?

Mr. YOUNG. The fiscal year 2006 President's budget was developed by balancing priorities across all functional areas, and our request for S&T represents a stable program, within the priorities of the Department in a fiscally constrained environment. I will work with Secretary Rumsfeld and the Service Secretaries to ensure the research and engineering program best represents the Department's priorities based on available funds, technology needs and opportunities that can enhance the effectiveness of our warfighters.

QUESTIONS SUBMITTED BY SENATOR DANIEL K. AKAKA

CORROSION COSTS TO THIS NATION

16. Senator AKAKA. Secretary Young, a recent Government Accountability Office (GAO) report put the cost of corrosion to the Department of Defense as at least $20 billion per year. This was later confirmed by a Defense Science Board (DSB) Task Force on Corrosion, who pointed out that in addition to cost factors, there are major repercussions to defense readiness and the safety of our personnel. DOD's own Office of Corrosion indicates on its website that many corrosion prevention technologies have a 10 to 1 return on investment in only 1 year. Yet DOD has only budgeted $20 million per year, though the situation in Iraq is making the corrosion costs to this Nation even higher than the GAO and DSB originally estimated. Considering the return on investment is so large and immediate, do you believe DOD should increase the budget for corrosion treatment and prevention?

Mr. YOUNG. The Department recognizes the impact of corrosion on our weapon systems and facilities and appreciates the interest and focus you and other Members of Congress have shown. The congressional mandate manifested in the recent law requiring the corrosion prevention and mitigation program has drawn the attention of a much wider audience throughout DOD. The DOD Corrosion Prevention and Control Strategic Plan, our long term strategy, depicts an integrated approach in preventing and mitigating corrosion of DOD's weapons systems and infrastructures. This approach entails R&D; training; outreach and communications; specifications, standards and qualification processes; policy and requirements; facilities; and cost-of-corrosion and other metrics. Funding specific projects with high and measurable return on investment is just one of the several approaches identified in our Strategic Plan to combat corrosion. The current level of investment is adequate as we continue to validate the projected return on the $27 million investment from our fiscal year 2005 DOD Corrosion Program. It is critical to our continued success to show quantitatively and objectively that the projected cost avoidance associated with our corrosion projects is real and demonstrable. I also plan to continue supporting science and technology investment, such as the work currently underway at DARPA, in corrosion understanding and prevention technologies.

17. Senator AKAKA. Secretary Young, there is currently very little incentive for the acquisition community to consider life cycle maintenance cost reduction as a high priority in their weapon system and equipment design and purchases. Will you look into ways you could create effective incentives for people to address the long-term cost of corrosion to the Department?

Mr. YOUNG. The early stages of acquisition present the best time to identify materials and processes that will reduce downstream maintenance and logistics costs. The Department emphasizes the need for and value of upfront investment for this purpose during Defense Acquisition Board (DAB) and other milestone-related reviews. Program Managers are now required to brief their corrosion prevention and control planning (CPCP) to the Acquisition Executive during the DAB review cycle. DOD also recognizes that effective incentives must include positive benefits to those organizations willing to make investments that result in ultimate cost avoidance or savings. I plan to investigate additional incentives that will assist in improving our overall approach to affordable life-cycle planning in which life cycle maintenance costs will play an important role.

18. Senator AKAKA. Secretary Young, many current military specifications and standards do not reflect the benefits to be gained from using higher performance corrosion-resistant technologies that could have a significant impact on total life-cycle cost in maintaining weapon systems and equipment. What steps can you take,

for example in establishing DOD standards, to help modernize the corrosion resistant materials being used to protect DOD weapon systems and equipment?

Mr. YOUNG. The DOD Corrosion Prevention and Control Integrated Product Team established a Specifications and Standards Working Integrated Product Team (WIPT) specifically to address the status of and requirements for corrosion-related military specifications and standards. This WIPT has performed a thorough analysis of existing corrosion-related specifications and standards, identified those that are not applicable or are out-of-date, and specified which specifications and standards should apply to our modern materials and corrosion prevention and mitigation processes. Results of the analysis are now available at the DOD Corrosion Web site (http://www.dodcotrosionexchange.org). This information is a part of our communications and outreach to DOD suppliers. The WIPT is also reviewing industrial and commercial specifications and standards to determine their applicability to current corrosion prevention and mitigation requirements. One of the goals of this effort, which is currently underway, is to improve applicable specifications and standards or create new specifications and standards if required. The Specifications and Standards WIPT is also in the process of implementing a standardized, streamlined, and significantly improved method of qualifying components and systems. When completely implemented, it should assure that only the highest quality materials are accepted and that the acceptance process does not impose a cost or time burden on either the material suppliers or the military departments. I believe we need to continue the efforts of the specifications and standards WIPT and work jointly to implement their processes and recommendations.

QUESTIONS SUBMITTED BY SENATOR BILL NELSON

PUBLICATION OF RESEARCH FINDINGS

19. Senator BILL NELSON. Secretary Young and Dr. Etter, university associations have documented recent cases where universities have refused to perform research contracts for DOD because of provisions restricting their ability to publish research findings. These provisions are inconsistent with both existing DOD and overall government policy providing that unless classified, information generated through contracted fundamental research at universities should not be subject to controls. What is your view of the appropriateness of DOD seeking to restrict the ability of universities to publish their research in this way?

Mr. YOUNG. As you correctly state, National Security Decision Directive 189 establishes national policy for controlling the flow of science, technology, and engineering information produced in federally-funded fundamental research at colleges, universities, and laboratories. It is therefore not appropriate for DOD contracts to include provisions that restrict the ability to publish the results of fundamental research. I believe that there are some contracting officers that are either unaware of NSDD–189 or unfamiliar with what constitutes 'Fundamental Research' and may be including contract clauses that require a government review prior to publication. We will be taking steps to inform them that, for contracted fundamental research, such provisions are contrary to DOD policy.

20. Senator BILL NELSON. Secretary Young and Dr. Etter, do you feel that scientific progress depends on broad sharing of research results among scientists, in national defense as well as other areas?

Mr. YOUNG. Yes. Openness during research plays a crucial role in innovation, advances in technology, and economic competitiveness in our economy. We should not overly prescribe barriers to such scientific exchange, but we must also be mindful of those scientific thrusts which arc potential threats or enhancements to our National security which would require us to compartmentalize that research. However, action to compartmentalize such research should be carefully reviewed and be the exception rather than the rule.

PROPOSED RULES ON EXPORT CONTROLS IMPACT ON UNIVERSITY RESEARCH

21. Senator BILL NELSON. Secretary Young and Dr. Etter, in response to a report issued by the DOD Inspector General in March 2004, DOD recently proposed a new export control compliance clause for DOD contracts. I understand DOD received over 130 comments in response to this proposal, most of which were opposed to the proposed rule. I understand that one of the proposal's requirements is for segregated facilities and badging of all foreign nationals involved in DOD research, even fun-

damental research conducted at universities. Since other agencies have regulatory authority for export controls—namely the Department of Commerce and the Department of State—do you feel that it is appropriate for the DOD to establish its own separate policies in this area?

Mr. YOUNG. Where regulatory authority resides in other agencies, it is inappropriate to establish separate policies for DOD contracts. It is appropriate for DOD to facilitate contractor awareness of the regulatory authority in other agencies. The DOD is coordinating with the Departments of State and Commerce to ensure any proposed rule is consistent with the National Policy on the Transfer of Scientific, Technical, and Engineering Information (NSDD–189), and existing laws and regulations governing export-controlled information and technology.

22. Senator BILL NELSON. Secretary Young and Dr. Etter, if confirmed, will you engage with the university research community to try to address their concerns in this area?

Mr. YOUNG. Yes. My Acting Deputy Under Secretary of Defense for Laboratories and Basic Sciences has been engaged with the research community in this area through the National Academies of Science and the American Association of Universities, and I intend to support and expand these efforts where needed and appropriate.

QUESTIONS SUBMITTED BY SENATOR MARK DAYTON

HIGH PERFORMANCE COMPUTING

23. Senator DAYTON. Secretary Young, if confirmed, you will have oversight over the Department's high performance computing research and operational high performance computing centers. What role do you feel these activities play in supporting DOD missions?

Mr. YOUNG. DOD high performance computing centers are a key element of DOD's strategy to keep our armed forces equipped with the most teclinologically advanced capable weapons and support systems possible. High performance computing assets support numerous DOD missions. In support of OIF and OEF, our warfighters used DOD-developcd supercomputer codes to predict theater weather and sea states with great success. This prediction capability is now available to our commanders as a routine service and is continually improving. Additionally, the Joint Strike Fighter program and other air vehicle programs routinely use DOD-developed models on high performance computing platforms to predict performance of aircraft undergoing configuration changes. These models augment or replace costly flight wind tunnel testing. This also saves acquisition dollars by eliminating expensive prototype changes. Lastly, the Army's ground combat vehicles rely extensively on high performance computing assets for lethality and force protection models for armor and anti-armor applications.

Today's DOD missions and technical problems are more complex than ever before. Tomorrow's sophisticated weapons systems must meet new operational requirements with increased offensive and defensive capability, be within affordable acquisition, operational, and maintenance costs; and must operate in adverse chemical, biological, and electronic environments. High performance computing is an essential part of the acquisition process that allows science-based modeling and simulation that can drastically reduce development and test lime while exploring design tradeoffs that previously could not be performed at affordable costs or within developmental time constraints.

24. Senator DAYTON. Secretary Young, what steps should we take to ensure that the United States remains the world leader in high performance computing both in the development and introduction of innovative technologies and the retention of a robust industrial base?

Mr. YOUNG. I consider this an extremely important topic, not only from the standpoint of augmenting our DOD acquisition processes and assisting the warfigliter directly, but also from the standpoint of maintaining leadership in this critical technology. For the U.S. to remain a world leader in high perfomiance computing, it is important that the domestic high performance computing industry view the Federal Government to be a reliable customer for high-end computing systems. In addition, it is vital to foster new generations of young people to become scientists and engineers interested in working and advancing this industry. The recommendations from the multi-agency High-End Computing Revitalization Task Force establish a

sound blueprint for Federal high performance computing investments that will guide future DOD efforts in this area.

QUESTIONS SUBMITTED BY SENATOR HILLARY RODHAM CLINTON

INFORMATION ASSURANCE AND CYBER SECURITY

25. Senator CLINTON. Secretary Young, the February 2005 report of the President's Information Technology Advisory Committee (PITAC) titled "Cyber Security: a Crisis of Prioritization" recommends that "the Nation's cyber security research community is too small to adequately support the cyber security research and education programs necessary to protect the United States." As we discussed in the hearing, the Air Force Research Laboratory information assurance efforts centered at Rome, New York are a key part of those research efforts—specifically working on information security threats that affect our military operations and deployed forces. What steps do you think we should take to grow the size and capabilities of DOD's internal cyber security research community so that it can support DOD missions?

Mr. YOUNG. The Air Force Research Laboratory (APRL), the Army Research Laboratory, the Army Communications-Electronics Research, Development and Engineering Center, the Naval Research Laboratory and the National Security Agency are the core of DOD's internal cyber security research community. Over the past 18 months, the Office of the Director for Defense Research and Engineering has worked to improve coordination and integration of the research programs across DOD. In the recent DDR&E S&T Comprehensive Review, the need for additional unclassified research to enable network robustness was identified and we are working on an appropriate network-oriented research strategy to increase efforts in [his research area. DOD is also working on the education and training of the next generation of DOD cyber security professionals. One example is the Air Force Research Laboratory (AFRL) educational program at Syracuse University called the Advanced Course in Engineering in Cyber Security. In the long term, we must educate and train scientists and engineers who can support DOD efforts using the SMART program implemented through the NDEP.

26. Senator CLINTON. Secretary Young, what steps do you think DOD should take to grow the national cyber security research community in industry and academia?

Mr. YOUNG. DOD is a member of the Cyber Security and Information Assurance (CSIA) Interagency Working Group (IWG) under the National Science and Technology Council, which, as recommended by the President's Information Technology Advisory Committee (PITAC) report, is a focal point for Federal research programs. Through the CSIA IWG, DOD is contributing to the Federal Plan for Cyber Security and Information Assurance Research and Development.

DOD is currently reviewing our basic research, Small Business Innovation Research, and Small Business Technology Transfer programs to maximize their impact in cyber security academic research, to transition DOD-funded research into cyber security products, and to promote innovation. DOD, led by my office, has had a strong academic research program in cyber security under the Critical Infrastructure Protection and High Confidence Software University Research Initiative. The AFRL-funded Information Assurance Institute at Cornell University is an example of a collaborative interaction between Cornell and AFRL in information assurance research. In addition, we have several efforts to increase interactions between innovative commercial cyber security technology companies and potential DOD customers with cyber security needs. Finally, in the long-term, we must educate and train scientists and engineers who can support DOD efforts using the SMART program implemented through the NDEP.

We must continue to effectively use these types of programs to strengthen the national cyber security research community.

DEFENSE SCIENCE BOARD REVIEW OF SCIENCE AND TECHNOLOGY

27. Senator CLINTON. Secretary Young, as we discussed in the hearing, the fact that the fiscal year 2006 President's budget request for science and technology is lower than the fiscal year 2005 budget request has triggered legislation requiring a Defense Science Board report assessing the impact of the reduced funding on defense technology and the national defense. If confirmed, will you ensure that this report is produced by the DSB and that its findings are shared with Congress?

Mr. YOUNG. A strong and stable science and technology program is important to maintain our technological edge. Each year the Department makes an effort to fund the S&T program at a level appropriate to maintain the technological superiority we have enjoyed to date. Since fiscal year 2000, removing year-to-year fluctuations, the Department has exceeded the 2 percent real growth over time. The fiscal year 2006 request is 23 percent higher than fiscal year 2000, nearly double what it would have been with a strict goal of 2 percent per year growth. I expect to work to maintain our S&T investment level.

28. Senator CLINTON. Secretary Young, what are your personal observations on the impact of reducing S&T investments on our ability to produce and deploy innovative new defense capabilities?

Mr. YOUNG. S&T plays a key role in enabling the force of the future. S&T supports transformation by providing the ability to strike with greater speed, agility, lethality, and precision while maintaining increased global knowledge, in addition, S&T has been a valuable resource for reducing costs and increasing mobility by streamlining logistics processes and reducing manpower requirements. S&T is crucial in enabling the "better, faster, cheaper" requirements of the 21st century transformational force. Given the competing demands across the Department, I will work to ensure a balance among near- and long-term priorities. Further, there is a growing need for S&T investment in nontraditional areas relevant to the global war on terrorism as well as new demands in areas that support future capabilities for the Nation's warfighters.

DARPA FUNDAMENTAL COMPUTER RESEARCH INVESTMENTS

29. Senator CLINTON. Secretary Young, I am concerned that DARPA has reduced its funding of fundamental research in computer science at a time when that would be detrimental to our ability to face future national security threats. As you are well aware, previous DARPA investments in this and related fields have spawned the growth of a range of technologies—including the Internet itself—that shape our daily lives and the way our military operates. In the future, what role should DARPA play in the support of fundamental research in computer science and cyber security?

Mr. YOUNG. During my first week as DDR&E, I began the process of getting briefed on the DARPA programs and budget. Once I complete this review, I will have a better sense of the balance and priorities within the DARPA investment program.

DARPA continues to make a significant investment in computer science research. One new area of DARPA investment is "cognitive computing." Put simply, it is an attempt to get computers that can adapt to people, rather than forcing people to adapt to computers as we do now.

Now and in the future, DARPA needs to continue focusing on the special cyber security challenges unique to the DOD. DOD's future is network centric warfare, but that means that the networks themselves will become a valuable target. DOD's networks are going to be different from the commercial worlds'. For example, DOD networks will need to be highly mobile and assemble on-the-fly. No one in the commercial world has any reason to solve those problems for their own purposes, so DOD organizations like DARPA must solve those problems for DOD.

30. Senator CLINTON. Mr. Young, if confirmed, what steps will you take to ensure that DOD adequately supports fundamental research in computer science?

Mr. YOUNG. Sustained DOD support of fundamental research in computer science is crucial to the maturation of computer science as a scientific discipline, and as a key enabler of the transformational Network-Centric warfighting paradigm. DOD investment in fundamental computer science research is robust, as evidenced by substantial computer science investment in DOD's Multi-disciplinary University Research Initiative (MURI), High Productivity Computing Systems (HPCS) program, Cognitive Systems program. Software Engineering Institute (SEI), Collaborative Technology Alliances (CTA) program, and Software Producibility Initiative, to name a few examples. I intend to ensure that DOD continues to support fundamental computer science research adequately through programs of this nature.

[The nomination reference of John J. Young, Jr., follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
July 28, 2005.

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

John J. Young, Jr., of Virginia, to be Director of Defense Research and Engineering, vice Ronald M. Sega.

[The biographical sketch of John J. Young, Jr., which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF JOHN J. YOUNG, JR.

As the Navy's Senior Acquisition Executive, Mr. Young has implemented a wide range of innovative organizational and business practices to increase the effectiveness and efficiency of Navy and Marine Corps procurement and research programs. He has sought to stabilize programs and control cost through emphasis on milestone-based incentive fees, control of change orders and requirements, multi-year procurement contracts, and creation of competitive and joint programs.

In support of President Bush's efforts on missile defense, Mr. Young worked with Admiral Clark and General Kadish to accomplish the transfer of the U.S.S. *Lake Erie* to the Missile Defense Agency. This transfer led to accelerated procurement of the SM–3 missile and modification of DDG–51 destroyers in order to provide initial sea-based ballistic missile defense capability for the Nation. Our Nation's sea-based air defense capability will be significantly enhanced through his leadership in creating the SM–6 missile, placing the highly capable AMRAAM seeker on the Navy's Standard Missile.

Working to improve the Navy's shipbuilding program, he negotiated the unprecedented swap agreement that shifted DDG–51 and LPD–17 ships between two shipyards. Further, Mr. Young led the exceptional effort to renegotiate the U.S.S. *Eisenhower* carrier refueling contract, successfully shifting to event-based incentives to control growing cost. Finally, working with Congress, the Navy gained approval on the first *Virginia*-class submarine multi-year contract—a contract that includes specific incentives to reduce cost and meet schedule.

Under his leadership, the Navy acquisition team has successfully changed our acquisition approaches through programs like Operation Respond and the Littoral Combat Ship (LCS). In response to the urgent needs of the U.S. Marine Corps, he led the department's urgent acquisition efforts under Operation Respond—a team established to rapidly meet the technological and material requirements generated from deployed warfighters serving in Iraq. Operation Respond efforts ensured that the Marine Corps had needed items ranging from vehicle armor to helicopter survivability equipment to ballistic goggles. LCS was defined through collaborative work with the CNO and naval fleet leadership, leading to a keel laying in roughly 3 years after program initiation. During his tenure, the Department has also successfully made major contract awards on the DD(X) destroyer, the Multi-Mission Maritime Aircraft, the T–AKE auxiliary ship, the VXX Presidential helicopter, and LCS. Mr. Young has also pursued greater jointness on many efforts, including his successful merger of the Air Force and Navy Joint Tactical Radio System clusters and the Distributed Common Ground Station .

During his tenure with the committee, he served as the staff analyst for Department of Defense (DOD) procurement, research, development, test, and evaluation programs. Prior to leaving the committee, he was responsible for reviewing all DOD aircraft procurement programs as well as the activities of the Ballistic Missile Defense Organization and the Defense Advanced Research Projects Agency. He also evaluated the science and technology program budgets for the Navy, Air Force, and OSD.

Participating in the cooperative engineering education program at Georgia Tech, Mr. Young worked with what is now Lockheed Martin Tactical Aircraft Systems in Fort Worth, Texas. Under this program, he worked in eight different engineering groups primarily supporting the F–16 program and advanced fighter technology efforts. Mr. Young next worked at the BDM Corporation in Huntsville, Alabama, providing engineering support of Army missile defense interceptor programs.

After receiving a Master's degree in Aeronautics and Astronautics from Stanford University, he joined the technical staff at Rockwell Missile Systems Division in Du-

luth, Georgia. He became a member of the Technical Staff at Sandia National Laboratories in 1988 where he worked on hypersonic weapon designs and maneuvering reentry vehicle aerodynamics as well as standoff bomb concepts. While at Sandia, he was selected as an American Institute of Aeronautics and Astronautics (AIAA) Congressional Fellow. He served his AIAA fellowship with the Senate Defense Appropriations Subcommittee and then joined the committee's professional staff.

[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 John J. Young, Jr., in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
John Jacob Young, Jr.

2. **Position to which nominated:**
Director of Defense Research and Engineering.

3. **Date of nomination:**
July 28, 2005.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
May 29, 1962; Newnan, Georgia.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Barbara Joan Schleihauf.

7. **Names and ages of children:**
Nathan Jacob Young, 14; William Joseph Young, 11; and Kathryn Elizabeth Young, 8.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Stanford University; 10/85–6/87; Master's in Aeronautics and Astronautics; Stanford, CA.
Georgia Institute of Technology; 6/80–6/85; Bachelor's in Aerospace Engineering; Atlanta, GA.
Newnan High School; 9/78–6/80; High School Diploma; Newnan, GA.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

Department of Navy; Washington, DC, Assistant Secretary of the Navy (Research, Development, and Acquisition), Department of the Navy, Washington, DC; 7/01–Present.

United States Senate, Committee on Appropriations; Washington, DC, Professional Staff Member, Defense Appropriations Subcommittee, Washington, DC; 12/93–7/01.

Sandia National Laboratory; Albuquerque, New Mexico, Member of the Technical Staff serving the U.S. Senate as an American Institute of Aeronautics and Astronautics (AIAA) Congressional Fellow on the U.S. Senate Defense Appropriations Subcommittee, Washington, DC; 1/91–12/93.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

No additional positions.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Member—American Institute of Aeronautics and Astronautics.

Member—Jamestown Parent Teacher Association.

Member—The Briarean Society, Phi Kappa Phi, Tau Beta Pi, Sigma Gamma Tau, and Phi Eta Sigma college honor societies.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

None.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

2005—Awarded Distinguished Public Service Award by the Secretary of the Navy for invaluable contributions to DoN by leading the Operation Respond team and creating innovative approaches to multi-year contracts that provided efficient warfare systems to the taxpayer.

2003—Awarded Distinguished Public Service Award by the Secretary of the Navy for implementing innovative business practices, stabilizing the Navy's most important programs, and encouraging partnership with industry.

Awarded certificate of service from the Secretary of the Navy for 10 years of service in the United States Government.

Selected for the 1996 National Security Leadership Course at Syracuse University.

Selected for the 1996 class of Georgia Institute of Technology Council of Outstanding Engineering Alumni.

Selected for the 1993–1994 Massachusetts Institute of Technology Seminar XXI program.

1993 Who's Who in America in Science and Engineering.

AIAA 1991 Congressional Fellow.

AIAA 1991–1994 National Public Policy Committee.

AIAA 1989–1991 Region IV Deputy Director for Public Policy.

AIAA 1988–1989 Region II Director-at-Large for Young Member Activities.

AIAA Atlanta Section 1988 Mini-Symposium Outstanding Young Engineer Award.

1985–1987 Stanford University College of Engineering Fellowship.

1986–1987 General Electric Foundation Fellowship.

1986 Outstanding Young Men of America.

1983–1984 Sam Nunn U.S. Senate Intern Program.

1984–1985 AIAA/General Dynamics Scholarship.
1980–1985 Georgia Tech Lowry, McLendon, Fitten and Towers Scholarships.
Member of the Phi Kappa Phi, Tau Beta Pi, Sigma Gamma Tau, Phi Eta Sigma, and The Briarean Society.
1984–1985 Briarean of the Year (Cooperative Education Honorary Society).

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.
"Proper Objectives for the Strategic Defense Initiative"; American Institute of Aeronautics and Astronautics Student Journal; fall 1985.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.
I have attached for your review two copies of recent speeches that I have delivered in the past 5 years.
[The nominee responded and the information is contained in the committee executive files.]

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?
Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

JOHN J. YOUNG, JR.

This 3rd day of August, 2005.

[The nomination of John J. Young, Jr., was reported to the Senate by Chairman Warner on October 27, 2005, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on October 28, 2005.]

[Prepared questions submitted to J. Dorrance Smith by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense (DOD) Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the Military Departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.
Do you see the need for modifications of any Goldwater-Nichols Act provisions?
Answer. No. I agree with the emphasis in the Goldwater-Nichols Act on jointness and the establishment of unified and specified combatant commanders. The effectiveness of joint operations has been clearly demonstrated in OIF and OEF, and I witnessed it myself while working with the Coalition Provisional Authority in Iraq. I strongly support continued and increased efforts to improve the jointness of our military forces.
Question. If so, what areas do you believe might be appropriate to address in these modifications?
Answer. N/A.

RELATIONSHIPS

Question. If confirmed, what would your working relationship be with:

The Secretary of Defense.

Answer. I anticipate having daily interaction with the Secretary in order to remain abreast of his insights, priorities, and decisions. I will offer him my counsel on the full range of issues facing the department from a communication perspective. I will assist the Secretary in fulfilling the department's communications responsibilities to Congress, the general public, and—as importantly—within the department to civilian and military personnel.

Question. The Deputy Secretary of Defense.

Answer. If confirmed, I anticipate my relationship with the Deputy Secretary will be much the same as my relationship with the Secretary of Defense.

Question. The Under Secretaries of Defense.

Answer. My role—and the role of the entire DOD Public Affairs team—would be to provide communications counsel to all levels in the department. Clearly, the Under Secretaries play a critical role as they are developing many of the policies that need to be shared with a variety of audiences, to include Congress.

Question. The Assistant Secretary of Defense for Legislative Affairs.

Answer. I know this department takes its obligation to keep Congress fully informed very seriously. If confirmed, I'll work very closely with Assistant Secretary Stanley on our communication obligations and efforts. It is critical we assist Secretary Rumsfeld in keeping Congress informed of important national security and defense-related matters.

Question. The DOD General Counsel.

Answer. If confirmed, I anticipate regular interaction to ensure that our communication activities are consistent with regulation and statute. Also, the global war on terror imposes a responsibility upon us to communicate to Congress and the broader public the many unique legal aspects of this conflict.

Question. The Service Secretaries.

Answer. The service secretaries have a most important role in the department's internal communications responsibilities. They also interact regularly with Members of Congress and their staffs. If confirmed, I would work closely with them, and in close consultation with public affairs chiefs, to help them discharge this responsibility and to help ensure consistency and proper frequency of message.

Question. The Joint Chiefs of Staff.

Answer. As with the service secretaries, if confirmed, I would expect to work with the chiefs to help communicate with our forces. In addition, I would look forward to working with the chiefs to assist them in communicating the department's message to Congress and the public, as appropriate.

Question. Senior Uniformed Officers Responsible for Public Affairs, including the Army's Chief of Public Affairs, Navy's Chief of Information; Marine Corps' Director of Public Affairs; and Air Force's Director of Public Affairs.

Answer. If confirmed, I anticipate frequent interaction with the senior Public Affairs professionals from the Services. Together, we will work to find the best ways to gather facts and communicate information about the wide variety of programs and issues affecting the department and Services.

Question. Pentagon Press Corps.

Answer. I understand the importance of establishing a strong working relationship with the Pentagon Press corps. If confirmed I will work hard to ensure this relationship is based on mututal trust, fairness and respect.

DUTIES

Question. DOD Directive 5122.5 describes the responsibilities and functions of the Assistant Secretary of Defense for Public Affairs (ASD(PA)).

What is your understanding of the duties and functions of the ASD(PA)?

Answer. I understand the responsibilities of the position as outlined in the directive. In this position, if confirmed, I would serve as the principal staff assistant and advisor to the Secretary and Deputy Secretary of Defense for DOD news media relations, public information, internal information, community relations, public affairs and visual information training, and audiovisual matters.

Question. Assuming you are confirmed, what changes, if any, in the duties and functions of ASD(PA) do you expect that the Secretary of Defense would prescribe for you?

Answer. I do not anticipate changes in the duties and functions of the position as described in the directive.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. My 22 years as a television network news producer and working journalist provides me with a comprehensive understanding of just how important it is to communicate fairly, accurately, and regularly with the American people, the DOD, and the Armed Forces.

As a communications professional, I've developed a keen sensitivity to the importance of interaction and engagement with the media—understanding the importance of being transparent, accurate, and credible.

Finally, my service as the Senior Media Adviser with the Coalition Provisional Authority (CPA) in Iraq has given me a breadth and depth of exposure to the men and women in uniform that should help in my responsibilities to communicate the department's priorities both here in the United States and abroad.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next ASD(PA)?

Answer. We must continue to communicate on a global and around-the-clock basis, internally, to Congress, and to the public, the President's priorities in the global war on terror and the lessons of September 11. We must meet the challenge of communicating the U.S. goals, objectives, and activities in Afghanistan and Iraq, as those newly liberated countries continue their transition to sovereignty and self-rule.

The significant U.S. military presence in both countries rightly focuses attention on U.S. and coalition activities, and the department has the responsibility, together with other departments and agencies of government, to properly communicate those activities.

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

Answer. If confirmed, I expect to build upon the work being done to communicate across the range of issues described above. The department conducts an aggressive program of communications and public outreach, and that must continue and evolve to match our changing circumstances. To better understand this I would travel to the region to analyze first hand the current communications challenges in the same manner as I did in 2003.

I also intend, if confirmed, to place particular emphasis upon internal communications. I view our forces, their families, and the career civil servants who support them as crucial to the success of the department.

RESPONSIBILITIES

Question. DOD Directive 5122.5 provides that the ASD(PA) shall "ensure a free flow of news and information to the news media, the general public, the internal audiences of the Department of Defense, and the other applicable for a, limited only by national security constraints . . . and valid statutory mandates or exemptions."

What guidelines would you use, if confirmed, to determine what information can and cannot be released to the news media and the public?

Answer. The Department publishes Principles of Information, which are included as an enclosure to DOD Directive 5122.5. If confirmed, I would work to ensure that judgments we make regarding the dissemination of information are based upon the principles outlined.

Question. If confirmed, how would you attempt to ensure that media representatives are given maximum access to ongoing military operations in Iraq and Afghanistan in order to be able to provide fair and accurate reporting?

Answer. I would encourage news media to take full advantage of the embedding opportunities that exist. There is no substitute for that type of reporting—from the areas of operations where America's sons and daughters are serving freedom's cause . . . and also where our friends and allies are working to support security and stability in Iraq and Afghanistan. I would develop a comprehensive communications strategy designed to facilitate the coverage and maximize access for the media who face sever coverage obstacles in a war zone.

Question. Aside from restrictions related to classified and sensitive-source materials, if confirmed, what restrictions, if any, would you apply in approving material prepared for release by DOD officials?

Answer. As a general matter, the first principle of information is that it is "DOD policy to make available timely and accurate information so that the public, Congress, and the news media may assess and understand the facts about national security and defense strategy."

There will be times when judgment is applied to a particular piece or class of information that warrants additional consideration on the basis of source, sensitivity of ongoing operations, the need to verify facts, and other factors. Judgments of this

nature must be applied all the time, but the principle remains the same: accurate and fast.

PRINCIPLES OF INFORMATION AND PRIVACY INTERESTS

Question. Under the Principles of Information included in DOD Directive 5122.5, it is stated that "information shall be withheld when disclosure would adversely affect national, security, threaten the safety or privacy of U.S. Government personnel or their families, violate the privacy of the citizens of the United States, or be contrary to law." The Privacy Act is one of the laws that controls access to information in government systems of records, however, it is unclear about what standards the Department applies in determining what information would violate citizens' privacy and should be withheld.

What other standards, legal or otherwise, should be applied by the Department in determining what information relating to individuals who are involved in newsworthy incidents shall be made available to the public?

Answer. These types of assessments and decisions often require the involvement of the department's Office of General Counsel. There's not a simple answer, because facts and circumstances dictate the response. A legal assessment is likely required. However, I know the department leadership believes in maximum disclosure, minimum delay consistent with privacy and security considerations.

Question. Under what circumstances, if any, do you believe the Privacy Act would justify withholding from public disclosure information regarding actions taken by senior DOD officials in their official capacity?

Answer. The DOD is interested in protecting the privacy of individuals consistent with U.S. law, to include DOD civilians, military members, and contractors. However, the Freedom of Information Act (FOIA) offers a vehicle by which information can be requested relating to official actions of DOD personnel. The department tries to strike the right balance between an individual's right to privacy and the public's right to know. Again, this often requires a legal assessment.

Question. Under what circumstances, if any, do you believe the Privacy Act would justify withholding information from Congress?

Answer. If confirmed, my focus would be on being responsive to Congress and the public. In those instances were I felt Federal statute or government directives are limiting my ability to do so, I would consult with department legal authorities for an assessment and guidance.

CURRENT NEWS EARLY BIRD

Question. The ASD(PA) has responsibility for overseeing the operation of the online news clipping service known as the Early Bird. DOD officials have reportedly ordered that news magazine stories not be reprinted, that certain unclassified reports citing lessons learned from combat operations in Iraq be excluded, and have acknowledged that the Early Bird has an "agenda-setting capacity."

What guidance or instructions, if any, do you believe should be implemented about which new articles should and should not be included in the Early Bird?

Answer. Items should be timely and relevant to the overall policies and activities of the DOD. The Early Bird should not attempt to be a full compilation of all defense-related newspaper reporting, but rather to present a representative sampling.

Question. Do you think that the Early Bird should purposefully be used to focus attention on certain issues and divert attention from others?

Answer. No. It should provide defense leadership with an impartial monitor of the day's defense-related newspaper news and opinion.

Question. What policy would you follow, if confirmed, in providing news analysis and in determining which news media reports should be included in the Early Bird?

Answer. These Services are first and foremost management tools to assist the senior leadership of the department discharge their responsibilities. If confirmed, I expect to emphasize the importance that these tools focus on timely, fact-based information. I would also look to ensure that such information that is not otherwise widely or readily available be included.

There are broad guidelines established to ensure that these products include timely, accurate information, but judgment is applied at various levels within the OASD(PA) to ensure the products are useful to senior decisionmakers in the department.

STARS AND STRIPES

Question. Stars and Stripes is an independent news organization, but it is also authorized and funded in part by DOD. In the past, representatives of the Society of Professional Journalists have asserted that OSD and the American Forces Infor-

mation Service (AFIS) have attempted to improperly use command influence in shaping the editorial content of the Stars and Stripes newspapers and Web site.

In your opinion, what is the appropriate journalistic role of the Stars and Stripes newspapers and internet-based outlets within the DOD?

Answer. The Stars and Stripes is an important vehicle to help provide broad-based news and information to our forces. I believe the paper has a particular responsibility to focus on forward-deployed forces that do not have good access to other sources of news and information. While I was serving in Iraq I aided Stars and Stripes to help increase their distribution in Iraq.

I am unaware of any attempts in the OSD to shape the editorial content of the Stars and Stripes nor would I support any attempts to do so.

Question. What is your understanding of the role and responsibilities of the ASD(PA) and the Director of AFIS with regard to the operation of and reporting in the Stars and Stripes newspapers?

Answer. The Director of AFIS has certain management oversight responsibility for Stars and Stripes, and the ASD(PA) exercises authority, direction, and control over the Director of AFIS. If confirmed, I would help ensure that the paper operates within its budget and provides quality news and information to our forces, with principal focus on those forces forward deployed who do not have access to a wide variety of other news and information sources.

Question. What is your understanding of the most significant changes in the operations of the Stars and Stripes brought about by the findings and recommendations of the Transformation Working Group in 2003?

Answer. The shift in Germany from running its own printing operation to contracting it out. Greater mobility to match the more mobile military, including increased use of technology such as digital printers, printing press that can be moved to different locations, and shifting resources and assets quickly. Consolidating resources to reduce redundancies. Closer attention to efficiencies, such as cutting newsprint waste and measuring returns more closely. Primary emphasis on serving deployed troops, especially in the Middle East.

Question. The governing directive for Stars and Stripes newspapers and business operations is DOD Directive 5122.11.

What aspects of DOD Directive 5122.11, if any, require change?

Answer. If confirmed, I will undertake to review the directive to determine if any changes are required. It is my understanding that the operations of the Stars and Stripes as envisioned in the directive, to be managed as two papers under the European and the Pacific Command Commanders, have been combined into a single paper under the Office of the ASD(PA). That reorganization is not reflected in the current DOD Directive, which pre-dates the reorganization.

There may be other areas requiring review and possible updating of the DOD Directive. For example, we may seek methods to allow Stars and Stripes to deliver content worldwide. The current directive limits the focus to personnel overseas. Stars and Stripes often contains important military information and it is worth considering whether there is a way to expand the service to forces stationed within the United States.

I am mindful of the potential sensitivities of this notion, but those sensitivities should be balanced against the objective of communicating tour forces and their families as broadly and effectively as possible, and also the prospects for increased efficiencies and reduced operating costs for the paper. With more and more Stateside units deployed overseas, families, friends and those left behind have a greater desire than ever for the information Stars and Stripes provides about the troops stationed abroad.

We might also consider how the paper is funded, especially in contingency locations. The directive puts the responsibility of supplying the paper on the combatant commands. This may or may not be the optimal solution but it bears some review to ensure that we have chosen the best approach to ensure the broadest distribution of the paper to forward deployed forces.

STARS AND STRIPES OMBUDSMAN

Question. The Stars and Stripes Ombudsman serves as an independent advocate for the First Amendment rights of the paper's reporters and staff, as well as an intermediary between the staff, the Defense Department, the military commands and the readers.

Do you support the assignment of an independent Ombudsman for Stars and Stripes?

Answer. I do.

Question. What guidance would you provide, if confirmed, with regard to the role, responsibilities and functions of the Stars and Stripes Ombudsman?

Answer. If confirmed, I will work with the Stars and Stripes Ombudsman. I would expect to depend upon him to provide advice and counsel on the proper functioning of the paper as we seek to ensure it fulfills its role as a provider of news and information to our forces, particularly those forward deployed with less access to other sources of news and information.

STARS AND STRIPES FUNDING

Question. Rising costs of producing a newspaper, competition with the internet and commercial news sources, and budgetary pressures to cut costs have raised questions about the level of support that the Department and military commanders throughout the chain of command should give to Stars and Stripes.

In your opinion, what efficiencies, if any, regarding business operations, operating expenses, sources of income, and DOD guidance regarding command sponsorship of need to be implemented to achieve more effective and efficient operations.

Answer. I have not made a detailed study of the matter. The transformation working group made several recommendations in these areas that may be helpful. There are a number of areas in which efficiencies can be explored, including the use of technology to reduce production and distribution costs, potential distribution partnerships with other distributors, increased advertising opportunities, reduced operating expenses by ceasing unnecessary or marginal operations, revenue generation through printing and production services, and other possible and appropriate business opportunities.

In my view, the management of the paper should aggressively seek every possible efficiency and revenue source prior to contemplating an increase in appropriated funds.

PRESS COVERAGE OF COMBAT OPERATIONS

Question. During Operations Enduring Freedom and Iraqi Freedom, representatives of the press were embedded in operational units in order to provide front line coverage.

What is your assessment of the practice of embedding reporters in Operation Iraqi Freedom?

Answer. My impression is embedding is a very successful program. It has provided the public an opportunity to receive much better insight into the skill, courage, and professionalism of our Armed Forces than may otherwise have been possible had the embedding program not existed. It also gave a large number of journalists a much better understanding of the same thing, and that can only help to ensure more accurate defense-related journalism in the future.

It was also win-win for the media and military—it increased levels of understanding between both of these professions and ensured accurate and timely information about military operations to the public.

SAFETY OF JOURNALISTS IN IRAQ

Question. The Committee to Protect Journalists (CPJ) asserted in September 2005 that U.S. forces in Iraq have routinely detained reporters and photojournalists in Iraq for prolonged periods without justification. The CPJ has also expressed concern about dangers to journalists in Iraq as a result of checkpoint procedures currently in use. In response to a request by the Chairman of the Senate Armed Services Committee, Secretary Rumsfeld and General George Casey, USA, the Commander of the Multinational Force-Iraq, stated they would take the concerns of the CPJ under consideration.

What is your understanding of the status of the review by Secretary Rumsfeld and General Casey?

Answer. I'm told this review is ongoing . . . it has yet to be completed. I do know the concerns of the Committee to Protect Journalists have been taken seriously. I believe everyone understands the danger posed in an environment where insurgents and terrorists have been a persistent threat. If confirmed, I will continue the work being done to address this issue.

Question. If confirmed, what role, if any, would you expect to play in addressing the concerns of the CPJ and other media sources about policies affecting journalists in Iraq and Afghanistan?

I am very aware and sensitive to the challenges the media face in a war zone. I will travel to the area and analyze what current steps can be taken to facilitate their ability to cover the story. I did a similar analysis in 2003 which led to credentialing both U.S. and International media and the creation of the Inter-

national Filing Center. The current situation on the ground has changed and I am committed to finding solutions to their current problems.

FREEDOM OF INFORMATION ACT

Question. If confirmed, what would your role and responsibilities be with regard to the FOIA?

Answer. If confirmed, I would do my part to ensure that information sought under the act be released—as appropriate based upon classification or other factions contemplated in the act—as expeditiously and completely as possible.

Question. If confirmed, what responsibilities would you have under the Privacy Act and how would you fulfill those responsibilities?

Answer. Public officials across government have an obligation to respect and protect the privacy of individuals. The need to provide information to the public quickly and accurately in accordance with the principles of information must always take into account with the importance we must attach to not invading the privacy of individuals as a result of disclosing that information.

If confirmed, I will work to ensure that the department's communications and public affairs personnel understand their obligations and that training is available to ensure that.

AMERICAN FORCES RADIO AND TELEVISION SERVICE

Question. DOD Regulation 5120.20–R includes in the mission of the American Forces Radio and Television Service (AFRTS) a responsibility "(t)o provide U.S. military members, DOD civilians, and their families stationed outside the Continental United States (CONUS) and at sea with the same type and quality of American radio and television news, information, sports, and entertainment that would be available to them if they were in the CONUS." In describing policy for political programming, this regulation states "All AFRTS political programming shall be characterized by its fairness and balance."

What is your understanding of the term "political programming" as used in DOD Regulation 5120.20-R?

Answer. "Political Programming" is programming on radio and television that primarily provides a discourse of the political issues of the day. I understand that the AFRTS policy is to provide a balance and diversity of political programming (e.g. provide all nationally broadcast political debates).

Question. What is your understanding of the process and procedures used to select political programming broadcast on the AFRTS network?

Answer. AFRTS is responsible to select programming, political as well as all others, which represents a cross-section of popular American radio and television, tailored toward the AFRTS worldwide audience. Schedules on AFRTS emulate stateside programming practices, and programs are aired in accordance with network broadcast standards and national acceptance (e.g. ratings and nationwide carriage).

Question. If confirmed, how will you ensure that the requirement for fairness and balance in political programming is fulfilled?

Answer. I would review the current program schedule to ensure that it complies with DOD regulations for "fairness and balance" in political programming. I have extensive experience in political programming and I have always been committed to providing audiences with a broad range of divergent and credible opinion and discourse.

AMERICAN FORCES INFORMATION SERVICE

Question. American Forces Information Service (AFIS) produces news, feature articles, and TV reports on all aspects of military life. These products focus on what senior defense leaders are saying on all aspects of military life. News and feature articles are uploaded throughout the day, 7 days a week. TV news reports are available daily on the Web and are broadcast on the Pentagon Channel.

What long term goals should the Department support for AFIS?

Answer. As noted earlier in my responses, internal communications is crucial to the department's success.

If confirmed, the Secretary of Defense, under the authority in title 10, will task me to oversee and manage the AFIS. With this organization, I will be better able to support and manage my department-wide responsibilities.

With ever-tightening budgets and increasing missions, this Defense Field Activity is authorized by Congress to provide the department with economies of scale. This will be accomplished by providing, as a common service, support to not only the immediate requirements of the Secretary of Defense but also those of the entire department.

The AFIS has proven in the past to be instrumental in initiating new methods, practices and technologies, and as the world grows smaller, I will continue to rely on this organization to remain out front so that we may be better prepared to serve the needs of the department.

Question. If confirmed, would you support expanding or increasing AFIS services under the fiscal year 2005 future years defense plan?

Answer. If confirmed, I will examine the capabilities we have to provide news and information to our military at home and overseas and, balancing that against other priorities within my area of responsibility, do what I can to ensure we are doing the best we can in this important area of internal communications.

Information is fragile and it must be a priority to ensure we work to deliver it accurately and on time to our personnel. I believe there is much we can do to expand services to meet this challenge.

As I have said, my desire is to build upon the present and, if confirmed, I will use the AFIS as the architect and engineer to design and build the future. If you confirm me, our strategy will be to actively incorporate the consolidations and relocations that have been started by the BRAC 2005 process. These improvements and this growth will take several years of constant nurturing to reach fruition. Until we reach that end, I don't foresee further expansion of the DOD Field Activity.

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, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of Defense for Public Affairs?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTION SUBMITTED BY SENATOR JOHN WARNER

ARAB SATELLITE NEWS

1. Senator WARNER. Mr. Smith, on April 26, 2005, you wrote an article for the Wall Street Journal (WSJ) titled "The Enemy on our Airways." In the article you stated that ". . .Al—Jazeera continues to aid and abet the enemy. . ." Have you ever stated or written that U.S. broadcast networks have aided or abetted terrorists by airing video that first appeared on the Arab satellite news channel? Do you believe this to be the case?

Mr. SMITH. I have never written or stated that the United States networks aid and abet terrorists by airing video that first appeared on the satellite news channel Al Jazeera. I did write an Op Ed piece in April 2005 for the WSJ which raised a number of questions following the airing of hostage video by Al Jazeera and all six U.S. news networks. In that piece I wrote, "the battle for Iraqi hearts and minds is being fought over satellite TV. It is a battle we are losing badly. I wrote, "As long as Al Jazeera continues to aid and abet the enemy, as long as we are fighting a war on the ground and in the airwaves, why are we not fighting back against Al Jazeera. . ."

My past experiences running the Iraq Media Network in Baghdad gave me insight into the communications strategy of our enemy. Raising the tactics of the enemy in a newspaper piece was an effort lo spur public discourse. I believe the public, the networks and policymakers should examine the tactics of the enemy including providing video to the Arab satellite network with the knowledge that it will be broadcast in the United States as well. Understanding the communications strategy of the enemy is a prerequisite to developing a communications strategy that is effective. In the WSJ, I was not writing as a policymaker or government official, nor was I a candidate for the Public Affairs job at the Pentagon.

Newspaper accounts that I believe the U.S. networks aid and abet terrorists are incorrect. When asked at the confirmation hearing "But you think it's a fair characterization now to say that the networks in the United States aid and abet terrorists by showing that." I said, "No, I do not." That is and always has been my belief.

I worked in network television for over 22 years and I maintain a professional working relationship with the today. During my 9 months with the CPA in Iraq, I worked very closely with U.S. networks to meet their coverage needs. Most recently I was a media consultant to the United Stales Senate for the Joint Congressional Committee for Inaugural Ceremonies (JCCIC). For 4 months I represented that institution to the U.S. network pool with the aim of producing the best event for event for both parties. After the inauguration Tom Shales wrote in the Washington Post, "ABC's Peter Jennings noted that for the relatively few viewers able to see them in high-definition TV, the images were often "fabulous." Indeed they were."

As a network executive I appreciate the difficult decisions facing journalists during wartime especially potential conflicts between journalistic integrity and national security. If confirmed, I look forward to conducting my relationship with U.S. networks in a professional and respectful manner as I did when working in Iraq for 9 months and for JCCIC. I also look forward to working closely with this committee on these important issues.

QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

MEDIA BIAS

2. Senator INHOFE. Mr. Smith, during my recent trips to Iraq I have met many soldiers and marines who believe the media coverage is unbalanced. They want to know why the media is not telling the many success stories that are occurring over there. One soldier, Army LTC Tim Ryan, said it very well in an article printed in WorldTribune.com: "The inaccurate picture they paint has distorted the world view of the daily realities in Iraq. The result is a further erosion of international support for the United States' efforts there, and a strengthening of the insurgents' resolve and recruiting efforts while weakening our own. Through their incomplete, uninformed and unbalanced reporting, many members of the media covering the war in Iraq are aiding and abetting the enemy." Our enemy knows this and is concentrating on it. It is essential to their strategy that they continue to intimidate millions while their capabilities are actually very small. The tool they use is the media. Let me quote from a letter that we intercepted from Bin Laden's deputy, Zawahiri, which was sent to the leader of the insurgency in Iraq, Zarqawi: "I say to you: that we are in a battle, and that more than half of this battle is taking place in the battlefield of the media." Al Qaeda realizes the importance of the media in shaping opinion and winning the people. So why are we letting them?

Mr. SMITH. Senator, I believe that al Qaeda has a very sophisticated media strategy which, when effective, threatens our national security. I believe we must engage the enemy on the airwaves, in print and over the internet. We are truly in a flat world from a communications standpoint and we need a strategy that recognizes that reality. When communicating in the Arab world we must be sensitive to their cultures and traditions. One thing I learned during my 9 months in Iraq is that the Iraq audience is different from other Arab countries. We must communicate in terms that the indigenous audience understands. Our best messengers are the men and women of the armed forces and the job they are doing. If confirmed I would take on the challenge of creating a comprehensive media strategy to tell their story in an open and honest way—combating the distortions perpetrated by the enemy.

3. Senator INHOFE. Mr. Smith, the fact is that we are having many successes over there. Positive stories are all over the place. When I was there I saw children waiving American flags as we passed over head in a helicopter. One hardened anti-American Iraqi battalion commander trained along side U.S. Marines and was so enamored that he changed the name of his unit to the "Fallujah Marines." But we don't hear about this sort of thing. Instead, the media continues to speculate about the legalities of Saddam's trial or makes groundless allegations that U.S. troops staged an interview with President Bush. I hate to admit it, but this negative preoccupation is affecting the American people and ultimately our warfighter. Soldiers have also told me that they get a sense that even here in Congress there is a lack of support; from my perspective I know that the cut-and-run caucus is alive and well. A few of them said to me that "it's nice to see we have someone on our side up on the Hill," and I take that as a very deep compliment. They tell me how they are taking the fight to the enemy and making progress every day. If it comes to

believing what I read in the paper or see on television, versus listening to what someone on ground is actually seeing, I think it's our young men and women there in Iraq who have it right. We need to get the media to start telling the truth about what's going on over there. How can the military get the real story out there?

Mr. SMITH. Senator, "to get the real story out" we must get the journalist to the story or the story to the journalist. The security challenges of doing this in a war zone arc great, but it can be done. If confirmed I would recommend reinvigorating the embed program which worked so well in 2003. We need to ensure we have the technical capability to broadcast briefings and transmit video on a 24/7 real time basis from the theatre. We need to address the logistical issues that journalists have including access in and out of the green zone. I would also recommend that DOD public affairs have a full lime presence in the region who's sole responsibility would be to manage these issues working closely with our embassy and MNF–I. We should also be more aggressive in highlighting our successes. Whether on TV, radio, print, or the internet we need to tell the success stories as they happen. I believe we need to organize more delegations to tour the region. The more they see first hand the more credible the story.

4. Senator INHOFE. Mr. Smith, what can we do to change the negative bias of the media, and if you are confirmed, how will you work towards that?

Mr. SMITH. Senator, the best antidote to media bias is honesty and transparency. I believe that "in the end the truth will out." If confirmed I commit to using all the resources here and in theatre to this end. After traveling to the region [would develop a comprehensive communications strategy in coordination with our people in the region and my counterparts in the United States government. Highlighting the metrics of success in an open and honest way is a public affairs function. The issues raised in your previous questions would be the one's we'd begin with. I look forward to working with this committee on these goals.

QUESTION SUBMITTED BY SENATOR DANIEL K. AKAKA

MEDIA RELEASE ON ENEMY DEATH TOLLS IN IRAQ

5. Senator AKAKA. Mr. Smith, as the Assistant Secretary of Defense for Public Affairs, part of your responsibility would be to advise the Secretary and Deputy Secretary of Defense for DOD news media relations, community relations, and public information. As such, I am curious about a question asked by the media regarding the enemy death tallies in Iraq in 2003, when Secretary Rumsfeld said that "We don't do body counts on other people," but yet we are now hearing that the Department is releasing certain enemy death tolls from as recently as October 22, 2005. While I understand that you were not involved with the Secretary's response in 2003, I am concerned that the Department is releasing this information for the wrong reasons because it may benefit the Department's effort to show that progress is being made in Iraq. Why did the Department change its policy, internal or not, to release enemy death tolls in certain U.S. military operations in Iraq?

Mr. SMITH. Senator, it is my understanding that no policy change has taken place with respect to releasing enemy death lolls. I've been informed that on rare occasions DOD has reported estimated enemy casualties to give context and understanding to a specific operation. If confirmed, I would travel to the region and would pursue this issue and would be happy to report back what I find.

[The nomination reference of Dorrance Smith follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 22, 2005.

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

Dorrance Smith, of Virginia, to be an Assistant Secretary of Defense, vice Victoria Clarke.

[The biographical sketch of Dorrance Smith, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DORRANCE SMITH

Dorrance Smith is a four-time Emmy award winning television producer, political consultant, and media strategist who has worked over 30 years in television and politics.

Mr. Smith spent 9 months in Iraq in 2003–2004 where he served as Senior Media Adviser to Ambassador Paul Bremer. He was responsible for developing a state-of-the-art communications facility in Baghdad for the Coalition Provisional Authority and a public diplomacy strategy for the United States Government. In addition, Mr. Smith was asked to overhaul the fledgling Iraqi Media Network. By April 2004, this effort was deemed so successful that the terrestrial channel—Al Iraqiya—was launched on satellite. For his efforts he was awarded the Secretary of Defense Medal for Exceptional Public Service.

More recently he has been a consultant to the Joint Congressional Committee on Inaugural Ceremonies and the 2004 Republican National Convention.

A four-time Emmy Award winning ABC News and Sports producer, he has held a number of positions at the network, including serving as the first executive producer of "This Week with David Brinkley."

From 1989 until 1991, Smith was the executive producer of ABC News "Nightline." During his tenure he was responsible for the weeklong "Nightline" series originating from South Africa, which covered the release of Nelson Mandela. The broadcasts won an Emmy award. In addition he served as executive producer of the prime time special "Tragedy at Tiananmen—The Untold Story," which was honored with the duPont Columbia University Award, the Overseas Press Club Award, and an Emmy. "Nightline" also won an Emmy in 1991 for outstanding news coverage of the Iraqi invasion of Kuwait.

Prior to his work on "Nightline," Smith was the executive producer of the number one rated Sunday public affairs program, "This Week with David Brinkley," a post he held from the program's inception in 1981 until 1989. During his tenure the broadcast received the first Joan Barone Award, the George Foster Peabody Award, and was named the Best National TV Interview Discussion Program by the readers of the Washington Journalism Review.

In 1991, Smith left ABC News to become assistant to the President for Media Affairs at the White House. In this capacity Smith handled all television and radio events involving President Bush, members of the White House staff and Cabinet. In addition his office handled all regional media; coordinated media strategy for administration officials seeking confirmation; and organized the debate preparation during the 1992 political campaign.

In 2001, Smith was designated by FEMA Director Joe Allbaugh to handle all media following the events of September 11. In this capacity Smith was responsible for FEMA's media strategy for print, radio and television. Smith organized and distributed the now famous FEMA video feeds from Ground Zero. He reorganized the Public Affairs Office to meet the post September 11 media demands.

At ABC News, Smith became executive producer of all weekend news programming in 1980. He was responsible for the production and programming of "World News Saturday," "World News Sunday," "The Weekend Report," and "The Health Show."

Prior to his weekend assignment, Smith was Washington producer of ABC News' "The Iran Crises: America Held Hostage." He also served as ABC News Senior Producer at the 1980 Winter Olympics, the 1984 Winter and Summer Games, and the 1988 Winter Olympics in Calgary.

From 1978–1979, Smith served as ABC News' White House producer. Smith joined ABC News as a Washington producer in 1977. Previously he was staff assistant to President Gerald Ford.

He began his broadcasting career at ABC Sports in 1973 as an assistant to the producer. In 1974 he was made Manager of Program Planning for ABC's Wide World of Sports.

Smith is a member of the Advisory Council for the George Bush Library in College Station, Texas.

He graduated from Claremont Men's College in 1973 with a Bachelor of Arts degree. He lives in McLean, Virginia.

[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 Dorrance Smith in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
John Dorrance Smith.

2. **Position to which nominated:**
Assistant Secretary of Defense for Public Affairs.

3. **Date of nomination:**
September 22, 2005.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
May 25, 1951; Houston, Texas.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Divorced.

7. **Names and ages of children:**
None.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
St. John's School (1956–1969) Houston, Texas, High School Degree, 1969.
Claremont Men's College (1969–1973) Claremont, CA, B.A. Degree.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
[The nominee responded and the information is contained in the committee's executive files.]

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
1991–1993—Assistant to the President for Media Affairs—The White House.
1975–1977—Staff Assistant to the President—The White House.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corpora-

tion, company, firm, partnership, or other business enterprise, educational, or other institution.

Consultant—Office of Secretary of Defense.

Advisory Counsel—George H.W. Bush Library.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Member—Washington Golf & Country Club.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

2004 Consultant—Republican National Committee.

2000 Consultant—Bush-Cheney 2000 Florida Recount.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

None.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

[The nominee responded and the information is contained in the committee's executive files.]

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

The Enemy on Our Airwaves—Wall Street Journal, April 25, 2005.

A Two-Fer Running Mate—Washington Post, July 4, 2000.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

J. DORRANCE SMITH.

This 5th day of October, 2005.

[The nomination of Dorrance Smith was reported to the Senate by Chairman Warner on December 19, 2005, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on April 7, 2006.]

[Prepared questions submitted to Delores M. Etter by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense (DOD) Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and the chain of command by clearly delineating the combatant commanders' responsibilities and authorities and the role of the Joint Chiefs of Staff. These reforms have also vastly improved cooperation between the services and the combatant commanders in the strategic planning process, in the development of requirements, in joint training and education, and in the execution of military operations.

Do you see the need for modifications of any Goldwater-Nichols Act provisions based on your experience in the DOD?

Answer. I do not. The civilian and military roles defined in the Goldwater-Nichols Act produce a healthy tension that balances warfighting needs with taxpayer interests. There is, however, always a benefit to periodic reviews. This is especially true given the dynamic nature of world events.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. I do not believe that modifications are necessary. I would however, recommend that any periodic review examine processes within the acquisition system to consider any forms of modification within that system.

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of the Navy for Research, Development, and Acquisition (ASN(RDA))?

Answer. It is my understanding that, at the present time, the ASN(RDA) serves as the Navy Acquisition Executive and has the authority, responsibility, and accountability for all acquisition functions and programs within the Department of the Navy.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. The systems and platforms in the acquisition process today contain new technologies that will give our warfighters a critical edge in accomplishing their missions. I have a strong technical background that includes digital signal processing, communications, and software engineering; this background will support technical judgments that I will need to make, if confirmed. In addition, I was a member of the Naval Research Advisory Committee (NRAC) for 7 years, and chaired the committee for two of those years. During that time, I had opportunities see most of the Navy's platforms first-hand, and to talk to the men and women responsible for the weapon systems. I have visited SYSCOMS, Warfare Centers, shipyards, and research centers; I have visited foreign Navy programs to understand the differences between their acquisition processes and our process. I participated in a number of NRAC studies that looked at various acquisition components. For example, I was a member of a study that made recommendations on how to reduce manning on ships, and I chaired a study that evaluated ways in which modeling and simulation could help the acquisition process. My previous experience as the Deputy Under Secretary of Defense for S&T and my work for Dr. Gansler, the Under Secretary of Defense for ATL, gave me further insight into the acquisition process. I have also been on the Defense Science Board for the past 4 years, and have stayed current with the broad range of issues challenging Office of the Secretary of Defense (OSD) and the Services.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the ASN(RDA)?

Answer. I am professionally and technically prepared to assume the duties of the ASN(RDA). If confirmed, I expect to have a close working relationship with the Secretary of the Navy and the Under Secretary of the Navy. I would be aided in my duties with the expertise resident in the strong acquisition management team that currently exists within the Department. However, where opportunities exist for strengthening the team; I would seek to do so with members of the career workforce as well as individuals from industry and academia.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of Defense and the Secretary of the Navy would prescribe for you?

Answer. At this time, I am not aware of any other additional duties and responsibilities other than those noted in existing DOD and Department of the Navy instructions.

RELATIONSHIPS

Question. In carrying out your duties, how will you work with the following:

The Secretary of the Navy.

The Under Secretary of the Navy.

The Chief of Naval Operations.

The Commandant of the Marine Corps.

The Under Secretary of Defense for Acquisition, Technology, and Logistics.

The Assistant Secretaries of the Army and Air Force for Acquisition.

The General Counsel of the Navy.

Answer. If confirmed as the ASN(RDA), I plan to establish and maintain close relationships with each of those identified above to execute the best possible acquisition program for the Department.

Question. The Secretary of the Navy/Under Secretary of the Navy.

Answer. The Secretary of the Navy has explicit authority to assign such of his powers, functions, and duties, as he considers appropriate to the Under Secretary of the Navy and to the Assistant Secretaries. It is my understanding that the Secretary of the Navy has made the ASN(RDA) responsible to establish policy, procedures as well as manage all research, development, and acquisition with the Navy. Additionally, ASN(RDA) serves as the Navy's Service Acquisition Executive and Senior Procurement Executive. If confirmed, I will work closely with the Secretary and Under Secretary in furtherance of these assignments and duties.

Question. The Chief of Naval Operations (CNO)/Commandant of the Marine Corps.

Answer. If confirmed, I plan to establish close working relationships with the operational side of the Navy and Marine Corps Team, the CNO and the Commandant of the Marine Corps, to provide sailors and marines with the required systems and platforms that are effective, reliable, and affordable.

Question. The Under Secretary of Defense for Acquisition, Technology, and Logistics.

Answer. If confirmed as the ASN(RDA), I would represent the Department of the Navy to the Under Secretary of Defense on all matters relating to Navy acquisition policy and programs. In addition, the ASN(RDA), as the Service Acquisition Executive, provides recommendations on all Navy ACAT ID programs to the Under Secretary of Defense.

Question. The Assistant Secretaries of the Army and Air Force for Acquisition.

Answer. If confirmed, I plan to establish close working relationships with my counterparts in the Army and the Air Force to ensure coordination on key acquisition issues.

Question. The General Counsel of the Navy.

Answer. If confirmed, I expect to seek advice and counsel from the Navy's Chief Legal Officer on all relevant matters.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that you would confront, if confirmed as ASN(RDA)?

Answer. I believe the most important challenge facing the Department of the Navy today is how to maintain our Nation's naval forces in view of the global war on terror, the diverse and evolving threats, and today's fiscal realities. If confirmed as the ASN(RDA), my challenge will be to integrate the research, development, and acquisition functions in the context of this complex equation. These critical challenges include maintaining our technical advantage over all adversaries, developing affordable systems and platforms, and maintaining a viable technological and industrial base.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I will be an active participant in the acquisition reform and streamlining initiatives being undertaken by the Secretary of Defense and the Secretary of the Navy. Only through comprehensive actions can the barriers between the defense and commercial sectors of the economy be reduced or eliminated. Better integration of the defense and commercial sectors will leverage our Nation's technology base and reduce overhead costs. Additionally, if confirmed, I will work to ensure that the Navy and Marine Corps Team establish an appropriate balance between resources and requirements. Once this balance is achieved, it will be important to properly fund the development and production efforts and avoid the funding disruptions that add serious inefficiency to fielding new capabilities. In addition, I will work to continue efforts to measure the value delivered for each investment and procurement dollar.

Question. What do you consider to be the most serious problems in the performance of the functions of the ASN(RDA)?

Answer. At this time, I am unaware of any serious problems in the performance of the functions of the ASN(RDA).

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

Answer. If problems were to arise, I would do my best to resolve problems as expeditiously as possible to maintain the integrity of the acquisition process.

PRIORITIES

Question. What broad priorities would you establish, if confirmed, in terms of issues, which must be addressed by the ASN(RDA)?

Answer. If confirmed, I will work hard to address the priorities determined by the Secretary of the Navy.

ACQUISITION ISSUES

Question. In recent months, a number of DOD officials have acknowledged that the Department may have gone too far in reducing its acquisition work force with the result of undermining its ability to provide needed oversight in the acquisition process.

Do you agree with this assessment?

Answer. I understand that the Department of the Navy acquisition workforce has been reduced by over half since 1989. I am personally very concerned about both the size and the composition of the workforce. If confirmed, I plan to review the size and skill mix of those required to effectively manage programs, and work to improve the Department's acquisition workforce.

Question. If so, what steps do you believe the Department of the Navy should take to address this problem?

Answer. I believe the Navy must continue efforts to improve the process we use to identify acquisition position requirements, and to ensure incumbents are fully prepared and qualified to deliver warfighting capability effectively and efficiently. If confirmed, a top priority will be to assure that the Department acquisition workforce is properly oriented to efficiently and effectively execute acquisition programs.

Question. Major defense acquisition programs in the Department of the Navy and the other military departments continue to be subject to funding and requirements instability.

Do you believe that instability in funding and requirements drives up program costs and leads to delays in the fielding of major weapon systems?

Answer. Yes, funding and requirement changes are a primary cause of most program cost increases and schedule delays.

Question. What steps, if any, do you believe the Department of the Navy should take to address funding and requirements instability?

Answer. I believe the Department of the Navy needs to plan out-year requirements to realistic budget limits and make the hard decisions upfront. For example, it is my understanding that the CNO has reinstated the Naval Characteristics Board. I believe that this, along with effective utilization of the change control processes, is an excellent first step toward establishing requirement stability. If confirmed, I intend to work closely with the CNO and the Commandant of the Marine Corps to insure a high degree of synergy among the requirements, acquisition, and programming communities.

Question. The Comptroller General testified earlier this year that DOD programs often move forward with unrealistic program cost and schedule estimates, lack clearly defined and stable requirements, include immature technologies that unnecessarily raise program costs and delay development and production, and fail to solidify design and manufacturing processes at appropriate junctures in the development process.

Do you agree with the Comptroller General's assessment?

Answer. Based on my limited contacted with recent program performance, this unfortunately appears to be the case.

Question. If so, what steps do you believe the Navy should take to address these problems?

Answer. I believe that before committing large expenditures, the Department must ensure that requirements have matured, design alternatives have been fully examined, and realistic cost schedule and risk assessments have been prepared. As such, collaboration between the requirements, budgeting, and acquisition communities needs to be stressed early in the program formulation stage to ensure there is a realistic balance. Furthermore, development programs must incorporate risk re-

duction efforts commensurate with the technology maturity levels in evidence. If confirmed, I intend to work closely with the CNO and the Commandant of the Marine Corps to insure a high degree of synergy among these communities.

CONTRACT MANAGEMENT

Question. By some estimates, the DOD now spends more money every year for the acquisition of services than it does for the acquisition of products, including major weapon systems. Yet, the Department places far less emphasis on staffing, training, and managing the acquisition of services than it does on the acquisition of products.

What steps, if any, do you believe the Navy and Marine Corps should take to improve the staffing, training, and management of its acquisition of services?

Answer. I understand the Department of the Navy has already taken significant steps to improve the management of services. If confirmed, I intend to better understand these activities and to continue to ensure that service acquisition receives the appropriate level of management attention.

Question. Do you agree that the Navy and Marine Corps should develop processes and systems to provide managers with access to information needed to conduct comprehensive spending analyses of services contracts on an ongoing basis?

Answer. Yes.

Question. The last decade has seen a proliferation of new types of government-wide contracts and multi-agency contracts. The DOD is by far the largest ordering agency under these contracts, accounting for 85 percent of the dollars awarded under one of the largest programs. The DOD Inspector General and others have identified a long series of problems with interagency contracts, including lack of acquisition planning, inadequate competition, excessive use of time and materials contracts, improper use of expired funds, inappropriate expenditures, and failure to monitor contractor performance.

What steps, if any, do you believe the Department of the Navy should take to ensure that its use of interagency contracts complies with applicable DOD requirements and is in the best interests of the Department?

Answer. Based on recent events, I understand the Department of the Navy has issued specific procedures to ensure that the use of interagency contracts is in the best interests of the Department. If confirmed, I will work to ensure that the Department's use of interagency contracts complies with applicable DOD requirements and is in the best interest of the Department of the Navy

DOD INVESTMENT IN SCIENCE AND TECHNOLOGY

Question. As a former member of the Defense Science Board and Deputy Under Secretary of Defense for Science and Technology (S&T), you have been a strong proponent for the goal of investing 3 percent of the annual DOD budget in S&T. You have noted that falling below three percent means not as many new technologies will be available 5, 10, or 15 years in the future and that investing more than 3 percent in better economic times will not pick up the slack because advancements require time.

What are your current views regarding the importance and viability of annual 3 percent DOD spending for S&T?

Answer. I believe that a balanced and robust S&T program within the DOD remains critical. The funding of a S&T program as measured as a percentage of spending is only one of many factors necessary from which to evaluate the efficacy of a Science and Technology program. If confirmed, I will endeavor to accomplish the Secretary of the Navy's priorities as they relate to the Navy and Marine Corps S&T program, and will coordinate closely with the DDR&E on Navy's role in overall DOD spending for S&T efforts.

NAVY SCIENCE AND TECHNOLOGY

Question. For fiscal year 2006, the Department of the Navy plans to dedicate approximately $1.8 billion to S&T programs, which amounts to 1.4 percent of the Department's total budget, and $448 million to basic defense research, 0.36 percent of the total Department of the Navy budget.

Do you believe that the current balance between short- and long-term research is appropriate to meet current and future Navy and Marine Corps needs?

Answer. At present, it appears the Department of the Navy has adequately balanced its short- and long-term research. However, I believe this balance needs to be re-assessed periodically.

Question. If confirmed, what direction would you provide regarding the importance of innovative defense science in meeting Navy and Marine Corps missions?

Answer. Innovative research is a critical element of the Department's S&T program. If confirmed, I will work closely with my fellow members of the Department's Science and Technology Corporate Board (VCNO, ACMC, and ASN(RD&A)) to ensure we challenge our S&T enterprise to provide for the best possible solution for our warfighters.

Question. If confirmed, what role would you play in ensuring research priorities that would meet the needs of the Department in 2020?

Answer. If confirmed, I will take an active role in ensuring the Department has a balanced and responsive program in basic research, applied research, and advanced development that addresses the needs of today's Navy, tomorrow's Navy, and the Navy after next. I will work with the Science and Technology Corporate Board to provide appropriate guidance to direct and shape its balance.

Question. If confirmed, how would you work to ensure that appropriate S&T plans are utilized by the Navy and Marine Corps during the budget, planning, and programming process?

Answer. If confirmed, I will work with the Science and Technology Corporate Board to ensure that approved S&T plans are considered during the planning, programming and budgeting process while concurrently ensuring that S&T plans adapt to Department priorities.

TECHNOLOGY TRANSITION

Question. The Department's efforts to quickly transition technologies to the warfighter have yielded important results in the last few years. Challenges remain in institutionalizing the transition of new technologies into existing programs of record and major weapons systems and platforms.

What challenges to transition do you see within the Department of the Navy?

Answer. Clearly, successful transition requires an appropriately mature technology that addresses a warfighter need, a user demand, an insertion window in the program of record and budgeted resources for implementation. This alignment is hard to achieve and maintain. The Department of the Navy uses the Future Naval Capabilities (FNC) program, ACTDs, Rapid Technology Transition, SBIR, and various OSD technology transition programs to bridge the gap between S&T and acquisition. I believe the Department of the Navy has used those tools effectively in recent years.

Question. If confirmed, how would you ensure that technologies rapidly transition from the laboratory into the hands of the warfighter?

Answer. If confirmed, I would ensure the S&T portfolio includes transition-oriented investments and processes that bring the key stakeholders into alignment with a transition agreement. I believe the Navy's FNC program is designed to do this.

Question. What steps would you take to enhance the effectiveness of technology transition efforts?

Answer. Technology transition depends on many variables, including warfighter need that can be met by a technology solution, an acquisition program of record that can inject the appropriate technology solution into its program and resources to fund the technology insertion. The Department's technology transition programs appear to take these variables into account. If confirmed, I will examine the Department's transition programs and technology transition metrics with the goal of continued process improvement.

TECHNICAL WORKFORCE

Question. What is your current assessment of the quality and sustainability of the DOD S&T workforce and the management of DOD's laboratory infrastructure?

Answer. I have not had the opportunity to assess the current state of the quality and sustainability of the DOD Science and Technology workforce and the management of DOD's laboratory infrastructure. However, if confirmed, I will review this critical aspect of the Department's future warfighting capabilities.

Question. If confirmed, what plans would you pursue to ensure an adequate supply of Navy and Marine Corps experts in critical disciplines in the Department's research and development commands?

Answer. If confirmed, I will examine alternatives for attracting and retaining an adequate supply science, technology, engineering, and management professionals necessary to the Department of the Navy.

NATIONAL SHIPBUILDING RESEARCH PROGRAM—ADVANCED SHIPBUILDING ENTERPRISE

Question. The Advanced Shipbuilding Enterprise of the National Shipbuilding Research Program (NSRP–ASE) is a collaborative effort between the Navy and ship-

building industry to improve processes with the objective of reducing the costs to build ships. Modest funding from both partners is projected to more than pay for itself. With the current criticism of increasing costs for Navy ships, it does not seem prudent for the Navy to cease supporting this program, but funding for the program was not requested in the fiscal year 2006 budget request.

If confirmed, what steps would you propose in working with the shipyards to reduce the costs of Navy shipbuilding?

Answer. If confirmed, I would investigate methodologies where industry and Navy could collaborate on understanding the issues that are driving cost growth on our Navy shipbuilding programs.

Question. Do you believe that a collaborative, co-funded effort such as the NSRP–ASE between the Navy and the industrial base is of intrinsic value in lowering the spiraling costs of Navy ships?

Answer. I understand the major goal of the NSRP–ASE is to reduce the cost of shipbuilding and repair. However, I have not received briefings on this effort. If confirmed, I intend to review this as one of the alternatives to lowering the spiraling costs of Navy ships.

SHIPBUILDING

Question. The fiscal year 2006 budget request included a funding request for only four ships, two funded by the Shipbuilding and Conversion, Navy account, and two funded by the National Defense Sealift Fund. In testimony before the Seapower Subcommittee in support of the budget request, Navy and industry leadership testified that stability in the shipbuilding program is essential if costs are to be controlled. The Navy, however, has changed the acquisition profiles and strategies for shipbuilding programs numerous times in recent years.

Do you agree that stability of acquisition profiles and strategies are essential to shipbuilding cost control?

Answer. Yes, stability in requirements is a key step to a viable shipbuilding industrial base.

Question. If confirmed, how would you attempt to ensure this stability?

Answer. If confirmed, I would work closely with the CNO, the OSD, the Office of Management and Budget (OMB), and Congress to maintain a long-range shipbuilding plan that industry could use to plan for infrastructure investment. Also, I would challenge industry to maintain the efficiency required to compete in the commercial sector by transitioning as many shipbuilding contracts as possible away from cost-reimbursable type contracts to fixed price type contracts.

ALTERNATIVE FUNDING FOR SHIPBUILDING

Question. On numerous occasions, Navy leaders have testified that identifying an acceptable alternative to the full funding policy for shipbuilding is necessary to avoid increases in the Shipbuilding and Conversion, Navy account brought about by the purchase of large ships. Methods such as split funding and incremental funding have been used on certain ships. Another method that has been discussed is advance appropriations.

In your opinion, what is the best way to fund Navy ships?

Answer. Procuring Navy ships is very different from other DOD acquisition programs in terms of the scope of the design and construction effort, the extended timeframe required to design and build ships, and the low production rate that ships are generally procured. The fundamental process of integrating a 4- to 8-year design and build cycle for Navy ships with an annual budget process that must respond to significant short term situations, creates many opportunities to affect change and cause instability across the Navy shipbuilding accounts. If confirmed, I will investigate available shipbuilding financing alternatives.

Question. If confirmed, what alternative methods, if any, for shipbuilding funding, that would still allow congressional oversight, would you recommend?

Answer. I will work with OSD, OMB, and Congress to implement the statutory authority necessary to provide the Navy with the ability to most efficiently and affordably fund complex shipbuilding programs, while at the same time ensuring appropriate oversight to monitor ship acquisition costs.

Question. What is your view of the long-term impact of split funding or incremental funding on the availability of funds for Navy shipbuilding accounts?

Answer. I have not had the opportunity to assess the long-term impact of split funding or incremental funding on the availability of funds for Navy shipbuilding accounts. However, if confirmed, I will review this issue.

SURFACE COMBATANT CONSTRUCTION

Question. During your previous service as the Deputy Under Secretary of Defense for S&T you testified before the Subcommittee on Emerging Threats and Capabilities about the Navy's DD–21 program. You stated that significant program reform initiatives "have included an acquisition approach that leverages industry competition and innovation. Breaking up the so-called 'dream team' of Bath Iron Works, Ingalls, and Lockheed Martin and, instead, requiring competition in the initial concept phase of the program, between teams of shipbuilders and system integrators, assures us the best of weapon system ideas at the lowest future production and support costs—the award criteria."

The Navy has recently proposed different acquisition strategies for the new class of surface combatants, the DD(X). One proposal put forward included a "winner take all" strategy that could very well reduce the surface combatant industrial base to just one shipyard.

What is your opinion on having only one shipyard capable of building surface combatants?

Answer. At a Cold War build rate of 4–5 major surface combatants a year, a single shipyard could not provide all the required ships. Multiple shipyards capable of building large surface combatants also have allowed for some competitive pressure on costs. However, as long as the requirement for major surface combatants is at a rate of two or fewer ships per year, maintaining excess industrial capacity for surface combatants may not be cost effective. Despite this fact, having more than one shipyard available, properly protects the Navy from potential man-made or natural disasters. If confirmed, I intend to review available options in light of the best interest of our Nation's security.

Question. If confirmed, what actions would you take to ensure a viable surface combatant industrial base?

Answer. Stability in requirements is a key first step to ensure a viable shipbuilding industrial base. If confirmed, I would work closely with the CNO, the Office of the Secretary of Defense, the Office of Management and Budget, and Congress to maintain a long-range shipbuilding plan that industry could use to plan for infrastructure investment. I would challenge industry to maintain the efficiency required to compete in the commercial sector by transitioning as many shipbuilding contracts as possible away from cost-reimbursable type contracts to fixed price type contracts.

TACTICAL AVIATION PROGRAMS

Question. As Navy and the Marine Corps F/A–18 and Marine Corps AV–8B aircraft continue to age, the need for a timely Joint Strike Fighter (JSF) replacement becomes more and more pressing.

What are your views regarding the current risk to the JSF program schedule during its System Development and Demonstration phase?

Answer. I have not been in a position to review this particular program. However, if confirmed, I will review the program in depth.

Question. If the JSF program were to slip again, what course of action would you recommend to maintain sufficient strike assets within our Carrier Strike Groups (CSGs)?

Answer. I have not been in a position to review this particular program. However, if confirmed, I will review the program and identify appropriate recommendations.

Question. Naval aviation's EA–6B is a key enabler for traditional naval strike missions and performs a critical role in today's global war on terror. Efforts are ongoing to improve its Airborne Electronic Attack (AEA) capabilities through the Improved Capabilities (ICAP) III upgrade. Many of the ICAP III technologies developed for the EA–6B will also be incorporated into the follow-on AEA platform, the EA–18G.

What is your assessment of EA–18G program performance during its System Development and Demonstration phase?

Answer. I have not been in a position to review this particular program. However, if confirmed, I will review the program and determine the appropriate course of action.

Question. The E–2 Hawkeye provides CSGs with an over-the-horizon airborne radar and tactical data platform capability. The E–2 Advanced Hawkeye will replace all earlier E–2 configurations, and incorporate an advanced radar and sensor suite to support Theater Air and Missile Defense as well as enhance CSG operations and survivability in the littorals.

If confirmed, what changes, if any, would you recommend making to the Advanced Hawkeye program?

Answer. I have not been in a position to review this particular program. If confirmed, I will review the program and determine the appropriate course of action.

Question. For many years, Navy and Marine Corps tactical aircraft have been limited to single point refueling from KC–135 and KC–10 aerial refueling aircraft. Only recently have a limited number of these aerial refueling aircraft been converted to provide a multi-point air refueling capability.

As part of the Joint Capabilities Integration and Development System for recapitalization of the KC–135 tanker fleet, what requirements, if any, has the Department inserted into the Capability Development Document process to accommodate Navy and Marine Corps needs?

Answer. I have not been in a position to review this particular program. If confirmed, I will review the program and determine the appropriate course of action.

Question. United States tactical air forces currently fly with several different Forward Looking Infrared (FLIR) targeting systems. Price and performance varies greatly between the systems.

What are your views regarding tactical FLIR systems and which system(s) is/are best suited for the Navy and the Marine Corps?

Answer. I have not been in a position to review this particular program. If confirmed, I will review the program and determine the appropriate course of action.

HEAVY LIFT ROTORCRAFT

Question. The Army and the Marine Corps both have a need for a future heavy lift transport helicopter to replace existing heavy lift rotorcraft. The Marine Corps has embarked on a Heavy Lift Replacement (HLR) to acquire a new helicopter to replace the aging CH–53 helicopter. At the same time, the Army is exploring a Joint Heavy Lift (JHL) rotorcraft program, however, the "joint" aspects of this program have not been demonstrated.

Please describe the Marine Corps' HLR program and explain why this program should or should not be merged with the Army's JHL program?

Answer. I have not been in a position to review these particular programs. However, if confirmed, I will review the pros and cons of such an action.

ARMY AND MARINE CORPS CAPABILITIES AND ACQUISITION PROGRAMS

Question. Although the Army and Marine Corps have different missions and capabilities, their equipment, should have some degree of commonality. Throughout Operations Iraqi Freedom and Enduring Freedom, the Army and Marine Corps have worked together on acquiring equipment for Army and Marine Corps forces. However, for equipment such as helicopters and heavy wheeled vehicles, the Army and the Marine Corps have divergent acquisition paths.

What are your views regarding the joint development and acquisition of Army and Marine Corps equipment?

Answer. I am supportive of the concept of joint development and procurement of systems. However, before reaching any conclusions about joint development in this case, it would be important to analyze the individual needs and requirements of the Services, as well as discuss the programs with senior leaders of both the Marine Corps and the Army.

Question. What role should the ASN(RDA) and the Secretary of the Navy play in synchronizing Army and Marine Corps requirements and synchronizing service programs?

Answer. If confirmed, I will work with the Secretary of the Navy to ensure that the CNO, Commandant and Navy's acquisition community work closely with the Army, Air Force, the Coast Guard and the Joint Chiefs of Staff to set joint requirements wherever feasible.

Question. Should the Marine Corps heavy lift replacement program be delayed until the Army and Marine Corps can agree on a single joint requirement for heavy lift rotorcraft?

If not, why not?

Answer. I have not had the opportunity to be fully briefed, nor have I been in a position to review these particular programs. As such, I am not in a position to comment on any changes to this program.

ADVANCED SEAL DELIVERY SYSTEM (ASDS)

Question. The Department of the Navy has provided program management of this complex acquisition program on behalf of the U.S. Special Operations Command (SOCOM). The program has been plagued by technical challenges, cost growth, and schedule slippage.

What is your understanding of the current status of this program?

Answer. I understand the ASDS Program is approaching a Milestone C decision planned for December 2005.

Question. What is the appropriate role of the ASN(RDA) in oversight of this SOCOM program?

Answer. I understand the role of ASN(RDA) is to provide guidance to the Navy Program Manager who executes all duties and responsibilities for the Program such as contracting, cost/schedule/performance monitoring, technical issue resolution, configuration control and logistics support.

JOINT PROGRAMS

Question. In the last few years, the Navy and the Air Force have both withdrawn from joint weapons programs. The Air Force has withdrawn from the Joint Standoff Weapon system, and the Navy has withdrawn from the Joint Air-to-Surface Standoff Missile system.

In your opinion, what are the key reasons that joint programs are initiated, but one or more of the partners withdraws?

Answer. I believe joint programs are important to enhancing warfighting capability and reducing overall program cost. Jointness provides the opportunity for enhanced warfighter capabilities via developing systems with common requirements, interoperability, and a shared logistics base. Jointness also make sense from a business case perspective, as budgetary benefits may include: lower non-recurring costs via cost sharing, lower unit costs from economies of scale, and lower program lifecycle costs. Withdrawal from a joint program by a participant often is the result of competing fiscal priorities coupled with the sustainment of a particular capability with legacy systems. The opportunity cost of continuing to meet operational commitments with existing platforms and weapons is often the withdrawal from pursuing an improved capability.

Question. If confirmed, how would you recommend changing the system so that the Navy and Marine Corps would participate in only those programs in which it would follow through?

Answer. Jointness works most effectively when the Services, the OSD, and the Joint Staff share the same perspective about warfighting requirements and the technical and cost benefits/risks. I believe that Service Leadership coordination must begin early in the process and be maintained to ensure success. If confirmed, I will examine other methods to improve joint program participation.

UNITED STATES NAVAL ACADEMY PROFESSORS

Question. As a member of the U.S. Naval Academy electrical engineering faculty you have had a unique opportunity to evaluate the Academy's ability to perform its academic mission. Last year, the Naval Academy's Academic Dean, William C. Miller, said that a shortage of qualified professors, both military and civilian, threatens the Academy's ability to provide a first-rate military education. Additionally, he indicated that the desired 50–50 ratio of civilian to military instructors has lessened with civilian instructors outnumbering military officers 292 to 226.

Answer. I understand the Dean's concerns, having witnessed a number of vacant officer-instructors in my home department of electrical engineering. The Naval Academy has actually been quite close to a 50–50 ratio (plus/minus 5 percent) over the past 40 years. Only recently, in the past 10–12 years, has the growing number of vacant military billets become a challenge, threatening this historical balance and forcing the hiring of adjunct civilian faculty in lieu of officer-instructors or career civilian educators. As you may know, the Navy and the Naval Academy, working together, have developed, a number of initiatives including the Permanent Military Professor (PMP) program, the Graduate Education plus Teaching program, and the recall of reservists with advanced, postgraduate education in the subjects taught at USNA. I am confident that those remedies will be increasingly effective in reversing the unfortunate trend of vacant officer-instructor billets.

Question. What is your current assessment of the Naval Academy's supply of qualified civilian and military professors?

Answer. I have been impressed with the quality of both the officer and civilian faculty at the Academy. Departments carefully scrutinize the officers nominated to teach in their respective departments, and the Naval Academy conducts successful national searches for all of its career civilian faculty positions. The resulting faculty is first rate, and provides an outstanding undergraduate education to our future Navy and Marine officers.

Question. What is your view of the PMP Program initiative and the pace of implementation and manning, and what recommendations, if any, for this program do you have?

Answer. There are three PMPs in my home department of Electrical Engineering. All have extensive operational Navy experience in addition to an earned doctorate in electrical engineering. One of these officers, a Navy captain, is our department chair. Another I have had the opportunity to collaborate with in my research. I understand plans are underway to expand the PMP Program to a total of 50. I heartily endorse both the program and the expansion.

Question. If confirmed as ASN(RDA), what role, if any, would you expect to play with respect to oversight of the U.S. Naval Academy?

Answer. If confirmed, I will supervise the research of the Naval Academy and the Office of Naval Research. Both organizations have a longstanding relationship dating back through multiple USNA superintendents, academic deans, and ONR commanders. I expect that that relationship will continue, to the mutual benefit of both institutions.

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, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the ASN(RDA)?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTION SUBMITTED BY SENATOR JAMES M. INHOFE

R&D AND ACQUISITIONS BUDGETING

1. Senator INHOFE. Secretary Young and Dr. Etter, I am concerned about the state of our research and development and procurement and acquisitions programs across our United Stated military. After our country's victory in the Cold War, the Clinton administration reduced our military appropriations excessively in search of a so-called "peace dividend", accounting for cuts of $430 billion from fiscal year 1994–fiscal year 2001. In fact, after concentrating to keep the former Soviet Union in check in the preceding 45-odd years, we should have been steadfast in advancing our weapons systems to combat future threats. Instead, in the National Defense Authorization Act for Fiscal Year 1997 we had projected reductions of 25 percent of the acquisitions personnel force over a 5-year period. This has put us behind in acquiring new weapon systems which has narrowed the advantage our military has maintained against that of other nations' armed forces. This has resulted in systems that require far more maintenance than is prudent in a war-time environment, decreasing the envelope of safety for our warfighter.

Earlier this year witnesses such as General John Jumper and Secretary Michael Wynne testified before this committee that one of the reasons we are seeing delays and problems in bringing new weapons systems online is because we have cut too deeply in the research and development and acquisitions career fields. This cut excessively reduced personnel whose profession is to shepherd these systems through R&D to the acquisitions process, and ensure the systems meet the military's specifications, budget requirements, and have a schedule of bringing a system on-line while its technology still meets the threat it was designed to combat. I'd like both of you to comment on the adequacy of the R&D budget, personnel numbers for DOD, and in your case, Dr. Etter, the U.S. Navy, and what Congress may be able to do to assist you in your very timely role of recapitalizing our military, should you be confirmed.

Dr. ETTER. The Department of the Navy's Research and Development budget appears to be adequately balanced between competing near-term and long-term needs. I do plan to look closely at this balance, if confirmed.

The Department of the Navy's acquisition, logistics, and technology workforce has been reduced by over half since 1989. I am personally very concerned about both the size and the composition of the workforce. I plan to review the size and skill mix of those required to effectively shepherd complex systems through the research, development and procurement phases of the acquisition process. I will also examine ways to improve the Department's workforce. I believe the Navy must continue efforts to improve the process we use to identify acquisition position requirements, and to ensure incumbents are fully prepared and qualified to efficiently deliver warfighting capability. One of my top priorities is to assure that the Department's acquisition workforce is properly oriented to effectively execute acquisition programs. Support from Congress for current and future personnel management flexibilities necessary to address acquisition personnel challenges facing the research and engineering workforce will be critical.

With regard to force recapitalization, much effort has been expended within the Department of the Navy examining different methods in which major capital expenses, such as aircraft carriers, surface ships, and submarines, can be financed. There appear to be a number of innovative approaches. For example, allowing the Secretary of Defense the flexibility to transfer funds from different appropriation accounts to the original SCN account financing a major capital expense is one approach. However, financing a particular submarine Engineered Refueling Overhaul, submarine conversion project, or aircraft carrier Refueling Complex Overhaul project in this manner requires approval of legislative proposals submitted by the Department of Defense (DOD). Given the legislative authority and other acquisition tools, the Department and industry can do the job of recapitalizing the equipment needed by our warfighters.

QUESTIONS SUBMITTED BY SENATOR SUSAN COLLINS

DD(X) ACQUISITION STRATEGY

2. Senator COLLINS. Dr. Etter, the new Chief of Naval Operations, Admiral Mullen, has set an important challenge of bringing stability back to Navy shipbuilding budget and the Naval shipbuilding industry. He has made clear his goal of reducing the costs of warships. If confirmed, you will be an important partner to Admiral Mullen in that critical undertaking. I am confident that restoring stability to Navy shipbuilding will help reduce the costs of required warships.

An important focus needs to be on fostering a more conducive partnership with the Navy's shipbuilding industry partners in order to achieve these goals. The DD(X) program should be a prime candidate for restoring stability and looking for ways to work with the shipbuilders more constructively to achieve the common objectives we all share. Resolving the issue of the DD(X) acquisition strategy, and doing so in constructive dialogue with industry and Congress, remains vitally important but unfinished business. When Navy Secretary nominee Dr. Winter appeared before our committee several weeks ago, he characterized the Navy's shipbuilding program as "the ultimate and most important issue confronting the Navy at this time."

Months before Navy shipbuilding facilities on the Gulf Coast suffered major damage from Hurricane Katrina, Congress ultimately felt it had no recourse but to statutorily prohibit the Navy's proposed "winner-take-all" one shipyard DD(X) acquisition strategy. The fiscal year 2006 Defense Authorization bill—reported from this committee and pending further floor action—contains a continued statutory prohibition on the ill-advised one shipyard approach. During his confirmation hearing, Dr. Winter acknowledged that if we do not maintain our skilled defense—in this case surface combatant shipbuilding—workforce, "we are likely to have problems in the future," in terms of product quality and in the Nation's ability to meet emergent threats and surge requirements.

If confirmed will you actively engage the DD(X) shipbuilders to develop and implement a cost-effective and long-term way ahead for the DD(X) program that leverages the strengths and skilled workers of both proven surface combatant shipbuilders?

Dr. ETTER. If confirmed, I will work with Congress, the Office of the Secretary of Defense, and our industry partners on all the Navy's shipbuilding programs. I am committed to providing our warfighters with systems that are operationally superior at a price the taxpayers can afford.

QUESTIONS SUBMITTED BY SENATOR JACK REED

PERSONNEL ISSUES

3. Senator REED. Dr. Etter, I understand that in a recent speech you pointed out some of the elements which are essential if the United States is to have world-class defense laboratories. The ability to hire and retain world-class scientists and engineers is an essential prerequisite for maintaining and creating world-class research institutions. I am sure you are aware that a number of Navy organizations, such as the Naval Research Lab and the Naval Undersea Warfare Center in Newport, Rhode Island, have been successfully utilizing congressionally-mandated personnel authorities to recruit and retain high quality scientists and engineers. You may also be aware that there are efforts being made to limit and even terminate these authorities, as a result of the implementation of the National Security Personnel System (NSPS). If confirmed, do you intend to assist the laboratories in retaining their personnel demonstration authority, which has been so successful to date in hiring and retaining such talent?

Dr. ETTER. I believe we must continue our efforts to hire and retain the very best scientists and engineers in our in-house RDT&E Laboratory and Centers, and I believe the congressionally-authorized personnel demonstration projects are an important part of this effort. The NSPS legislation exempts the laboratories and centers in question from coverage until fiscal year 2008. Many of the practices and procedures that are planned for the National Security Personnel System originated as "experiments" in one or more of the Laboratory personnel demonstrations. By fiscal year 2008, NSPS will be up and running throughout most of the DOD. We will be able to assess whether NSPS provides the tools and flexibility we need to hire and retain scientific and engineering talent with as much or more success than we have today under the demonstration authority. All indications are that NSPS will provide comparable tools and flexibility. The Navy's RDT&E Laboratory and Centers face significant personnel challenges as they attempt to attract, retain, and adequately reward world-class scientists and engineers from a shrinking talent pool of qualified U.S. citizens. Addressing this challenge will be an important goal for me, if confirmed.

4. Senator REED. Dr. Etter, will you look into the issue of which personnel system best supports the Navy lab and technical centers' efforts to perform their designated missions?

Dr. ETTER. It is my understanding that the Director of Defense Research and Engineering (DDR&E) is preparing a gap analysis that will compare the personnel flexibilities available to the DOD RDT&E activities with those that are expected under the National Security Personnel System. I expect that this analysis will be based to a significant degree on the experience gained by the Navy's Laboratory and Centers with their personnel demos. NSPS should provide the tools and flexibility necessary for our labs and technical centers to acquire, develop, and reward the workforce needed to perform their designed missions. The design of NSPS is based on the best practices from the various personnel demonstration projects, including the Naval Research Laboratory project, the Acquisition project, and the longstanding Alternative Personnel System in place at the NAVAIR Weapons Division and SPAWAR on the west coast. NSPS provides the pay banding, pay for performance, market sensitive pay, and staffing flexibilities found in the existing demonstration projects. At the same time, NSPS should provide efficiencies associated with supporting far fewer personnel systems from an IT infrastructure, and training perspective. I will examine the results of the DDR&E gap analysis as part of my effort to ensure we pursue the best practices available to recruiting and maintaining world class caliber talent in our Naval lab and technology community workforce. It is clearly critical that our laboratory directors be able to shape their workforces to meet the challenges in performing their missions.

5. Senator REED. Dr. Etter, do you see some merit in developing a separate personnel system for DOD scientists and engineers?

Dr. ETTER. The personnel problems confronting the Department of the Navy RDT&E activities are in some ways unique and much more challenging than those facing the Navy as a whole. While I believe it would be premature to conclude that a totally separate personnel system is required for the DOD labs and centers, I do see considerable merit in granting these organizations an array of specialized authorities and tools that can be used to make them competitive for world-class talent in this difficult environment. The NSPS Compensation Architecture is designed around career groups of similar occupations. NSPS has already established a sepa-

rate career group for scientists and engineers. This provides the opportunity to focus on compensation issues unique to the scientific and engineering community and set pay and manage compensation appropriately. With this tailoring, there does not appear to be a need for a separate personnel system for DOD scientists and engineers. However, I do intend to stay closely involved with this issue, if confirmed.

NAVY SCIENCE AND TECHNOLOGY PROGRAMS

6. Senator REED. Dr. Etter, if confirmed as the Assistant Secretary of the Navy, you will have oversight over the Navy's science and technology programs. This is an area where you are one of the world's experts—given your own academic background and your experience as the Deputy Under Secretary of Defense for Science and Technology in the previous administration. Are you satisfied with the current funding levels for Navy science and technology?

Dr. ETTER. The Department's portfolio invests in discovery and invention as well as exploitation and deployment of advanced technologies for the Nation's Naval Forces. A balanced and robust S&T program within the Department of the Navy remains critical. If confirmed, reviewing the funding levels for Navy science and technology will be an important task for me.

7. Senator REED. Dr. Etter, how will you set priorities between large acquisition programs and small research efforts within the constrained Navy budgets?

Dr. ETTER. In fiscal year 2005, based on the recommendations of the Science and Technology Corporate Board, Navy initiated the Innovative Naval Prototypes (INPs) program. INPs bring critical funding levels for revolutionary "game changers" for future naval warfare. These initiatives include an eletromagnetic railgun prototype; new concepts for persistent, netted, littoral anti-submarine warfare; technologies to enable Seabasing; and the Naval tactical utilization of space. I look forward to reviewing the balance between short-term research, and long-term research programs as described above, if confirmed.

8. Senator REED. Dr. Etter, are there any technology areas that you think deserve special emphasis within Navy research?

Dr. ETTER. Under the leadership of the Secretary of the Navy, significant focus has been placed on countering Improved Explosive Devices (IEDs) in a small scale "Manhattan Project". A key S&T goal in resolving the IED threat is to understand the basic phenomenologies involved in the ability to detect, defeat, and destroy IEDs at range and speed. Long term basic and applied research muse be conducted to address the foundations of current and future IED problems. We must exploit our chemistry, physics, materials, and electronic warfare expertise by taking a systems approach to attacking each step in the engagement sequence. When we are successful, this ability could effectively deter this line of attack against our forces. In addition, the move to all-electric ships allows us to consider a number of new weapon systems.

QUESTIONS SUBMITTED BY SENATOR BILL NELSON

PUBLICATION OF RESEARCH FINDINGS

9. Senator BILL NELSON. Secretary Young and Dr. Etter, university associations have documented recent cases where universities have refused to perform research contracts for DOD because of provisions restricting their ability to publish research findings. These provisions are inconsistent with both existing DOD and overall government policy providing that unless classified, information generated through contracted fundamental research at universities should not be subject to controls. What is your view of the appropriateness of DOD seeking to restrict the ability of universities to publish their research in this way?

Dr. ETTER. National Security Decision Directive 189 (NSDD–189) establishes national policy for controlling the flow of science, technology, and engineering information produced in federally-funded fundamental research at colleges, universities, and laboratories. It appears that there are some contracting officers that are either unaware of NSDD–189 or unfamiliar with what constitutes 'fundamental research' and may be including contract clauses that require a government review prior to publication. I will work to ensure that steps are taken to inform them that, for contracted fundamental research, such restrictive provisions are against policy.

10. Senator BILL NELSON. Secretary Young and Dr. Etter, do you feel that scientific progress depends on broad sharing of research results among scientists, in national defense as well as other areas?

Dr. ETTER. Yes, sharing research information, particularly for basic research far in advance of military application is important in expanding the knowledge base and furthering capabilities. However, the need to protect our National security must also be considered when evaluating effective and appropriate ways of sharing scientific progress and research knowledge.

PROPOSED RULES ON EXPORT CONTROLS IMPACT ON UNIVERSITY RESEARCH

11. Senator BILL NELSON. Secretary Young and Dr. Etter, in response to a report issued by the DOD Inspector General in March 2004, DOD recently proposed a new export control compliance clause for DOD contracts. I understand DOD received over 130 comments in response to this proposal, most of which were opposed to the proposed rule. I understand that one of the proposal's requirements is for segregated facilities and badging of all foreign nationals involved in DOD research, even fundamental research conducted at universities.

Since other agencies have regulatory authority for export controls—namely the Department of Commerce and the Department of State—do you feel that it is appropriate for the DOD to establish its own separate policies in this area?

Dr. ETTER. I believe the DOD has a role in determining the potential military application of technology and the development of processes and procedures for limiting the exportation of those technologies. I feel that it is inappropriate to establish separate policies for DOD contracts where regulatory authority resides in other agencies, however, it is appropriate for DOD to facilitate contractor awareness of existing regulatory authority that resides in other agencies. I understand that DOD is coordinating with the Departments of State and Commerce to ensure that any proposed rule is consistent with the National Policy on the Transfer of Scientific, Technical and Engineering Information (NSDD–189), and existing laws and regulations governing export-controlled information and technology.

12. Senator BILL NELSON. Secretary Young and Dr. Etter, if confirmed, will you engage with the university research community to try to address their concerns in this area?

Dr. ETTER. Yes, I will engage with the university research community to address their concerns in this area. I have been advised that the acting Deputy Under Secretary of Defense for Laboratories and Basic Sciences is currently engaged with the research community in this area through the National Academies of Science and the American Association of Universities.

[The nomination reference of Delores M. Etter follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 6, 2005.

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

Delores M. Etter, of Maryland, to be an Assistant Secretary of the Navy, vice John J. Young.

[The biographical sketch of Delores M. Etter, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DELORES M. ETTER

Dr. Etter joined the Electrical Engineering faculty at the United States Naval Academy on August 1, 2001, as the first recipient of the Office of Naval Research Distinguished Chair in Science and Technology. Her academic interests are in digital signal processing and communications. Her research interests include biometric signal processing, with an emphasis on identification using iris recognition. She is

also the author of a number of textbooks on computer languages and software engineering.

From June 1998 through July 2001, Dr. Etter served as the Deputy Under Secretary of Defense for Science and Technology. In that position, she was responsible for Defense Science and Technology strategic planning, budget allocation, and program execution and evaluation for the $9 billion per year DOD Science and Technology Program. Dr. Etter was the Principal U.S. representative to the NATO Research and Technology Board. She was also responsible for the Defense Modeling and Simulation Organization, the High Performance Computing Modernization Office, and for technical oversight of the Software Engineering Institute. Dr. Etter was also the senior civilian in charge of the DOD high-energy laser research program.

From 1990–1998, Dr. Etter was a Professor of Electrical and Computer Engineering at the University of Colorado, Boulder. During 1979–1989, Dr. Etter was a faculty member in Electrical and Computer Engineering at the University of New Mexico. She served as Associate Vice President for Academic Affairs in 1989. During the 1983–1984 academic year she was a National Science Foundation Visiting Professor in the Information Systems Laboratory in the Electrical Engineering Department at Stanford University.

Dr. Etter is a member of the National Science Board, the National Academy of Engineering, and the Defense Science Board. She is a Fellow of the Institute of Electrical and Electronic Engineers (IEEE), the American Association for the Advancement of Science (AAAS), and the American Society for Engineering Education (ASEE). She served as President of the IEEE Acoustics, Speech, and Signal Processing Society from 1988–1989, and was Editor-in-Chief of the IEEE Transactions on Signal Processing from 1993–1995.

Dr. Etter was a member of the Naval Research Advisory Committee from 1991–1997, and chaired the committee from 1995–1997. She has received the Department of the Navy Distinguished Public Service Award, the Secretary of Defense Outstanding Public Service Medal, and the Department of Defense Distinguished Public Service Medal.

[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 Delores M. Etter in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Delores Maria Etter.
Delores Maria Van Camp (maiden name).

2. **Position to which nominated:**
Assistant Secretary of the Navy (Research, Development, and Acquisition).

3. **Date of nomination:**
September 6, 2005.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
September 25, 1947; Denver, CO.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Jerry Richard Etter.

7. **Names and ages of children:**
Amy Marie Gerrish, age 34.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
University of New Mexico, June 1975–Dec. 1979, Ph.D., Dec. 1979.
Wright State University, Jan. 1969–May 1972; BS, May 1970; MS, May 1972.
Oklahoma State University, Sep. 1965–Jan. 1968.
Shidler High School, Sep. 1961–May 1965; HS Diploma, May 1965.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Professor, Electrical Engineering Department, United States Naval Academy, Aug. 2001–present.
Deputy Under Secretary of Defense for Science and Technology, Office of the Secretary of Defense, June 1998–Aug. 2001.
Professor, Electrical and Computer Engineering Department, University of Colorado, Boulder, Jan. 1990–June 1998.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Defense Science Board, 1995–1998, 2002–present.
National Science Board, 2002–present.
National Defense University Board of Trustees, 2002–2005.
Naval Research Advisory Board, 1991–1997.
Ballistic Missile Defense Advisory Committee, 1996–1998.
Federal Aviation Association Research, Development, and Engineering Advisory Committee, 1994–1997.
Nonproliferation, Arms Control, and International Security Advisory Committee, Lawrence Livermore Lab, 2001–2005.
Remote Sensing Strategy Panel, OSD, 2001.
MIT Lincoln Lab Advisory Board.
Distinguished Review Board, Center for Directed Energy, Wright-Patterson Air Force Base.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
Charles Draper Laboratory, Board of Directors.
Argon ST, Board of Directors.
North American Electric Reliability Council, Board of Trustees.
Prime Photonics, LC, Technical Advisory Board.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
National Academy of Engineering.
Southern Methodist University, School of Engineering Executive Board.
Institute for Electrical and Electronic Engineering (IEEE).
American Association for the Advancement of Science (AAAS).
American Society for Engineering Education (ASEE).
Sigma XI.
Tau Beta Pi.
Eta Kappa Nu.
Phi Kappa Phi.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

Member, Republican Party.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

2000

Bush/Cheney Campaign - $1,000.
Heather Wilson Campaign - $2,000.
George Allen Campaign - $1,000.
John Warner Campaign - $1,000.
Frank Wolf Campaign - $1,000.
Republican National Committee - $1,000.

2001

Heather Wilson Campaign - $1,000.
John Warner Campaign - $1,000.
Jerry Kilgore Campaign - $250.
Republican National Committee - $2,000.

2002

Heather Wilson Campaign - $1,500.
Robert Ehrlich Campaign - $500.
Republican National Committee - $1,000.

2003

Heather Wilson Campaign - $1,500.
Republican National Committee - $1,000.

2004

Bush/Cheney Campaign - $2,000.
Heather Wilson Campaign - $2,000.
Republican National Committee -$2,000.

2005

Heather Wilson Campaign - $2,100.
Republican National Committee - $2,000.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

IEEE Education Society Achievement Award, 2003.

Outstanding Alumnus Award from the College of Math and Science, Wright State University, 2002.

Distinguished Alumnus Award from the College of Engineering, University of New Mexico, 2001.

Aviation Week Laureate for "initiation of a joint Defense Department/NASA/industry National Hypersonic Plan," 2001.

Department of Defense Medal for Distinguished Public Service for exceptionally distinguished public service as the Deputy Under Secretary of Defense for Science and Technology, 2001.

National Academy of Engineering, "For the authorship of textbooks on computer applications in engineering, contributions to digital signal processing, and service to the profession," 2000.

Secretary of Defense Outstanding Public Service Medal for exceptional leadership in the pursuit of the Science and Technology program, 2000.

IEEE Millennium Medal, 2000.

Federal Women in Science and Engineering (WISE) Lifetime Achievement Award, 2000.

IEEE Harriett B. Rigas Award, 1998.

Department of the Navy Distinguished Public Service Award for leadership of the Naval Research Advisory Committee, 1998.

Federal Aviation Association (FAA), Civil Aviation Security Associate Administrator's Award, "In recognition of dedicated and insightful leadership of the Aviation Security Research and Development Advisory Panel," 1997.

Charles Hutchinson Memorial Teaching Award in recognition of teaching excellence, College of Engineering, University of Colorado, 1997.

Fellow of ASEE, "For contributions to engineering education," 1996.

Distinguished Lecturer, IEEE Signal Processing Society, 1996.

Leonhard Distinguished Lecturer, San Diego State University, 1996.

Fellow of AAAS, "For leadership in digital signal processing and for important contributions to engineering education through innovative undergraduate textbooks," 1994.

Fellow of the IEEE, "For contributions to education through textbooks for engineering computing and for technical leadership in the area of digital signal processing," 1992.

IEEE Signal Processing Society Meritorious Service Award, "For exemplary and broad leadership of the Signal Processing Society and its publication and conference activities," 1990.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

[The nominee responded and the information is contained in the committee's executive files.]

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

DELORES M. ETTER.

This 16th day of September, 2005.

[The nomination of Delores M. Etter was reported to the Senate by Chairman Warner on October 27, 2005, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on October 28, 2005.]

[Prepared questions submitted to GEN Burwell B. Bell III, USA, by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and the chain of command by clearly delineating the combatant commanders' responsibilities and authorities and the role of the Chairman of the Joint Chiefs of Staff. These reforms have also vastly improved cooperation between the services and the combatant commanders, among other things, In joint training and education and in the execution of military operations.

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

If so, what areas do you believe might be appropriate to address in these modifications?

Answer. Goldwater-Nichols has provided sufficient guidance to allow us to conduct our operations within a joint framework. If confirmed, I will continue to evaluate our conduct of joint operations and will offer commentary if I believe new proposals are required, but I do not have any suggestions at this time.

DUTIES

Question. What is your understanding of the duties and functions of the Commander, United Nations Command/Combined Forces Command/United States Forces Korea?

Answer. The Commander, United Nations Command (COM UNC), is responsible for maintaining the Armistice Agreement, as well as executing missions and functions in Korea as directed by the Secretary of Defense. Additionally, COM UNC is required to maintain the coalition embodied by the United Nations Command, enable acceptance of UNC member nation forces during contingencies, and enable access to the seven UNC bases in Japan.

The Commander, Combined Forces Command (COM CFC), has two essential missions related to the U.S. presence in Korea: deterring hostile acts of external aggression against the Republic of Korea, and, should deterrence fail, defeating an external armed attack. In this position, he is responsible for receiving strategic direction and missions from the ROK–U.S. military committee; exercising OPCON over all forces provided, both ROK and U.S.; conducting combined exercises; equipping and planning for the employment of those forces; providing intelligence; recommending requirements; researching, analyzing, and developing strategic and tactical concepts; complying with the armistice affairs directives of COM UNC; and supporting COM UNC in response to armistice violations by North Korea.

The Commander, United States Forces Korea (COM USFK), as a sub-unified commander of the U.S. Pacific Command (USPACOM), is responsible for ail duties and functions associated with title 10, United States Code, and the Unified Command Plan. It Is in this capacity that the U.S. supports the ROK–U.S. Mutual Defense Treaty and that the commander represents USPACOM, This role provides the U.S. with the means to provide forces to COM UNC/CFC, and to support those forces with the required logistics, administration, and policy Initiatives necessary to maintain readiness.

Question. What background and experience, including Joint duty assignments, do you possess that you believe qualifies you to perform these duties?

Answer. I have significant experience In both the joint and combined environments. Within the Korean AOR, my duties as a tank battalion operations officer/ who trained and exercised with several Republic of Korea and U.S. units, gave me significant leadership perspectives that have provided me with insights into the challenges associated with combined and Joint operations on the Korean peninsula, My experiences at the National Training Center while commanding at the battalion and brigade levels have provided me the opportunity to exercise Joint and combined tactical warfighting doctrine. As Executive Officer to the Commander in Chief of U.S. Central Command, including Operations Desert Shield and Desert Storm, I was able to see and experience joint and combined coalition warfare planning and execution at senior operational and strategic levels. Command of the Army's III Corps provided me the opportunity to develop and extensively exercise operational plans in support of the Korean AOR which employed joint and combined warfighting operations and tactics on terrain unique to the Korean theater. In training and exercising those tactics, I was able to work side-by-side with senior Republic of Korea counterparts who imparted to me their unique and invaluable perspectives on warfighting in defense of their homeland. As Commanding General, United States Army Europe and Seventh Army, and Commander, NATO Allied Land Component Command, Heidelberg, I have gained further insights into the requirements placed upon a commander responsible for service component command responsibilities, as well as commanding a combined international headquarters, with senior leader representation from 21 different countries. The experiences I have listed here have also required me to master joint and combined reconnaissance, intelligence, infrastructure, and logistical concepts as well.

Question. Do you believe that there are any steps that you need to take to enhance your expertise to perform the duties of the Commander, United Nations Command/Combined Forces Command/United States Forces Korea?

Answer. If confirmed, I Intend to conduct in-depth discussions and assessments with key personnel and analysts from relevant ROK and U.S. Government agencies and nongovernment specialists. Throughout my time in command, I will continue

this dialogue with ROK and U.S. leaders to improve my understanding of all aspects of the current situation within the Korean theater. This will enable me to stay abreast of the dynamic political-military environment of the Korean peninsula.

RELATIONSHIPS

Question. Section 162(b) of title 10, United States Code, provides that the chain of command runs from the President to the Secretary of Defense and from the Secretary of Defense to the commanders of the combatant commands. Other sections of law and traditional practice, however, establish important relationships outside the chain of command. Please describe your understanding of the relationship of the Commander, United Nations Command/Combined Forces Command/United States Forces Korea with the following officials:

The Secretary of Defense,
The Deputy Secretary of Defense,
The Under Secretary of Defense for Policy,
The Under Secretary of Defense for Intelligence,
The Chairman of the Joint Chiefs of Staff,
The Secretaries of the Military Departments,
The Chiefs of Staff of the Services, and
The other combatant commanders, especially the Commander, USPACOM.

Answer. The relationship with all of the officials listed above Is critical to accomplishing our national and binational goals and objectives, We must be able to work closely with all levels of leadership, civilian and military, in both joint and combined leadership environments to ensure that a teamwork approach accomplishes the strategic goals and objectives of our National leadership. COM UNC reports directly to the U.S. Secretary of Defense and through him to the President, while at the same time keeping COM PACOM informed of any communications with U.S. national authorities. A binationally validated ROK–U.S. document provides further guidance on COM CFC's unique relationship with the ROK National Command Authority and the U.S. Secretary of Defense. COM USFK reports directly to COM PACOM on matters directly pertaining to USFK areas of responsibility.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the next Commander, United Nations Command/Combined Forces Command/United States Forces Korea?

Answer. The major challenges include readiness, maintaining deterrence and stability, transformation, and supporting the Global War on Terrorism. Readiness of U.S. and allied forces will be my primary near-term focus if confirmed for this position. The ROK–U.S. alliance must be "ready to fight tonight" due to the proximity and lethality of the threat. A highly-trained and ready force provides stability and mitigates risk. Sustaining readiness requires tough, realistic training; appropriate levels of manning and modern equipment; training infrastructure; and a quality of life which supports and sustains our people. I am personally committed to ensuring that readiness is at the highest level possible.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges and problems?

Answer. As COM UNC/CFC/USFK, I will ensure that our forces remain vigilant and well-prepared. Training and readiness will be our watchwords, If confirmed I will immediately review these elements to ensure that we are as strong and as ready as we can possibly be. I will devote myself to strengthening the alliance between the United States and the Republic of Korea. A strong healthy alliance can meet the challenges I discussed above. Should deterrence fail, alliance forces must be, and will be, ready to defeat North Korean aggression.

NORTH KOREA

Question. North Korea represents one of the greatest near-term threats to U.S. national security interests in Asia.

What is your assessment of the current security situation on the Korean peninsula and the diplomatic efforts to persuade North Korea to verifiably dismantle Its nuclear weapons program?

Answer. North Korea poses a variety of threats to regional and global stability, particularly its nuclear weapons programs. It is in the vital interests of the United States and its allies to resolve the Issue of a verifiable dismantling of North Korea's nuclear weapons program. The fact that six parties are in serious negotiations on

this issue is an indication of positive intent. Because it is a complicated issue, the solution will be equally complicated requiring time and serious effort to complete.

Question. What is your assessment of the threat posed to the United States and its allies by North Korea's ballistic missile and weapons of mass destruction (WMD) capabilities and the export of those capabilities?

Answer. North Korean ballistic missile development remains a significant threat to U.S. forces and their allies on the peninsula. Their ballistic missile inventory includes over 500 SCUD missiles of various types that can threaten the entire peninsula, and they continue to produce and deploy No Dong missiles capable of striking Japan and our American bases there. Pyongyang is also developing multistage missiles capable of striking the continental United States. North Korea's declaration earlier this year that it would no longer abide by its self-imposed moratorium on flight testing missiles, when coupled with the actual test of a missile in May, clearly demonstrates that the North does not Intend to unilaterally halt Its research and development programs. Its continued proliferation of missiles and development of WMD capabilities allows North Korea to act as a destabilizing and potentially disruptive force in the region and beyond.

Question. What is your assessment of North Korea's conventional capabilities and readiness?

Answer. The North Korean military remains a credible threat to the security of the ROK and the stability of the region because of its size and forward deployment. North Korea maintains the world's fourth largest army and the world's largest special operations force. With almost three-quarters of that army arrayed south of Pyongyang, and significant numbers of artillery systems that can currently range Seoul, it seems clear that North Korea's capabilities pose an immediate and credible threat.

Question. What, if anything, should be done to strengthen deterrence on the Korean peninsula?

Answer. If confirmed, I would encourage both the U.S. and ROK governments to sustain their transformation initiatives and their on-going combined capabilities enhancement programs. Although both nations have invested significant resources toward these initiatives and programs already, there is still room to improve qualitative capabilities, as these are the key to strengthening deterrence on the peninsula.

REPUBLIC OF SOUTH KOREA (ROK)

Question. Since the end of World War II, the U.S.–ROK alliance has been a key pillar of security in the Asia Pacific region. This relationship has gone through periods of inevitable change.

What Is your understanding of the current U.S. security relationship with the ROK?

Answer. It is my understanding that the current U.S. security relationship with the ROK is governed by the Mutual Defense Treaty as entered into force from November 1954. In particular, the treaty's requirement that both the U.S. and the ROK maintain and develop appropriate means to deter and, if should deterrence fail, to defeat an armed external attack continues to serve as the linchpin of this relationship. It is also my understanding that both the U.S. and the ROK remain fully committed to the treaty's provisions and the mutual defense of both nations, as demonstrated by the continued execution of combined planning, training, and exercises designed to deter and, if should deterrence fail, to defeat any external aggression against the ROK.

Question. If confirmed, what measures, if any, would you take to improve the U.S.–ROK security relationship?

Answer. If confirmed, I will ensure that I maintain the already strong U.S.–ROK security relationship that has continued to prove itself over the past 50 years through mutual respect and open dialogue with our ROK allies.

Question. What Is your assessment of the current climate in military to military professional relationships and interoperability at all levels between U.S. and ROK forces?

Answer. It is my understanding that the military professional relationships are ones of mutual respect and regard. I witnessed this firsthand as the III Corps commander, and I have no reason to believe that this is not still the case. I would also suspect that interoperability between American and ROK forces has improved over the past several years, but there are still issues that need to be resolved, as is the case with all our other allies. If confirmed, I will assess our interoperability with our Korean allies and seek to reduce, if not eliminate, any interoperability issues.

Question. What is your assessment of ROK warfighting capability trends with regard to the modernization and capability improvements in ROK equipment and training of their personnel?

Answer. I have combined my answers to this question and to the question below it.

Question. What is your assessment of ROK current and projected military capabilities and the ability of ROK forces to assume a greater role in the defense of their homeland?

Answer. It is my understanding that the current ROK modernization program for its armed forces has significantly increased Korean warfighting capabilities, as it will continue to do so in the future. The Future of the Alliance initiative, with its successor the Security Policy initiative, set the conditions for ROK forces to assume a greater rote in the defense of South Korea. The fact that the entire DMZ is guarded by ROK forces, as well as the assumption of several other CFC missions from U.S. responsibility, is a testament to that greater role. The current ROK training program, when coupled with the numerous combined and joint training exercises currently conducted by the ROK and U.S. forces, ensures the readiness and capabilities of the ROK military personnel.

DOMESTIC POLITICS IN ROK

Question. In recent years, domestic opinion in the Republic of Korea with regard to the American presence and relations with the DPRK has increasingly split along generational lines, with younger Koreans being more skeptical of relations with the United States while the older generation is much more content with the status quo. The Commander, USFK, plays a major political role in U.S.-Korean relations.

If confirmed, how would you see your role and duties in the light of these changes in the ROK body politic?

Answer. I believe that, if confirmed, my role and duties as COM UNC/CFC/USKF will remain as described by the governing U.N., ROK/U.S., and U.S. documents. My requirements to maintain the armistice; deter or, should deterrence fail, defeat external aggression; and discharge all title 10 and Unified Command Plan duties and responsibilities will remain the same throughout my tenure, despite any changes to the ROK body politic. I believe it will be important to continue any programs that General LaPorte has established to enable the sustainment and improvement of command-community relations.

GLOBAL POSTURE

Question. In your opinion, how should the U.S. position its forces in Asia to best respond to threats in that area, support out-of-area contingencies, and maintain readiness?

Answer. U.S. forces in the Asia-Pacific region should be stationed to provide sufficient flexibility to deploy forces to meet global contingency requirements. It is my understanding that COM PACOM continually assesses and recommends force positioning within his area of responsibility to the Secretary of Defense. If confirmed, I will ensure that I fully understand the situation on the Korean peninsula and of those regional actors that influence the peninsula so that I can provide my input to COM PACOM's assessment and recommendations.

CONSOLIDATION OF U.S. FORCES

Question. The Land Partnership Plan (LPP) will consolidate the 2nd Infantry in and around Camp Humphreys, Korea. New construction of facilities and infrastructure required to support the consolidation will be carried out using funds from both the Host Nation and the United States military construction accounts. The Yongsan Relocation Plan (YRP) proposes to move most of the U.S. forces currently stationed at Yongsan compound in Seoul to Camp Humphreys, Korea. The relocation is proposed to be funded by the Korean Government.

What is your assessment of the current status of the two consolidation plans and the timeline for completion?

Answer. It is my understanding that both the LPP and the YRP are being executed simultaneously and are progressing well, The LPP envisions consolidating 2nd Infantry Division onto four existing camps in the near-term while anticipating a relocation of the division to Camp Humphreys in 2008. The ROK has procured the majority of land required for the YRP and anticipates procuring the remainder by the end of the year, The YRP's master plan was initiated in September of this year and should be complete by April of next year. Both plans remain on schedule.

Question. What do you anticipate to be the total costs to be incurred by the U.S. Government to carry out the two consolidations?

Answer. I understand the total costs to the U.S. Government to be $480 million, about 6 percent of the total relocation cost. Almost three-quarters of the relocation costs are borne by the ROK, with the remainder funded by private industry through financed build-to-lease investments.

Question. If confirmed, what objectives would you establish to manage the burdensharing of the costs related to the two consolidations?

Answer. If confirmed, my objective would be to carry out the consolidation plans without any additional costs to the United States beyond what is already programmed.

HOST NATION BURDEN-SHARING PROGRAMS

Question. Two programs supported by the ROK, the Combined Defense Improvement Program (CDIP) and the Korea Host Nation Funded Construction Program (KHNCP), provide cash and in-kind projects to satisfy U.S. military facility and infrastructure requirements.

If confirmed, what priorities would you establish for all U.S. forces on the Peninsula to make the best use of these two vital programs?

Answer. If confirmed, I would maintain the current priorities of supporting USFK transformation and quality of life initiatives as a means to enhance readiness on the peninsula. As these two programs present the majority of USFK's total military construction program, it is imperative that they contribute to the overall readiness of USFK.

FAMILY HOUSING IN KOREA

Question. Recent Commanders of United States Forces in Korea have proposed a goal to increase the number of U.S. military personnel on accompanied tours, thereby increasing the number of families in Korea, while at the same time decreasing the number of combat forces by a third. This goal would require the construction of additional housing and community support facilities at all U.S. installations in Korea.

What are your views on the plans and investment strategy to provide additional family housing and community support facilities for military personnel and their families in Korea?

Answer. As I understand it, the current plans to provide additional family housing and community support facilities rely primarily upon funding provided by the Republic of Korea, with some funds resulting from the redirection to the enduring installations of already programmed military construction projects from closing installations. I am fully supportive of this approach and, if confirmed, will continue to seek the highest quality of facilities for our servicemembers and their families.

QUALITY OF LIFE

Question. Through recent investment in quality of life amenities, to include housing, health care and recreation, the Department has worked to achieve the goal of making Korea an "assignment of choice" for U.S. Forces.

What do you consider to be the most essential elements supporting military life for soldiers and their families stationed in Korea and, if confirmed, what would be your goals in this regard?

Answer. I believe the three most essential elements supporting military life in any assignment are quality living and working conditions and facilities, quality health care, and quality educational opportunities for dependent family members. If confirmed, I would strive to ensure the best possible conditions for all three, thus clearly making Korea an assignment of choice for U.S. forces.

KOREA ASSIGNMENT INCENTIVE PAY

Question. Assignment incentive pay was approved in 2003 for soldiers who agreed to extend their tours of duty in Korea. Since that time, payment of an overseas cost of living allowance was also approved.

In your opinion, is eligibility for assignment incentive pay for duty in Korea necessary and cost-effective? Please explain.

Answer. As both General Schwartz, the previous commander, and General LaPorte, the current commander, have stated several times, making Korea an assignment of choice must be a command priority. Both commanders have done much to change the perceptions of those who were previously reluctant to serve a tour in Korea. One contributor in this process was the authorization of cost-of-living allowance (COLA) entitlements; another was assignment incentive pay. Given the current incentives for servicemembers stationed in Iraq and Afghanistan, it is only fitting

that those stationed in Korea are also eligible for many similar benefits. Further, the incentive pay a servicemember receives for extending his or her tour is less than the costs borne by the government to move two servicemembers (one to Korea; one from Korea), a cost-effective result that also enables USFK to maintain trained, experienced servicemembers on the peninsula longer. It is my understanding that the U.S. Government has saved more than $40 million as a result of this initiative.

SEXUAL ASSAULT

Question. In your role as Commander, U.S. Army Forces, Europe, you have implemented changes in policies and procedures relating to the prevention and response to sexual assaults and in the treatment of victims of sexual assault.

What is your assessment of the progress that the Army has made in the last 2 years in the promulgation of policy on sexual assault, and what do you think will be your biggest challenge in achieving the changes in programs, training and implementation if confirmed as Commander of the USFK?

Answer. I believe the Army has made great strides in ensuring the promulgation of policy on sexual assault, and it is my understanding that General LaPorte has made it a priority to eliminate any occurrence of this crime within USFK. If confirmed, I will maintain General LaPorte's command focus upon awareness and prevention of sexual assault.

JOINT MEDICAL COMMAND

Question. The relocation of U.S. forces and families on the Korean peninsula presents challenges in the delivery of high quality health care services. The committee has been concerned that as the relocation of families occurs, services such as same day access to care for Active-Duty members and family health services in remote areas must be available. In view of these challenges, the committee directed the Chairman, Joint Chiefs of Staff, to conduct a study of the feasibility of establishing a joint military medical command in support of USFK. Congress has not received the report required in the Senate report accompanying S. 2400, the National Defense Authorization Act for Fiscal Year 2005.

If confirmed, how would you assess the availability of quality health care services to Active-Duty members and their families?

Answer. If I am confirmed, I would undertake a careful and thorough review of the availability of quality health care for both servicemembers and their families, surveys, both electronic and manual; visits; and inputs from all stakeholders would enable me to make an assessment of the health care services available.

Question. What lessons did you learn from a policy perspective concerning health care delivery in the European theater which might be applied to improve joint planning and coordination of health care services in Korea, including access to high quality civilian services when military resources are limited?

Answer. As the Commanding General of United States Army Europe and Seventh Army, I have the responsibility to ensure quality health care for both service members and their families. Although we currently leverage high quality civilian services in Europe when military resources are limited, the quality of care cannot be negotiated. In some circumstances, the surrounding civilian infrastructure cannot provide the level of care required by a military community, and it is in those instances when additional military resources are required to ensure that both our servicemembers and their families receive the health services they deserve. I also learned that where families are located, we have a responsibility to ensure the best possible infant delivery and pre/post natal care.

Question. What role could a joint medical command play in planning for health care across all the Services, both in peacetime and in preparation for support of a military contingency?

Answer. In principle, I would be in favor of any medical command, joint or otherwise, that could ensure quality health care for both servicemembers and their families in peace and in war. If confirmed, I would took forward to continuing a dialogue with this committee about how a joint medical command might best support USFK.

PREVENTION OF HUMAN TRAFFICKING

Question. Following media reports connecting prostitution and human trafficking in Korea to U.S. military forces, Commander, USFK, in 2004 instituted a zero tolerance policy regarding the illegal activities of prostitution and human trafficking. Under this policy, all USFK personnel, military and civilian, as well as contractors and their employees, are expected to comply with prohibitions, including observance of curfews and laws regarding off-limits areas and establishments, aimed at curtailing these practices.

What effects on the incidence of prostitution and human trafficking have changes in U.S. policy, as well as new criminal laws implemented by the ROK, had on the incidence of prostitution and human trafficking in Korea?

Answer. It is my understanding that the changes in U.S. policy, when coupled with the new laws passed by the ROK, have decreased the incidents of prostitution and human trafficking in Korea. Both have enabled the authorities, both civilian and military, to target activities and conditions that allow prostitution and human trafficking to take place. The current USFK strategy of awareness, identification, reduction, and continued interaction with the ROK has been a success story, and, if confirmed, I would continue to pursue this approach.

Question. What further changes, if any, to the Uniform Code of Military Justice (UCMJ) and military regulations are needed in your judgment to ensure maximum effectiveness of the zero tolerance policy?

Answer. At this time, I believe the UCMJ and extant military regulations are sufficient to ensure the efficacy of the zero tolerance policy, but I would be willing to offer any recommendations to this committee should I see the need to do so.

If confirmed, what steps would you take to further enhance the effectiveness of the zero tolerance policy?

Question. If confirmed, I will aggressively pursue the policies established by General LaPorte in response to the Deputy Secretary of Defense's 30 January 2004 memorandum regarding combating trafficking in persons. The zero tolerance policy's effectiveness relies entirely upon maintaining awareness and enforcing standards. It is through these functions of command that I believe I could further enhance the policy's effectiveness.

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, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as Commander, United Nations Command/Combined Forces Command/United States Forces Korea?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

NORTH/SOUTH KOREA

1. Senator INHOFE. General Bell, I understand that DOD has proposed troop level changes that will have an ongoing effect on the United States' future impact and influence on the Korean Peninsula. The Yongsan Garrison and 2nd Infantry Division have been relocated further south, away from the DMZ and Seoul; recently it was announced that the U.S. troop level in South Korea dipped below 30,000. Further, DOD has determined that approximately 12,000 troops from Korea can be brought back to the U.S. between now and 2009. The good side of this is that the South Koreans are taking over their defense. A potential bad side is that we will have fewer troops forward deployed and ready for worldwide rapid response. What do you foresee as some of the possible dangers of having a lower number of U.S. troops on the Korean Peninsula and how do we best counter those risks?

General BELL. Senator Inhofe, it is my understanding that the transformation of U.S. forces and their resulting enhanced capabilities have made it possible to redeploy forces with no negative effect upon the U.S. and ROK ability to deter and,

should deterrence fail, to defeat external aggression. I am currently unaware of any military risks that may result from this redeployment.

2. Senator INHOFE. General Bell, Kim Jong Il's regime has announced that it has operational nuclear weapons. Though experts debate the accuracy of this statement, we have to be prepared for the worst case scenario. At the very least, North Korea is on a path to develop nuclear weapons, and probably biological and chemical weapons as well. Over the last few months we have witnessed the Six-Party Talks go through a frustrating cycle of progress and stalling out. We know that in the past North Korea has used this as a negotiating tactic. Can we hope for anything new to come about through the current negotiations?

General BELL. Senator Inhofe, the North Korean nuclear issue is complicated and will require time and effort on all sides. Resolution can best be achieved through the Six-Party Talks. The denuclearization of the peninsula is necessary and will lead to greater security and stability in the region. I cannot say whether North Korea will give up its nuclear weapons program as a result of the talks, but I can say that it is clearly in the best interests of all parties for North Korea to do so peacefully.

3. Senator INHOFE. General Bell, what role can China play in bringing real progress to the situation?

General BELL. Senator Inhofe, Pacific Command (PACOM) has the lead in addressing security issues regarding China. Having said that, China can exert major influence over North Korea as its sole remaining treaty ally. As a result, it is apparent that China plays and will continue to play an important role within the construct of the Six-Party Talks.

QUESTIONS SUBMITTED BY SENATOR CARL LEVIN

MOBILITY REQUIREMENTS

4. & 5. Senator LEVIN. General Bell, last year DOD told us that moving forces back from Europe would not harm our ability to surge our forces to trouble spots. We have yet to see an analysis that would confirm or deny that assertion, or the other assertions made about the impacts of the so-called global posture review on our capabilities, our troops, or on the budget. As commander of our Army forces in Europe, you helped develop plans to implement the European aspect of this plan to relocate tens of thousands of personnel back to the United States over the next several years. In Korea, a smaller reduction of a brigade back to Fort Carson has already begun. In both these cases, the movement of forward-deployed forces back to the United States is certain to impact our war plans and our mobility requirements. As a commander in Europe, and as a prospective commander in Korea, do you know how these troop relocations will affect your ability to carry out the missions assigned to you in our plans?

Do you know if DOD currently has the lift that will be needed to forward-deploy our forces to support our operational plans once those forces are relocated back to the United States?

General BELL. Senator Levin, I would like to answer both questions 4 and 5 at the same time, as I believe the two are closely related. Speaking as the Commanding General, United States Army Europe and 7th Army, I can say that the relocation of troops out of Europe has not impacted my ability to support the Commander, European Command. The movement of our heavy armor forces back to the United States will, in my view, have no negative impact on our mission response time for likely contingency areas which may require armor/mechanized forces. It is my understanding that United States Forces Korea's (USFK) ability to accomplish its mission is similarly unaffected. While I am not in possession of a full analysis of all worldwide war and contingency plans for the U.S. military, I can say that it is my professional assessment that forces postured in the United States can best respond to the full range of contingencies east and west from a central location in the United States. Our strategic air and sealift can best generate sorties from the United States, then use forward bases to onward move forces into contingency areas—again, east or west. Selected agile, mobile and joint enabled contingency/expeditionary forces should remain forward deployed to provide combatant commanders with immediate response capability. If, in the future as Commander, USFK, I find our forward force positioning does not meet our contingency/warfighting requirements, I will report my assessments through the appropriate command channels.

QUESTIONS SUBMITTED BY SENATOR DANIEL K. AKAKA

TROOP RELOCATION IN EUROPE AND KOREA

6. Senator AKAKA. General Bell, last year DOD told us that moving forces back from Europe would not harm our ability to surge our forces to trouble spots. We have yet to see an analysis that would confirm or deny that assertion, or the other assertions made about the impacts of the so-called global posture review or Integrated Global Presence and Basing Strategy (IGPBS) on our capabilities, our troops, or on the budget. As commander of our Army forces in Europe, you helped develop plans to implement the European aspect of this plan to relocate tens of thousands of personnel back to the United States over the next several years. In Korea, a smaller reduction of a brigade back to Fort Carson has already begun. In both these cases, the movement of forward-deployed forces back to the United States is certain to impact our warplans and our mobility requirements. As a commander in Europe, and as a prospective commander in Korea, do you know how these troop relocations will affect your ability to carry out the missions assigned to you in our plans?

General BELL. Senator Akaka, speaking as the Commanding General, United States Army Europe and 7th Army, I can say that the relocation of troops out of Europe has not impacted my ability to support the Commander, European Command. The movement of our heavy armor forces back to the United States will, in my view, have no negative impact on our mission response time for likely contingency areas which may require armor/mechanized forces. In fact, our transformation plans will significantly enhance my capability to execute security cooperation activities in the 91 country European Command area of responsibility. It is my understanding that USFK's ability to accomplish its mission is similarly unaffected. While I am not in possession of a full analysis of all worldwide war and contingency plans for the U.S. military, I can say that it is my professional assessment that forces postured in the United states can best respond to the full range of contingencies east and west from a central location in the United States. Our strategic air and sealift can best generate sorties from the United States, then use forward bases to onward move forces into contingency areas—again, east or west. Selected agile, mobile and joint enabled contingency/expeditionary forces should remain forward deployed to provide combatant commanders with immediate response capability. If, in the future as Commander, USFK, I find our forward force positioning does not meet our contingency/warfighting requirements, I will report my assessments through the appropriate command channels.

7. Senator AKAKA. General Bell, do you know if DOD currently has the lift to get you the forces you need when you need them?

General BELL. Senator Akaka, I cannot say at this time whether DOD has sufficient lift capability to support current operational plans. As part of my ongoing assessment of U.S. capabilities to support operations on the Korean Peninsula, I will ensure that I evaluate the required lift capabilities with as much scrutiny as other operational concerns.

[The nomination reference of GEN Burwell B. Bell III, USA, follows:]

NOMINATION REFERENCE AND REPORT

SENATE OF THE UNITED STATES,
September 6, 2005.

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

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be General

GEN Burwell B. Bell III, 7158.

[The résumé of service career of GEN Burwell B. Bell III, USA, which was transmitted to the committee at the time the nomination was referred, follows:]

RÉSUMÉ OF SERVICE CAREER OF GEN BURWELL B. BELL III, USA

Source of commissioned service: ROTC.

Military schools attended:
Armor Officer Basic and Advanced Courses.
United States Army Command and General Staff College.
National War College.

Educational degrees:
University of Tennessee at Chattanooga—BS—Business Administration.
University of Southern California—MS—Systems Management.

Foreign languages: None recorded.

Promotions:

	Dates of Appointment
2LT	4 June 1969
1LT	4 June 1970
CPT	4 June 1971
MAJ	3 May 1980
LTC	1 Aug. 1985
COL	1 June 1990
BG	1 July 1995
MG	1 Sep. 1998
LTG	14 Aug. 2001
GEN	3 Dec. 2002

Major duty assignments:

From	To	Assignment
Dec. 1969	Dec. 1970	Platoon Leader, later Executive Officer, M Troop, 3d Reconnaissance Squadron, 14th Cavalry Regiment. United States Army Europe and Seventh Army, Germany.
Jan. 1971	Nov. 1971	Motor Officer, 3d Armored Squadron, 14th Armored Cavalry Regiment, United States Army Europe and Seventh Army, Germany
Nov. 1971	Mar. 1972	Commander, L Troop, 3d Reconnaissance Squadron. 14th Armored Cavalry Regiment, United States Army Europe and Seventh Army, Germany
Mar. 1972	Jan. 1974	Assistant S–3 (Operations), 2d Advanced Individual Training Brigade, and later Assistant S–3, 1st Advanced Individual Training Brigade, United States Army Armor School, Fort Knox, Kentucky
Jan. 1974	May 1975	Commander, D Troop, 5th Cavalry Squadron, 1st Advanced Individual Training Brigade, United States Array Armor School, Fort Knox, Kentucky
June 1975	Jan. 1976	Chief, Individual Training Department, United States Army Armor Center, Fort Knox, Kentucky
Jan. 1976	July 1976	Student, Armor Officer Advanced Course, United States Army Armor School, Fort Knox, Kentucky
July 1976	May 1979	Assistant Professor of Military Science, 3d Reserve Officer Training Corps Region, Texas Tech University, Lubbock, Texas
June 1979	June 1980	S–3 (Operations), 1st Battalion, 72d Armor, 2d Infantry Division, Eighth United States Army, Korea
Aug. 1980	June 1981	Student, United States Army Command and General Staff College, Fort Leavenworth, Kansas
June 1981	June 1983	Staff Officer, Army Force Modernization Coordination Office, Office of the Chief of Staff, Army, Washington, DC
June 1983	Oct. 1984	Force Plans Analyst, Army Force Planning Analysis Office, Office of the Deputy Chief of Staff for Operations and Plans, United States Army, Washington, DC
Oct. 1984	Feb. 1987	Commander, 2d Squadron, 9th Cavalry, 24th Infantry Division (Mechanized), Fort Stewart, Georgia
Aug. 1987	June 1988	Student, National War College, Fort McNair, Washington, DC
June 1988	Nov. 1988	Organizational Policy Planner, Policy Division, J–5 (Plans), Office of the Joint Chiefs of Staff, Washington, DC
Nov. 1988	Aug. 1991	Executive Officer to the Commander in Chief, United States Central Command, MacDill Air Force Base, Florida and Operations Desert Shield/Storm, Saudi Arabia
Aug. 1991	July 1993	Commander, 2d Brigade, 24th Infantry Division (Mechanized), Fort Stewart, Georgia
July 1993	July 1994	Chief of Staff, 3d Infantry Division (Mechanized), United States Army Europe and Seventh Army, Germany
July 1994	June 1995	Senior Army Fellow, Council on Foreign Relations, New York, New York
June 1995	Dec. 1995	Assistant Division Commander, 3d Infantry Division (Mechanized), United States Army Europe and Seventh Army, Germany

From	To	Assignment
Dec. 1995	Mar. 1996	Chief of Staff, United States Army Europe and Seventh Army (Forward), Operation Joint Endeavor, Hungary
Feb. 1996	Aug. 1996	Assistant Division Commander, 1st Infantry Division, United States Army Europe and Seventh Army, Germany
Aug. 1996	July 1997	Chief of Staff, V Corps, United States Army Europe and Seventh Army, Germany
July 1997	Aug. 1998	Deputy Chief of Staff for Operations, United States Army Europe and Seventh Army, Germany
Aug. 1998	July 1999	Chief of Staff, United States Army Europe and Seventh Army, Germany
July 1999	Aug. 2001	Commanding General, United States Army Armor Center and Fort Knox,Fort Knox, Kentucky
Aug. 2001	Nov. 2002	Commanding General, III Corps and Fort Hood, Fort Hood, Texas
Dec. 2002	Mar. 2004	Commanding General, United States Army Europe and Seventh Army, Germany

Summary of joint assignments:

	Dates	Grade
Organization Policy Planner, Policy Division J–5 (Plans), Office of the Joint Chiefs of Staff, Washington, DC (No joint credit).	June 1988–Nov. 1988	Lieutenant Colonel
Executive Officer to the Commander in Chief, United States Central Command, MacDill Air Force Base, Florida and Operations Desert Shield/Storm, Saudi Arabia.	Nov. 1988–Aug. 1991	Lieutenant Colonel/Colonel
Commanding General, United Slates Army Europe and Seventh Army/Commander, Allied Land Component Command Heidelberg, North Atlantic Treaty Organization/Commanding General, United States Army, North Atlantic Treaty Organization, Germany.	Mar. 2004–Present	General

U.S. decorations and badges:
Distinguished Service Medal
Defense Superior Service Medal
Legion of Merit (with 4 Oak Leaf Clusters)
Bronze Star Medal
Meritorious Service Medal (with Oak Leaf Cluster)
Army Commendation Medal (with 2 Oak Leaf Clusters)
Ranger Tab
Army Staff Identification Badge

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by GEN Burwell B. Bell III, USA, in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Burwell B. Bell III.

2. **Position to which nominated:**
Commander, United Nations Command/Combined Forces Command/United States Forces Korea.

3. **Date of nomination:**
September 6, 2005.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
September 4, 1947; Oak Ridge, Tennessee.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Kathleen Fields Bell.

7. **Names and ages of children:**
Burwell B. Bell IV; age 34.

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the executive branch.
None.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
University of Tennessee—Chattanooga, Alumni Board of Directors—Volunteer Member.

10. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Association of the United States Army (AUSA)—Member.
Military Officers Association of America (MOAA)—Member.
Council on Foreign Relations—Senior Army Fellow.
VFW—Member.
American Legion—Member.
Armor Association—Member.
Kappa Sigma College Fraternity—Member.
Military Child Education Coalition—National Advisory Committee Member.

11. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the committee by the executive branch.
None.

12. **Commitment to appear and testify before Senate committees:** Do you agree, if confirmed, to appear and testify before any duly constituted committee of the Senate?
Yes.

13. **Personal views:** Do you agree, when asked before any duly constituted committee of Congress, to give you personal views, even if those views differ from the administration in power?
Yes.

[The nominee responded to the questions in Parts B–E of the committee questionnaire. The text of the questionnaire is set forth in the appendix to this volume. The nominee's answers to Parts B–E are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

B.B. BELL, GENERAL, UNITED STATES ARMY.

This 6th day of September, 2005.

[The nomination of GEN Burwell B. Bell III, USA, was reported to the Senate by Chairman Warner on October 27, 2005, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on October 28, 2005.]

[Prepared questions submitted to Lt. Gen. Lance L. Smith, USAF, by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. The Goldwater-Nichols Department of Defense (DOD) Reorganization Act of 1986 and the Special Operations reforms have strengthened the warfighting readiness of our Armed Forces. They have enhanced civilian control and clearly delineated the operational chain of command and the responsibilities and authorities of the combatant commanders, and the role of the Chairman of the Joint Chiefs of Staff. They have also clarified the responsibility of the military departments to recruit, organize, train, equip, and maintain forces for assignment to the combatant commanders.

You have had an opportunity to observe the implementation and impact of these reforms, particularly in your assignments as Deputy Commander, U.S. Central Command (CENTCOM), and Deputy Commander, United Nations Command/U.S. Forces Korea (USFK).

Do you see the need for modifications of any Goldwater-Nichols Act provisions?

Answer. Yes, I think that after 19 years, there are areas that could be modified.

Question. If so, what areas do you believe might be appropriate to address in these modifications?

Answer. I think there are three areas that could be improved.

- First, we may need to increase the number of jobs that are considered 'joint.' I've had several jobs since Goldwater-Nichols that involved extensive real-word joint operations, yet they were not considered 'joint' by the personnel system. Due to the significant changes in the way our forces deploy and operate, I believe we may need to take a comprehensive look at which jobs deserve joint duty credit, and give credit where due, unconstrained by quotas.
- Second, we need to provide joint credit for those individuals serving in joint combat positions for less than the current 22 month minimum requirement.
- Finally, in a larger sense, Congress should consider including other U.S. Government (USG) agencies in the joint training and deployment readiness process so that appropriate representatives of USG agencies are trained to better integrate Service, defense agency, and interagency capabilities to more effectively implement an integrated national strategy.

DUTIES

Question. What is your understanding of the duties and functions of Commander, U.S. Joint Forces Command (JFCOM)/Supreme Allied Commander Transformation?

Answer. The Unified Command Plan focuses the command on two main missions: 1) providing conventional forces trained to operate in a joint, interagency, and multinational environment, and 2) transforming the U.S. military's forces to meet the security challenges of the 21st century. The Commander, JFCOM serves as the chief advocate for jointness and interoperability to champion the joint warfighting requirements of the other combatant commanders. As such, he is responsible for five major areas:

- First, he is functionally responsible for leading joint concept development and experimentation (CDE) and coordinating the CDE efforts of the Serv-

ices, combatant commands, and defense agencies to support joint interoperability and future joint warfighting capabilities. The Commander of JFCOM is also tasked with leading the development, exploration, and integration of new joint warfighting concepts and serving as the DOD Executive Agent for joint warfighting experimentation.

• Second, he serves as the lead Joint Force Integrator, responsible for recommending changes in doctrine, organization, training, material, leadership and education, personnel, and facilities to integrate Service, defense agency, interagency, and multinational capabilities.

• Third, he serves as the lead agent for Joint Force Training. This effort is focused at the operational level with an emphasis on Joint Task Force Commanders and their staffs and the ability of U.S. forces to operate as part of a joint and multinational force. Additionally, JFCOM is responsible for leading the development of a distributed joint training architecture and developing joint training standards.

• Fourth, he leads the collaborative development of joint readiness standards for Joint Task Force Headquarters staffs, functional component headquarters staffs, and headquarters designated as potential joint headquarters or portion thereof, for recommendation to the Chairman.

• Fifth, he serves as the Primary Joint Force Provider. In this role, JFCOM has combatant command over a large portion of the conventional forces of the U.S. Armed Forces and provides them as trained and ready joint-capable forces to the other combatant commanders when directed by the Secretary of Defense.

In addition to these UCP assigned missions, JFCOM has been assigned as the executive agent within the DOD for the following mission areas:

• Joint Urban Operations
• Personnel Recovery
• Joint Deployment Process Owner
• Training and Education to Support the Code of Conduct
• Joint Experimentation

The Supreme Allied Commander Transformation (SACT) is responsible to the military committee for overall recommendations on transformation. He leads transformation of NATO military structures, capabilities and doctrines, including those for the defense against terrorism in order to improve the military effectiveness and interoperability of the Alliance. He cooperates with the Supreme Allied Commander Europe (SACEUR) on integrating and synchronizing transformation efforts with operational activities and elements. He also promotes improvements to the capabilities of NATO forces made available by nations, especially for Combined Joint Task Forces and NATO Response Force Operations. Specifically, SACT:

• Leads, at the Strategic Commander level, the NATO Defense Planning Process, including the development of the Defense requirements review.

• Develops Strategic Commander Force proposals within the Force Planning Process and conducts Strategic Commander assessment of national contributions to the NATO force structure in coordination with national military authorities.

• Leads, at the Strategic Commander level, the development of NATO Joint and Combined concepts, policy and doctrine, as well as Partnership for Peace military concepts in cooperation with SACEUR.

• Leads, at the Strategic Commander level, the development of future Communications Information Systems strategy, concepts, capabilities, and architecture.

• Leads, for military matters in NATO, partnership for Peace and other non-NATO joint individual education and training, and associated policy.

• Assists SACEUR in the education and training of functional commands and staff elements that plan for and conduct operations with multinational and joint forces over the full range of Alliance military missions.

If confirmed, I will devote my efforts to accomplishing these JFCOM and ACT responsibilities.

BACKGROUND AND EXPERIENCE

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I have benefited from a broad range of assignments during my nearly 36 years in uniform, from tactical to operational command. From my first assignment flying close air support and search and rescue missions in Vietnam, through assign-

ments in NATO and Korea, to my current position as Deputy Commander, CENTCOM, I have had considerable experience in joint and coalition operations in actual combat or near combat situations. I was also privileged to command two fighter wings and a numbered Air Force, as well as the NATO School, Air War College, and the Air Force Doctrine Center. Throughout all these experiences, I was fortunate to work for, and with, incredible people at every level and tried to learn everything I could in each assignment. I have also had the opportunity to work with senior coalition leaders and coalition forces in a variety of missions—all helping to prepare me for this assignment.

RELATIONSHIPS

Question. Section 162(b) of title 10, United States Code, provides that the chain of command runs from the President to the Secretary of Defense and from the Secretary of Defense to the commanders of the combatant commands. Other sections of law and traditional practice, however, establish important relationships outside the chain of command. Please describe your understanding of the relationship of the Commander, JFCOM/Supreme Allied Commander Transformation, to the following:

The Secretary of Defense.

Answer. The Commander, JFCOM performs his duties under the authority, direction, and control of the Secretary of Defense, and is directly responsible to him to carry out its assigned missions.

Question. The Under Secretaries of Defense.

Answer. Title 10, U.S.C., and current DOD directives establish the Under Secretaries of Defense as the principal staff assistants and advisers to the Secretary regarding matters related to their functional areas. Within their areas, Under Secretaries exercise policy and oversight functions. They may issue instructions and directive type memoranda that implement policy approved by the Secretary. These instructions and directives are applicable to all DOD components. In carrying out their responsibilities, and when directed by the President and Secretary of Defense, communications from the Under Secretaries to the commanders and the unified and specified commands are transmitted through the Chairman of the Joint Chiefs of Staff.

Question. The Assistant Secretaries of Defense.

Answer. With the exception of the Assistant Secretaries of Defense for Public Affairs, Legislative Affairs, Intelligence Oversight, and for Networks amd Information Integration, all Assistant Secretaries of Defense are subordinate to one of the Under Secretaries of Defense. In carrying out their responsibilities, and when directed by the President and Secretary of Defense, communications from the Under Secretaries to commanders of the unified and specified commands are transmitted through the Chairman of the Joint Chiefs of Staff. If confirmed, I will work closely with the Assistant Secretaries in a manner similar to that described above for the Under Secretaries.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The Chairman is established by title 10 as the principal military advisor to the President and Secretary of Defense. The Chairman serves as an advisor and is not, according to law, in the operational chain of command, which runs from the President through the Secretary to each combatant commander. The President directs communications between himself and the Secretary of Defense to the combatant commanders via the Chairman of the Joint Chiefs of Staff. This keeps the Chairman fully involved and allows the Chairman to execute his other legal responsibilities. A key responsibility of the Chairman is to speak for the combatant commanders, especially on operational requirements. If confirmed as Commander, JFCOM, I will keep the Chairman and the Secretary of Defense promptly informed on matters for which I am personally accountable.

Question. Supreme Allied Commander, Europe (SACEUR)

Answer. SACEUR is one of two co-equal Strategic Commanders within NATO's command structure. As NATO's other Strategic Commander, the Supreme Allied Commander Transformation supports SACEUR in the education and training of functional commands and staff elements that plan for and conduct operations, with multinational and joint forces, over the full range of Alliance military missions authorized by the North Atlantic Council/Defense Planning Committee. Allied Command Transformation (ACT) also conducts and evaluates training and exercises of forces and headquarters, in coordination with and on behalf of SACEUR. Lastly, ACT supports SACEUR in joint analysis, evaluations and assessments of NATO-led operations and forces, including NATO Response Force certification.

Question. North Atlantic Council/Defense Planning Committee/The NATO Chiefs of Defense and Defense Ministers/The Military Committee of NATO.

Answer. As one of two co-equal Strategic Commanders within NATO's command structure, the Supreme Allied Commander Transformation provides military advice to the Military Committee, North Atlantic Council and Defense Planning Committee on matters pertaining to transformation, as required. The Commander may make recommendations directly to the Military Committee, the International Military Staff, national Chiefs of Defense, Defense Ministers and Heads of State and Government on transformational matters affecting the capability improvement, interoperability, efficiency, and sustainability of forces designated for NATO.

Question. The Secretaries of the Military Departments.

Answer. The Secretaries of the military departments are responsible for the administration and support of the forces assigned to the combatant commands. The Commander, JFCOM coordinates closely with the secretaries to ensure the requirements to organize, train, and equip forces assigned to JFCOM are met. Close coordination with each Service Secretary is required to ensure that there is no infringement upon the lawful responsibilities held by a Service Secretary.

Question. The Chiefs of Staff of the Services.

Answer. The Chiefs of Staff of the Services organize, train, and equip their respective forces. No combatant commander can ensure preparedness of his assigned forces without the full cooperation and support of the Service Chiefs. As a member of the Joint Chiefs of Staff, the Service Chiefs have a lawful obligation to provide military advice. The experience and judgment of the Service Chiefs provide an invaluable resource for every combatant commander. If confirmed as Commander, JFCOM, I will continue the close bond between the command, the Service Chiefs and the Commandant of the U.S. Coast Guard in order to fully utilize their service capabilities, and to effectively employ those capabilities as required to execute the missions of JFCOM.

Question. The combatant commanders.

Answer. In general, JFCOM is a supporting command—its job is to make the other combatant commands more successful. If confirmed, I will continue the close relationships with other combatant commanders to increase the effectiveness we've created, and continue to build mutual support. The joint capabilities required by combatant commanders to perform their missions—today and in the future—forms a large basis of JFCOM's mission. Today's security environment dictates that JFCOM work very closely with the other combatant commanders to execute our national military strategy.

Question. The commanders of each of the Service's training and doctrine commands.

Answer. Tasked by the UCP as the executive agent for joint warfighting experimentation, a strong relationship exists between JFCOM and the Services' training and doctrine commands. Admiral Giambastiani established close working relationships with these organizations and their commanders via a monthly component commanders meeting, and if confirmed, I will continue these relationships.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges and problems confronting the Commander, JFCOM/Supreme Allied Commander Transformation?

Answer. I see three overarching challenges for the Commander, JFCOM.

- First, we must provide trained and ready joint forces to the combatant commanders to fight not only the global war on terrorism, but other possible contingencies as well, should and when they arise. Also, we must be capable of generating forces to respond to major disasters if directed to do so. Joint Forces Command plays a major role in providing conventional forces and capabilities to combatant commanders. JFCOM also supports the joint training and readiness needs of those forces. Providing sufficient numbers of mission-ready, joint-trained and equipped forces for the missions assigned to the geographic combatant commanders will continue to be a challenge.
- Second, we must continue transforming our joint force for the future while prosecuting current campaigns. Although challenging, it is important to balance the needs of the combatant commanders for current operations with the need to modernize and modularize Joint and Service forces to increase their capability to meet the security challenges of the 21st century.
- Third, we need to ensure the requirements and acquisition processes can rapidly provide solutions to meet combatant commanders' short term joint needs. We need to improve our ability to quickly implement solutions to joint lessons learned and integrate promising concepts and technologies

without significantly disrupting existing programs within the execution years.

If confirmed as Supreme Allied Commander, Transformation, I anticipate that my main challenge will be delivering timely transformational products to Allied Command Operations and the Allied Nations which improve and transform our military forces while advancing a clear understanding throughout the Alliance of military transformation and ACT's role in the process.

Question. Assuming you are confirmed, what plans do you have for addressing them?

Answer. If confirmed, I will work with the Chairman, combatant commanders, Service Chiefs, and defense agencies to ensure that we continue to develop and implement joint sourcing solutions to allow the combatant commanders to coherently prosecute their missions. I will also continue to ensure we use concept development, experimentation and Operational Analysis/Lessons Learned from experiments, exercises, and ongoing operations to guide transformation and improve global sourcing and the preparation of joint forces and capabilities for employment. I will work in partnership with the Services, COCOMs, agencies, industry, academia, and partner nations to leverage intellectual energy and collective resources. I will make recommendations and plans regarding the appropriate capabilities, policies and resources needed to continue to transform the Armed Forces to meet current and future security challenges. I will use congressionally-granted Limited Acquisition Authority, if continued past fiscal year 2006, and work closely with the Chairman and the Joint Requirements Oversight Council to resource timely solutions to the combatant commanders' emergent joint needs.

On the NATO side, if confirmed, I will work with the Military Committee, the North Atlantic Council, the Supreme Allied Commander Europe and the Allied Nations to continue the transformation of NATO's military. Utilizing the considerable capabilities of Allied Command Transformation's headquarters, Joint Warfare Center, Joint Force Training Center, and Joint Analysis and Lessons Learned Center, as well as working with NATO's Agencies, educational establishments and the Allied Nations' Centers of Excellence, I will strive to continue the development of the capabilities, policies and resources needed to meet NATO's current and future security challenges. Additionally, I will carry forward, to both the political and military leaders of the Alliance and its Nations, the NATO transformation message in an effort to facilitate a clear understanding of the need for transformation, the responsibilities of those leading the process and the methods by which we intend to accomplish the task.

JOINT OFFICER MANAGEMENT

Question. Pursuant to section 531 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, the Secretary of Defense is required to develop a strategic plan for joint officer management and joint professional military education that would link future requirements for active and Reserve military personnel who are trained and educated in joint matters to the resources required to develop those officers in terms of manpower, formal education, practical experience, and other requirements.

What do you consider to be the primary strengths and weaknesses of the current requirements for joint professional military education with respect to qualification as a joint specialty officer?

Answer. The strength of the current system is that it produces officers with a solid level of education, training, and joint staff experience to be certified as joint specialty experts. However, there are three main areas that we need to improve: providing credit for all relevant joint operational experience—especially in operational Joint Task Force headquarters, developing a system to track this cumulative experience across the officer corps, and finally I think we need to ensure the officer corps produces the right kinds of officers who achieve their Joint Specialty Officer certification early enough in their career so that we have a large enough pool of joint service officers to fill the requirements at all levels.

Question. In assessing the performance of officers in joint command, what is your personal view of the operational value and importance of officers achieving qualification as joint specialty officers?

Answer. There is significant operational value and importance in officers achieving qualification as joint specialty officers prior to assuming joint command. The focus should be on producing leaders who are fully qualified, inherently joint officers, critical thinkers, and most importantly, skilled warfighters and operators. Achieving the qualification of joint specialty officers is critical to supporting current and anticipated joint mission requirements.

Question. What changes, if any, would you recommend in the development, education, management, assignment, and qualifying processes for officers in a transformed and fully joint U.S. military?

Answer. In my opinion, there are three components to developing a Joint Specialty Officer: education, training, and experience. While the education and training components are reasonably well developed, the services do not always provide their best and brightest to serve on operational Joint Task Force Headquarters, and even when we do, we don't have a system to track officers with this joint operational experience. This problem is further compounded since we currently do not always provide joint credit for officers conducting joint combat operations for less than 22 months in a combat zone. This real-world joint operational experience—the most valuable kind of joint experience in my view—reinforces education and training with practical application of learned skills, thus more fully preparing officers to lead and manage in the joint environment. The joint manpower exchange program as currently being implemented has great potential for advancing jointness across the force. We are making great headway in this area but need to continue the effort.

Question. The previous Commander, JFCOM, has expressed the view that a necessary next step in joint officer management is creating a system to track operational joint experience and to more easily provide joint duty credit for those officers who serve on an operational Joint Task Force.

Do you agree with this view and, if so, how would you recommend achieving it?

Answer. I wholeheartedly agree with Admiral Giambastiani's position in regard to the value of joint operational experience and ensuring we track and fold it into the joint officer management process. Real-world joint operational experience is the most valuable kind of joint experience as it reinforces education and training with practical application of learned skills, thus more fully preparing officers to command in the joint environment. Joint Specialty Officers with joint education, training, and experience are critical to successful joint operations today and in the future.

There are three parts to tracking joint operational credit in the real world joint environment. First we need to establish criteria which define joint operational credit. Second we need to apply these criteria and identify key positions on the Joint Task Force Headquarters and other appropriate joint operational assignments and not be unnecessarily constrained by ceilings on the number of joint qualified officers. Finally, the human resource systems need to document this joint operational credit in a consistent manner across the officer corps so it is readily available in the joint specialty officer management process. I believe tracking both joint operational duty and joint credit for the total force to be one of the key steps we need to undertake in transforming the officer corps and producing leaders who are fully qualified, inherently joint officers.

We also need to ensure our best officers go to these positions and that they are promoted at a rate consistent with the importance of their joint responsibilities.

TRAINING OF SENIOR LEADERS IN JOINT OPERATIONS

Question. JFCOM has taken several initiatives to train senior leaders to operate in joint environments. Capstone and Pinnacle are intensive courses that provide general and flag officers with an understanding of their role as joint task force commanders. Keystone provides senior enlisted leaders with an understanding of their role in joint operations.

Based on your experience as Deputy Commander, CENTCOM, are senior leaders receiving the training they need to succeed in the joint warfighting environment?

Answer. Yes. Joint training today, as well as leader development programs such as Pinnacle, Capstone, and Keystone, challenge and better prepare our leaders to think, act, and operate effectively in today's challenging security environment. These programs are continually updated based on observed best practices and they link in actual JTF commanders in the field for question and answer sessions. The joint mission rehearsal program is also providing outstanding operational level training for commanders and their staffs prior to deployment. We have been very pleased with the training the senior leaders of CENTCOM's Joint Task Forces have received.

Question. What recommendations for change in senior leader training, if any, do you have?

Answer. Overall, I am quite pleased with the senior leader training program. It achieves a good balance of academics, exercise, senior mentors and in-country right seat rides prior to mission transfer. While Interagency and multinational participation is included, it could be expanded and the earlier we engage our officers and senior NCOs the better.

Question. In your opinion, is Keystone as robust and professionally developing as Capstone and Pinnacle? If not, what recommendations would you make to improve the course?

Answer. Currently, the Keystone Joint Operations Module (JOM) hosted by Joint Forces Command is as robust and professionally developing as the JOM for Capstone and Pinnacle. Keystone provides senior enlisted leaders with training to serve on the staffs of joint commands. However, Keystone is just beginning to transition to a full program under the direction of National Defense University (NDU) as conducted for Capstone and Pinnacle. The Keystone program is valuable and as we move forward, I anticipate it will continually be shaped to meet the needs of commanders. In that respect, the graduates are being used well—nearly every regional combatant command senior enlisted leader has been through the course, the new JCS Command Sergeant Major is a graduate, and many of the key warfighting commands such as MNF–I, CFC–A, and MNC–I all have command senior enlisted leaders who are graduates of Keystone. In fact, CFC–A has designated Keystone as a prerequisite course for those selected for assignment as the Command Senior Enlisted Leader. This speaks quite well for the program and its graduates. Keystone has matured over its three iterations. A major milestone is formalization of Enlisted Professional Military Education Program, of which Keystone will serve as the graduate level course.

JOINT TACTICAL TRAINING

Question. While progress has been made in the ability of the Services to plan and operate at the strategic level, there continue to be shortfalls in joint training and in the conduct of joint operations at the tactical level.

Based on your service in USFK and CENTCOM, what do you consider to be the operational and tactical areas most in need of better joint capability, training, and procedures?

Answer. Because of the different levels of engagement by the Services in the global war on terrorism, we are utilizing Air Force and naval personnel in many nontraditional areas such as truck drivers and prison guards. We need to anticipate and train to these capabilities as early as possible in the deployment process. Also, as we deal more and more with stability and reconstruction organizations such as Provincial Reconstruction Teams and Provincial Support Teams, we must ensure they have the right training for their unique jobset as well as in processes to protect themselves and to conduct combat operations should they come under attack.

One way to increase our ability to conduct this sort of training is through the Joint National Training Capability (JNTC) which achieved Initial Operating Capability (IOC) in October of last year. JNTC for the first time offers the department the ability to integrate live, virtual, and constructive capabilities in a more realistic battle space environment at reduced cost and greater effectiveness. JNTC offers great opportunity to improve and advance joint intel, joint fires, joint command and control, joint ISR, joint logistics, interagency, and multinational operations. These areas and human intelligence (HUMINT) are key areas to focus on.

Question. If confirmed, what steps would you take to improve the ability of tactical level units from each of the Services to train together and to require the Services, in fulfilling their statutory obligation to organize and train, to ensure joint tactical training takes place?

Answer. The individual services understand that we must train jointly and have been leaning forward not only in joint training but also ensuring their training programs reflect the environment of real world operations. The Joint National Training Capability (JNTC) provides that real-world integrating environment that promotes Jointness through integration vice deconfliction. If confirmed, I would continue to use JNTC to incentivize the services by enabling them to conduct joint training from home station, or in some cases while deployed, and allowing them to focus at the tactical level as well as the operational level. I would also encourage the Services to include this type of joint training as early as possible in young officers and noncommissioned officers (NCOs) careers.

JOINT TRAINING JFCOM

Question. Three years ago, this committee directed the DOD to develop standards to rationalize the requirements for military operations in urban terrain (MOUT) facilities within and across the services, and to report on those requirements. This effort has progressed very slowly, and the Department has informed us that such standards will not be in place in time to apply them to any projects requested in the fiscal year 2007 budget that will be presented to Congress next year.

If confirmed, what steps would you plan to take, and what role do you envision for JFCOM, to develop standards and priorities for joint urban training across DOD, to include the requirements for and location of facilities needed to support this training?

Answer. DOD has made great improvements in our joint urban training over the past few years. If confirmed, I would ensure JFCOM continues to work with the Joint Staff and the Services to develop standards and priorities for joint urban training and facilities as quickly as possible.

Question. Do you believe this program should be part of the Joint National Training Capability (JNTC) effort, or that it should be separate?

Answer. At the moment, I believe there is greater utility in establishing a Service-based program that JFCOM certifies, monitors, and supports, but this is an issue that I would like to examine more if confirmed.

Question. Do you believe any changes in title 10 responsibilities are necessary in order to provide the joint training capability needed to deal with the complex challenges of current and future missions?

Answer. It is certainly possible that some changes to title 10 responsibilities may become necessary; however, through the ongoing deployment of a joint national training capability, we have made significant and steady progress in many areas. This progress is the result of many thousands of conversations everyday within and between the myriad of Service organizations, the COCOM staffs, OSD, the Joint Staff and all of our various multinational, agency, industry and academic partnerships. Eventually some title 10 adjustments may serve to make our outcomes more efficient, but I don't believe it can make them inherently effective unless the people in the process understand and are committed in very personal ways. In essence, the cultural change is as important as the policy change. That cultural change is happening more and more every day.

CLOSE AIR SUPPORT JFCOM

Question. A GAO report of May 2003 entitled "Military Readiness: Lingering Training and Equipment Issues Hamper Air Support of Ground Forces," found that the Services have had limited success in overcoming the barriers that prevent troops from receiving the realistic, standardized close air support (CAS) necessary to prepare them for joint operations. GAO found that progress has been slow on many of the CAS issues because the Services have been unable to agree on joint solutions and that U.S. troops are forced to conduct last-minute training or to create ad hoc procedures on the battlefield.

From the perspective of the combatant commander, what progress has been made and what problems persist, in ensuring successful CAS mission execution?

Answer. Fortunately we continue to make progress in this important area. For example, the Services have recently agreed to standardized training procedures for joint terminal air controllers and we created the Joint Fires Interoperability and Integration Team out of two other commands to focus on the integration of joint fires at tactical level. We have also made progress in standardizing more and more equipment. For example, one of the major CAS shortfalls identified during Operation Enduring Freedom (OEF) was the lack of target location and ranging devices for the terminal attack controllers on the ground. Based on this shortfall and prior to Operation Iraqi Freedom (OIF), the Services purchased and fielded many laser range finders and GPS systems for the terminal attack controllers on the ground. This significantly increased the target coordinate accuracy and allowed CAS platforms to accurately deliver their ordnance where the ground commander needed it.

Additionally, the accessibility of Unmanned Air System information to the terminal attack controller has also brought about significant improvement to CAS employment. The ability to get a "bird's eye" view of the target area similar to what the aircrew is seeing significantly reduces the time required to pass the correct target to the aircrew. These technological improvements in the hands of trained controllers continue to increase the efficiency and effectiveness of CAS assets in support of the ground commander.

While we have made significant progress, more needs to be done for both U.S. forces and coalition partners in enhancing equipment interoperability, improving the effectiveness of simulations for terminal air controller qualification and currency training, and alignment of qualified air controllers at the appropriate level in tactical ground units

Question. What steps has the Department and JFCOM taken to respond to the recommendations of the GAO with respect to CAS training?

Answer. JFCOM chairs the Joint CAS Executive Steering Committee which has made huge strides toward standardizing the training and certification of Joint Ter-

minal Attack Controllers (JTACS) and Forward Air Controllers (Airborne) (FAC(A)), both within DOD and with our allies. JFCOM created the Joint Fires Interoperability and Integration Team out of two other commands to focus on the integration of joint fires at tactical level.

JFCOM is also heavily involved in establishing interoperable equipment requirements for Joint Fires. JFCOM is also collaborating with the Services and SOCOM to develop a Joint equipment solution for the terminal attack controllers—the Joint Effects Targeting System (JETS)—a light-weight, manportable target location and designation system integrated with a targeting effects coordination system (estimate fiscal year 2010–2012 fielding).

In the near-term, JFCOM has provided CENTCOM with the ability to pass airborne imagery to ground units (using Rapid Attack Information Dissemination Execution Relay (RAIDER)) as well as to better plan and target CAS using a Digital Precision Strike Suite (DPSS) of equipment. This DPSS capability has been used by Special Operations Forces in both Iraq and Afghanistan. During the last large engagement in Fallujah (November/December 2004), DPSS was used to support the majority (90 percent) of all USMC/Naval Special Warfare CAS missions including both JDAM and LGB drops.

With advances in technology, simulation now offers realistic and affordable alternatives for Joint Close Air Support (JCAS) training. While simulation will never fully replace live training events, it will potentially relieve a portion of the cost associated with initial and follow-on training requirements for our units and personnel and ultimately allow us to train more efficiently across DOD.

Question. If confirmed, what steps would you take to solve this problem?

Answer. If confirmed, I would continue to push for JFCOM to be designated the DOD lead for JCAS, which would increase JFCOM's ability to influence joint solutions and capability improvements for the warfighter. Additionally, working with our Coalition partners to gain acceptance of our Joint Terminal Attack Controller (JTAC) and Forward Air Controller—Airborne (FAC(A)) qualification and certification standards will be one of my top priorities. My executive agent for most of these initiatives would be the Joint Fires Interoperability and Integration Team, which is already working with all the Services and many of our multinational partners to raise the bar on JCAS capability and performance.

JOINT REQUIREMENTS OVERSIGHT COUNCIL

Question. The Joint Requirements Oversight Council (JROC) has the responsibility to assist the Chairman of the Joint Chiefs of Staff in identifying and assessing the priority of joint military requirements to meet the National military strategy and alternatives to any acquisition programs that have been identified.

How would you assess the effectiveness of the JROC in the Department's acquisition process?

Answer. In my view, we must "operationalize" the JROC and acquisition processes to respond with agility when immediate and pressing needs are presented and validated. Currently, the Joint Capability Integration and Development System (JCIDS) is designed to impact mid- to far-term capabilities and funding (3 years and beyond). The process has less flexibility to quickly respond to emerging requirements within the PPBE process in the near-term budget years (1–2 years).

A variety of ad hoc measures have been used to address this challenge. Congress has helped by providing new authorities such as Limited Acquisition Authority (LAA). One near-term solution is to dedicate appropriate resources—tied to Limited Acquisition Authority—in order to have funds available to ensure combatant commanders are able to quickly acquire joint warfighting capabilities. In the long-term, the JCIDS process needs to change to fall more in line with the demands and pace of today's operations. Additionally, the JROC issues memoranda directing JFCOM and other combatant commands to undertake actions on behalf of the joint force, but often provides limited funding to initiate the action or sustain it beyond its first year or two. As an example, I understand that JFCOM has nearly $100 million worth of unfunded requirements in fiscal year 2006, all of which were directed by external mandates, some of which came from the JROC. I am aware that the Joint Staff is working on a way to link plans and requirements to resources. If confirmed, I look forward to seeing how that applies to a functional combatant command like JFCOM and to helping to develop a systemic way to address these concerns in the future.

JOINT REQUIREMENTS

Question. Commander, JFCOM, is responsible for advocating for the interests of combatant commanders in the overall defense requirements and acquisition process.

From your perspective as the Deputy Commander, CENTCOM, has JFCOM effectively represented the requirements and needs of combatant commanders to the JROC and the military services?

Answer. Yes, in my experience at CENTCOM, JFCOM was very effective in representing CENTCOM's needs to the Joint Requirements Oversight Council and the military services. For example; JFCOM collected and analyzed lessons learned from Afghanistan and Iraq. These lessons were compared to the Integrated Priority Lists and Joint Quarterly Readiness Reports submitted by the combatant commanders. This comparison was then used to develop recommended approaches for resolution which were submitted to the Joint Staff and JROC. All of these recommendations were endorsed by the JROC. A problem, however, in my opinion is that many of these joint solutions are still not adequately funded. If confirmed, I look forward to continue working with all those involved to make the system even more responsive to combatant commander needs—to include possible JFCOM representation on the JROC.

Question. In your view, are combatant commanders capable of identifying critical joint warfighting requirements and quickly acquiring needed capabilities?

Answer. Combatant commanders are very effective in identifying joint warfighting requirements and capability gaps. However, their ability to quickly acquire needed capabilities has proven less than optimal. The Joint Requirements Oversight Council process is designed to impact mid- to far-term capabilities and funding (3 years and beyond). The process has less flexibility to respond to emerging requirements within the Planning, Programming, Budgeting, and Execution (PPBE) process in the near-term budget years (1–2 years). Currently, there are limited pools of funding available to address this systemic problem. Therefore, combatant commanders still have difficulty rapidly acquiring some capabilities. If confirmed, I look forward to exploring ways to improve the ability to quickly acquire capabilities needed by the combatant commanders.

Question. What suggestions, if any, do you have for improving the requirements and acquisition process to ensure that combatant commanders are able to quickly acquire needed joint warfighting capabilities?

Answer. In my view, we must "operationalize" the JROC and acquisition processes to respond with agility when immediate and pressing needs are presented and validated. As I mentioned above, the JCIDS is designed to impact mid- to far-term capabilities and funding (3 years and beyond). The process has less flexibility to quickly respond to emerging requirements within the PPBE process in the near-term budget years (1–2 years).

A variety of ad hoc measures have been used to address this challenge. Congress has helped by providing new authorities such as Limited Acquisition Authority (LAA) which has proven to be of great value. One near-term solution is to extend this authority and dedicate appropriate resources in order to have funds available to quickly acquire joint warfighting capabilities for the combatant commanders. In the long-term, the JCIDS process needs to adapt to more effectively meet the demands and pace of today's operations. If confirmed, I look forward to helping to develop a systemic way to address these concerns.

Question. If confirmed, what role do you believe you should play in the JROC deliberations?

Answer. I believe the combatant commanders need to have an effective voice in the resource decisions of joint requirements. If confirmed, I look forward to investigating the option of including JFCOM representation as a voting member on the JROC.

TRANSFORMATION

Question. By serving as the Department's "transformation laboratory," JFCOM enhances the combatant commands' capabilities as outlined in the Department's Unified Command Plan.

Do you believe JFCOM should play a larger role in transformation and setting transformation policy? If so, how?

Answer. JFCOM's role and influence in transformation continues to grow through constantly expanding interaction with the Services, Joint Staff, and OSD in the joint experimentation, joint training, joint integration, and joint force providing responsibilities as assigned by the UCP. Our transformation role includes both interactions within the existing DOD developmental processes and the ability to act as a coordinator of Service, COCOM, and agency efforts. Transformation policy clearly rests with the Department. However, JFCOM is afforded substantial and sufficient opportunity to inform policymakers and to shape the mechanisms that execute transformation policy.

Question. In your view, what effects-based capabilities that have been fielded are truly transformational?

Answer. There are two core aspects of effects-based capabilities currently in the field that are truly transformational. The first, and more mature of the two, is the systemic analysis capability. Designed to view the adversary and overall operational environment as interrelated systems, this capability focuses information on them in terms of nodal analysis and the impact that action(s) X, Y, or Z may have on the adversary's critical nodes. In essence targets are not viewed as such, but rather their importance to the adversary's behavior. Thus military targets may be bypassed or neutralized (not destroyed) if their presence has little to no importance while political, social, or economic targets may be deemed more critical. The systemic approach provides decision makers with a critical view of the operational environment and an unprecedented capability to understand how planned actions will impact the situation. The systemic analysis process has been fielded to all U.S. regional combatant commands and is also in use with coalition forces in Iraq and Afghanistan and with the Combined Forces Command in Korea.

The second truly transformational capability is the effects-based assessment (EBA) methodology. EBA is the "heart" of the EBO concept, and provides commanders with an effects-based understanding of operational progress as well as effects-based recommendations for future operational decision making. It transforms the traditional nature of campaign assessment into one that enables all operational echelons to understand the effects-based intent of their actions and to report the outcomes of such actions in a way that links directly to the command decision-making process. As with the systemic analysis capability, the EBA methodology is currently being used by a wide range of U.S. and multinational organizations around the world.

Question. What effects-based capabilities currently under development do you consider to be truly transformational and deserving of support within the Department and Congress?

Answer. While true that both the systemic analysis and EBA methodology are widely fielded, both are still somewhat under development. Continued support of these two critical effects-based capabilities is directly linked to the future value of EBO.

Question. Few would argue that the introduction of unmanned aerial systems was not an important transformational achievement. Each Service is developing a wide range of unmanned aerial system capabilities, and the Office of the Secretary of Defense (OSD) is responsible for ensuring these capabilities support the Department's overarching goals of fielding transformational capabilities, establishing joint standards, and controlling costs.

In your view, what role should JFCOM play in supporting the Department, including the Services and Defense agencies, in achieving successful systematic migration of mission capabilities to this new class of military tools?

Answer. As lead in the Joint Battle Management Command and Control Board of Directors and a partner in the UAV Center of Excellence, JFCOM, I believe, is playing a role in ensuring joint interoperability requirements are being integrated into the design of the UASs themselves and the payloads they carry. This ensures they are fully capable of being seamlessly integrated and fully joint capable in the joint battlespace. JFCOM certainly has unique capabilities that could be further applied to this issue if given appropriate authority.

Question. JFCOM has a responsibility to improve combatant commander unmanned aerial system effectiveness through improved joint service collaboration. Currently, the Air Force is fielding the Predator unmanned aerial system, and Army has recently signed a contract for the system development and demonstration of the Warrior unmanned aerial system. Both systems have a hunter-killer mission, are produced by the same contractor, and are very similar in design and capability.

What was JFCOM's role, if any, in effecting joint service collaboration for these two systems or in determining whether there could be overlap between the Army and Air Force requirements?

Answer. Based on my understanding at this juncture, I believe JFCOM's authorities and responsibilities in the development and approval of the joint requirements for both Warrior and Predator must be expanded to ensure we do not duplicate capabilities due to the lack of clearly understood combatant command requirements and insufficient Joint Tactics, Techniques and Procedures for the employment of systems we already have on hand. The creation of a Joint Unmanned Aircraft System Center of Excellence located at Creech AFB in Nevada is one example of how the joint force has taken steps to ensure unwarranted duplication of effort does not occur.

Question. What joint warfighter capabilities, if any, does the Warrior system provide?

Answer. I am not familiar enough with exact capabilities of the Warrior system to answer that question. The important issue with any new UAV system is to make sure that the acquisition process is properly followed so that the system is 'born joint.' In CENTCOM, when UAVs were acquired outside the normal process, it sometimes led directly to problems with spectrum management and incompatible systems. The new UAV Joint Center of Excellence will hopefully help ensure these problems are worked out before new systems come into theater.

COMBAT IDENTIFICATION SYSTEMS

Question. The committee is concerned that urgent joint warfighting requirements, including combat identification systems, are not always conceived, developed, and fielded in the most expeditious manner possible. Longstanding operational requirements include a joint blue force tracking capability; a joint interoperable air, sea, and ground combat identification system; and a joint simulations and modeling capability for evaluating joint warfighting concepts development.

What progress has been made, and what challenges exist, to fielding effective friendly forces tracking capabilities?

Answer. Fielding effective capabilities in this area has been centered on achieving service and coalition interoperability of these various tracking capabilities. We've made significant progress in getting all the Services to agree to a strategy for a single blue force tracking (BFT) capability with key capabilities from each Service merging in fiscal year 2008–2009. Of note, the Army and Marine Corps will begin merging their systems this fiscal year. An Advanced Concept Technology Demonstration (ACTD) showed it was possible to display data from multiple BFT systems on a single common operational picture and a further development is being fielded to CENTCOM which sends ground BFT data to attack aircraft.

Of great significance, JFCOM, in partnership with Allied Command Transformation (ACT), just completed the last of three demonstrations that were part of a nine nation Coalition Combat Identification (CCID) Advanced Concept Technology Demonstration (ACTD). This event evaluated a number of ground-to-ground and air-to-ground technologies including Radio Frequency Tags and interoperable NATO standard Battlefield Target Identification Devices. The results will be available in March 2006 in the form of a Joint Military Utility Assessment that will inform U.S. and coalition acquisition and fielding decisions for Combat Identification.

Challenges remain in ensuring all Services and agencies examine the full range of both materiel and non-materiel solutions. Moving BFT information across multi-security levels and back and forth to coalition partners is also an important issue that requires constant attention. Additionally, determining the correct doctrinal relationship between Combat Identification and Situational Awareness is a high priority. Finally, building effective JFCOM-led organizations that are supported across the DOD will pay real dividends, as these CID and BFT challenges are long term issues.

Question. What additional acquisition authority, if any, does JFCOM require to rapidly address such joint warfighting challenges?

Answer. JFCOM requires that Limited Acquisition Authority be extended when it expires at the end of fiscal year 2006. This authority should be accompanied with adequate resources to accelerate fielding of capabilities to the commanders in the field. Additionally, the law should allow use of O&M funding to support and sustain the operation of the LAA project for that period of time before the Services can revise their POMs to incorporate the new, or additions to existing, programs.

JOINT FORCES COMMAND LIMITED ACQUISITION AUTHORITY

Question. The National Defense Authorization Act for Fiscal Year 2004 provided Commander, JFCOM, with the authority to develop and acquire equipment for battle management command, control, communications, and intelligence and other equipment determined to be necessary for facilitating the use of joint forces in military operations and enhancing the interoperability of equipment used by the various components of joint forces. This authority limits spending to $10 million for research and development and $50 million for procurement.

What is your assessment of the benefits of this limited acquisition authority?

Answer. Limited Acquisition Authority (LAA), granted to the Secretary of Defense, has proven to be an exceptionally useful and flexible tool for JFCOM in support of other combatant commands, however, no funds were allocated to JFCOM to support LAA. Based on warfighting shortfalls validated by combatant commanders, LAA has allowed JFCOM to field mature technologies or improved capability to the

warfighters in the regional combatant commands more rapidly than the normal DOD process for responding to unanticipated urgent needs.

Since 2004 JFCOM's implementation of LAA in support of combatant commands has been used to fund/provide several improvements to the Joint Warfighter:

- The Joint Precision Air Drop System 2000 pound capability allows precision delivery of logistic support to forces in remote operating areas or behind enemy lines. Expected delivery—accelerated from a planned delivery of fiscal year 2009 to November 2005.
- The Change Detection Work Station (CDWS) is a capability to map and detect Improvised Explosive Devices along troop/convoy routes. CDWS deployed to CENTCOM in January 2005 and has already detected several IEDs before they were able to cause damage or injury.
- The Joint Task Force Commander Executive Command and Control Capability (JTF CDR EC2) is an information technology solution that provides connectivity to a commander while remotely located from the headquarters element. Four of these systems were delivered to CENTCOM/EUCOM Combined Joint Task Forces (CJTF) in fiscal year 2004 and a fifth was delivered to CJTF–76 late last year. It has also been deployed to support Katrina and is currently deployed in support of the humanitarian operation in Pakistan.
- Joint Translator/Forwarder/Joint Blue Force Situational Awareness/Rapid Attack Info Dissemination Execution Relay combines several capabilities critical to the data link integration, blue force tracking, and attack of time sensitive targets.
    - Joint Translator Forward is a universal translator/data forwarder for converting our existing disparate data sources and links.
    - Joint Blue Force Situational Awareness provides the ability to pull different Blue Force Tracking devices together and display then in one Common Operating Picture. This capability is in Iraq today with Multinational Force West (MNF–W) and is being tested to support XVIII Airborne Corps as we speak.
    - RAIDER provides Time Sensitive Target attack data/authorization to multiple aircraft en route to targets. Currently, CENTCOM is using the capability in nontraditional ISR missions in direct support of ground operations, passing imagery to ground forces.
- Command and Control On The Move—provides very large bandwidth access to Intelligence & Command and Control systems while on the move. The initial capability was delivered to V Corps in July 2005 and is currently deployed to Pakistan to support the humanitarian effort.

JFCOM is also evaluating additional capabilities for fielding under Limited Acquisition Authority.

- Simultaneous, two-way voice translation between American English and Arabic dialects.
- Public Key Infrastructure/Interoperability Express—a method to provide secure, but unclassified information between U.S. and coalition partners in the combatant commands.
- Theater Battle Operations Net Centric Environment (TBONE)—a means to readily develop and disseminate air tasking orders to all participating units.
- Multi-level-secure Information Infrastructure (MI2)—provides information sharing within and across multi-level security information domains.

Question. Do you believe this authority should be extended beyond September 30, 2006? If so, what changes, if any, would you recommend to improve the authority?

Answer. Yes. I strongly believe that extension of Limited Acquisition Authority (LAA) beyond fiscal year 2006 will continue to provide needed capabilities to the Regional Combatant Commanders; especially in Command and Control functions, Communications, Intelligence, Operations, and Interoperability. I strongly urge Congress to extend the authority.

Limited Acquisition Authority can be improved by adding appropriated funding commensurate to the authority and by allowing the use of Operation and Maintenance (O&M) funds for sustainment of LAA-acquired capabilities until transition to an existing program of record, absorption of the sustainment into the recipient's O&M budget, or termination of the requirement for each specific capability.

While LAA projects are bringing some much-needed improvements to the joint warfighter, the LAA is not without significant challenges. Finding adequate resources to support LAA projects is often more challenging than defining, developing or fielding the capability. While these authorities have provided opportunities to

partner with Services and defense agencies to field these tools, developing funding agreements takes time, slowing the development and delivery of capabilities to the troops—the very problem that LAA was designed to address.

The ability to sustain/maintain these projects during transition to programs of record also continues to present challenges. LAA does not allow the use of O&M under the statute. Thus, we can research, develop, and acquire a capability but not sustain it through transition to a Service program of record or until project termination. If the Limited Acquisition Authority were to expire as scheduled on 30 September 2006, we would lose an excellent—and rapidly improving—method to accelerate delivery of "urgent need" capabilities to the operational commanders.

Question. Do you believe similar acquisition authority should be extended to other combatant commands, and, if so, which commands and why?

Answer. I would like to reserve judgment on extension of this authority to other combatant commands pending consultation with the combatant commanders and pending further experience from Joint Forces Command with Limited Acquisition Authority. As a supporting command, JFCOM has Department-wide unique organizational structures, functional experts and laboratories to represent the combatant commanders' requirements and to develop, advance, and deploy technologies. Potential considerations of providing LAA authority to multiple combatant commanders include the possibility of a requirement for other COCOMs to develop internal organizations, functional experts, and laboratories to advance LAA initiatives, and multiple COCOMs developing similar/redundant capabilities at the same time.

DEFENSE SCIENCE AND TECHNOLOGY PROGRAMS

Question. The Department's Science and Technology (S&T) programs are designed to support defense transformation goals and objectives. These programs should ensure that warfighters—now and in the future—have superior and affordable technology to support their missions and to give them revolutionary war-winning capabilities.

Do you believe there is an adequate investment in innovative defense science to develop the capabilities the Department will need in 2020?

Answer. In my current capacity, I do not have enough visibility into this issue to provide an informed answer. If you desire I will look into this and come back to the committee if confirmed.

Question. Do you believe the Department's investment strategy for S&T programs is correctly balanced between near-term and long-term needs?

Answer. In my capacity as Deputy Commander, CENTCOM, I have not been involved in the department's overall investment strategy for S&T. I would like to reserve judgment until I have time to study this issue. If confirmed, I will be happy to readdress this issue with the committee in the future.

TECHNOLOGY TRANSITION

Question. The Department's efforts to quickly transition technologies to the warfighter have yielded important results in the last few years. Challenges remain to institutionalizing the transition of new technologies into existing programs of record and major weapons systems and platforms.

What are your views on the success of the Department's technology transition programs in spiraling emerging technologies into use to confront evolving threats and to meet warfighter needs?

Answer. In addition to LAA, JFCOM is achieving success in several different approaches to spiral development and delivery of emerging capabilities.

- JFCOM's Joint Futures Lab (JFL) is achieving success through a process that takes prototypes from problem identification to fielding in 3 to 6 months. Much of this work is done by integrating emerging technologies into existing infrastructures and legacy capabilities. This prototyping approach enables detailed testing of capabilities in both real-world and laboratory environments such as combatant command exercises, Service war games, and ongoing operations. An example of this process is the recent prototype effort to support Multinational Forces—Iraq (MNF–I) with an open standards, open source portal for cross-domain collaboration and document management. This is allowing the coalition members to rapidly share information from planning through mission execution.
- JFCOM was also recently delegated Technology Transfer Authority by the Secretary of Defense. This allows the command to share technology with academia and industry for the purpose of research and development. JFCOM is using this authority to speed the research and development process, which helps to rapidly integrate and field new technologies.

• Finally, technologies are also transferred to war fighters through JFCOM's Joint Systems Integration Command and the Joint Advanced Training Technology Laboratory. These activities provide venues for quickly evaluating and integrating new capabilities throughout the joint and component training and acquisition communities.

In addition to JFCOM success, DOD has also had success with the Defense Advanced Research Projects Agency's (DARPA) developmental efforts, Service Labs, and Service System Commands. While these organizations are making significant progress in rapidly providing capabilities to the Joint Warfighter, like LAA, these programs have difficulty transitioning their deliverables to Programs of Record.

Question. What more can be done to transition critical technologies quickly to warfighters?

Answer. There are several actions which can accelerate delivery of critical technologies to the warfighter. First is the availability of adequate funding to develop, field, and sustain new technologies until they become a Program of Record. We also need to accelerate the certification and accreditation process, encourage development using open source products and open standards, and increase our efforts to create partnerships with academia and industry. Additionally, it is necessary to update export control policies to rapidly field new technologies to our emerging global partners.

END STRENGTH OF ACTIVE-DUTY FORCES

Question. What level of Active-Duty personnel (by Service) do you believe is required for current and anticipated missions?

Answer. I think this question will be more completely answered by the Quadrennial Defense Review (QDR) Study. I would like to reserve judgment until that study is completed.

Question. How do you assess the progress made to date by the services in reducing the numbers of military personnel performing support functions through hiring of contractors or substitution of civilian employees?

Answer. I don't have visibility on this issue across all the services and combatant commands at this time. That said, from a warfighter's perspective, there are still some issues to wrestle with in the use of contractors/civilian employees in lieu of military personnel in operational theaters and there is particular concern with trying to use contractors/civilian employees for certain billets requiring skill sets not possessed or readily available in the civilian sector. We need to ensure that we only replace those support functions which are appropriate and will not lead to a loss of combat capability.

RELIANCE ON RESERVE COMPONENT

Question. The men and women of the Reserve component have performed superbly in meeting the diverse challenges of the global war on terrorism and have been greatly relied upon in Operations Noble Eagle, Enduring Freedom, and Iraqi Freedom. The roles and missions that should be assigned to the Reserve Forces is a matter of ongoing study.

What missions do you consider appropriate for permanent assignment to the Reserve component?

Answer. The QDR is currently examining the roles and missions of the Services and their Reserve components. This assessment will produce recommendations regarding which capabilities should reside in the active and Reserve components. These recommendations will also address how those capabilities should be apportioned and resourced between the components. In addition to the QDR, each Service is conducting their own assessment to balance the capabilities between respective components. I would like to Reserve final judgment on this question until after having the opportunity to review the results of these assessments. Having said that, putting all or significant portions of any critical warfighting capability in the Reserve component is problematic for a "long war" scenario.

Question. What should the focus of JFCOM be in ensuring that Reserve Forces are trained and ready to participate effectively in joint operations?

Answer. Joint Forces Command and the Services should train Reserve Forces in the same manner that they train Active-Duty Forces. As experience over the last 4 years clearly demonstrates, our Reserve Forces operate with our Active-Duty Forces as an integral part of joint operations. Therefore, the training for Reserve Forces should prepare them to seamlessly participate effectively in joint operations. Currently, JFCOM conducts Mission Rehearsal Exercises for Reserve units in exactly the same manner as they do for the Active-Duty—and this should continue.

This is also true with our senior leader training courses (Capstone, Keystone, and Pinnacle) and all aspects of joint training that occurs at Joint Forces Command.

Question. The Department's Training Transformation Implementation Plan of June 10, 2003, provides that the Department's training program will benefit both the Active and Reserve components.

If confirmed, how would you ensure that the Reserve and the National Guard benefit from the Joint National Training Capability, a key component of the Training Transformation Implementation Plan?

Answer. JFCOM trains the Reserve Forces in exactly the same manner that they train our Active-Duty Forces—from senior leader courses such as Capstone and Keystone to mission rehearsal exercises. They are also actively engaged with the leaders of the Reserve components to ensure they have the fidelity and range architecture to integrate fully into the Joint National Training Capability.

The Training Transformation Implementation Plan identifies the National Guard Bureau as participating in the development of several capability components. These include initiatives to improve training simulations and training range infrastructure, create a mission rehearsal and joint training capability, and develop a robust joint training research and development program. Under an active Memorandum of Understanding, JFCOM and the National Guard Bureau have pledged to work toward maximizing interoperability and commonality of both training infrastructure and capabilities. Near term efforts include an fiscal year 2006 plan to connect GuardNet, the National Guard's national network for distributed education and training, with the Joint Training and Experimentation Network (JTEN). This will enable the Guard to access the entire array of joint training tools such as the live, virtual, constructive training environment. Additionally, in January 2006, JFCOM will become the Office of Primary Responsibility for the Joint Knowledge Development and Distribution Capability (JKDDC). JKDDC and JNTC are two of the three major initiatives that make up DOD's Training Transformation effort. As part of that action, JFCOM will ramp up the development and distribution of joint training courseware, redoubling our efforts to engage the National Guard in developing education products that will serve the joint training requirements of both the National Guard and Active-Duty Forces.

SCHLESINGER PANEL FINDINGS ON DETENTION OPERATIONS

Question. In August 2004, the Independent Panel to Review DOD Detention Operations, chaired by former Secretary of Defense James Schlesinger, concluded that "CJTF–7 was never fully resourced to meet the size and complexity of its mission." The Schlesinger Panel found that the Joint Staff, U.S. CENTCOM, and CJTF–7 took "too long" to formally approve the Joint Manning Document (JMD) specifying the personnel requirements for CJTF–7 headquarters. This left CJTF–7 headquarters at times with only about one-third the personnel authorized under the JMD.

In your view, did CENTCOM and the Joint Staff take too long to ensure that CJTF–7 had the staff and resources it needed to carry out its mission, including the oversight of detention operations at Abu Ghraib?

Answer. I assumed my duties as Deputy Commander at CENTCOM in late October 2003. As such, I had no personal involvement in the original sourcing decisions for the stand up of CJTF–7 which I understand occurred in May 2003. The Schlesinger Panel reported that the Joint Manning Document (JMD) for CJTF–7 was not finally approved until December 2003. Assuming those facts are correct, I agree that 6 months to validate the CJTF–7 JMD was too long. However, it is also likely true that mission and force requirements were adjusted during the period, and JMD requirements might therefore have been adjusted as well.

Question. The Schlesinger Panel also found that: "Once it became clear in the summer of 2003 that there was a major insurgency growing in Iraq, with the potential for capturing a large number of enemy combatants, senior leaders should have moved to meet the need for additional military police forces." The Schlesinger Panel criticized CENTCOM and JCS for failing to consider options for increasing the number of forces committed to the detention/interrogation operations in Iraq (including reallocating in-theater Army assets, transferring operational control other Service military police units in theater, or mobilizing and deploying additional forces from the continental United States).

Do you agree with the Schlesinger Panel's opinion that "more robust options should have been considered sooner"?

Answer. The 800th MP Brigade's purpose was to fulfill the mission for which it was assigned. Brigade leadership was expected to fulfill its mission by adapting and utilizing soldiers trained to accomplish those mission requirements. As MG Taguba

reported, the Commander of the 800th MP Brigade did a poor job of allocating resources. In addition, that commander also did not train her soldiers in confinement operations after it became clear that her mission changed. Adapting to a changing mission is expected of commanders, especially senior commanders. In addition, staffing decisions at that time were, in large part, dictated by limitations in specific MP resources available, a fact the Army has recognized and is taking action to correct (see Schlesinger Panel Report, p. 17).

Question. What is your understanding of the actions taken by senior leaders in CENTCOM to address JTF–7's requirements for detainee operations?

Answer. I assume the time period in question is the summer of 2003. As I stated earlier, I assumed duties as Deputy Commander in October 2003 so I have no first-hand knowledge of any actions taken. I understand, however, that LTG Sanchez has testified previously before this committee that he took corrective action to include an August 2003 request for a comprehensive assessment of all detention operations in Iraq that was conducted by MG Ryder, the then Provost Marshall of the Army. I believe that Gen Abizaid also testified before this committee that he sent the CENTCOM Inspector General to Iraq in August 2003 to assess detention operations in the Iraq Theater of operations.

Question. Do you believe that these actions were adequate?

Answer. Given the context in which they occurred, yes, I believe these actions were adequate. In hindsight, it is clear that putting more resources against the problem could have helped the overall detainee situation.

STABILITY AND SUPPORT OPERATIONS

Question. Operations in Iraq and Afghanistan have underscored the importance of planning and training for post-conflict stability and support operations. Increased emphasis has been placed on stability and support operations in planning and guidance in order to achieve the goal of full integration across all departmental activities.

What is your assessment of the Department's current emphasis on planning for post-conflict scenarios?

Answer. The Department has invested considerable emphasis on post-conflict planning in the past few years. Of the four Joint Operating Concepts (JOC) approved by the Secretary of Defense and signed by the Chairman of the Joint Chiefs of Staff, one is dedicated exclusively to Stability Operations. I believe the most critical step in improving our post-conflict planning is the establishment and integration with a counterpart civilian planning capability in an interagency forum. Along these lines, I strongly support the establishment and the strengthening of the Office for the Coordinator for Reconstruction and Stabilization (S/CRS) within the Department of State. The DOD has assisted S/CRS in building their own planning processes as well as integrating them into the DOD's deliberate and crisis planning processes. These efforts, in Washington as well as with the combatant commanders, have worked to integrate stabilization and reconstruction operations into our operational plans and theater exercises. JFCOM, in particular, has fostered a personal relationship with Ambassador Pascual and has provided expertise to S/CRS, partnering with S/CRS concept development and experimentation events to develop their planning capacity and help elaborate their operational concepts. Similarly, Ambassador Pascual has contributed immensely to the work at JFCOM. This type of relationship should serve as a model for the DOD's work with all government agencies in an effort to improve its planning for post-conflict scenarios.

The department is developing a directive concerning stability operations which will help integrate stability, security, transition, and reconstruction operations into our overall campaign planning efforts. The ongoing Quadrennial Defense Review, in which S/CRS is participating, is just one way we are reassessing our requirements to ensure we have the right mix of forces for the right missions, including security, stability, reconstruction, and transition operations.

Question. What role should the Joint Staff play in implementing new directives in the areas of post-conflict planning and stability and support operations?

Answer. As with most endeavors, the Joint Staff's primary role is to help the Chairman perform his assigned duties. Although it is statutorily restricted from directive authority over the Services and COCOMs, the Joint Staff is nevertheless uniquely positioned to provide to both of those bodies national level guidance in their creation of joint doctrine and plans. Planning for stability and reconstruction operations demands a particularly high level of U.S. Government interagency coordination. By virtue of its habitual interactions in the Washington, DC community, the Joint Staff (particularly within J–5) can define, open and reinforce staff-level lines of communication between COCOM planners and their appropriate U.S. Govern-

ment interagency partners. The Joint Staff should help facilitate coordination between governmental agencies, such as the Office of the Coordinator for Reconstruction and Stabilization (S/CRS), the Services, and the combatant commanders and their staffs.

Question. In your view, what is the appropriate relationship between the Department and other Federal agencies in the planning and conduct of stability and support operations in a post-conflict environment?

Answer. Security, stability, transition, and reconstruction operations require the coherent application of diplomatic, information, military and economic elements of national power. Clearly, the military has a role to play in conjunction with partners inside the U.S. Government as well as Allies, international organizations, and nongovernmental organizations. The proper relationship between the DOD and other Federal agencies in planning and executing these operations vary with conditions on the ground. Several principles need to be considered and should be applied when able. First, the Command and Control arrangements need to be clear and understood by all parties. Second, the pragmatic application of the supported and supporting commander concept and the Lead Federal Agency concept can be very helpful and appropriate in this area. Finally, any relationship between DOD and other Federal agencies will require leaders who understand the capabilities each agency can bring to bear. For this reason, JFCOM has incorporated interagency topics and participants—as both fellows and presenters—in the vast majority of wargames and exercises as well as in Capstone, Pinnacle, and Keystone courses designed to prepare flag and general officers to lead Joint Task Forces in the execution of security, stability, transition, and reconstruction operations.

Question. What lessons do you believe the Department has learned from the experience of planning and training for post-conflict operations in Iraq and Afghanistan?

Answer. U.S. Joint Forces Command has undertaken a robust and dynamic lessons-learned mission to actively work on the lessons—at the joint operational level—from our ongoing operations. This has resulted in an extremely rich set of insights, observations and analyses. JFCOM has provided many of these products to Congress in previous testimony and briefings to congressional staff members. I believe detailed briefings such as these would be useful to provide the necessary context and detail which these issues require.

Joint Forces Command has learned several key lessons about security, stability, transition, and reconstruction operations. First, in these types of environments, the time between acquiring intelligence and conducting operations must be as close as possible. Agile operations require actionable intelligence—and the best way to achieve that is through HUMINT collection. Second, there is enormous value in the ability to maintain persistent surveillance over desired areas. Our current capabilities only allow us to maintain surveillance for finite periods of time over limited areas. Persistent surveillance allows us to better track changes in the environment and to track high-value targets. Third, the value of detailed, adaptive and collaborative planning is essential. Our successes were enabled by detailed planning; our shortcomings usually occurred in areas where planning efforts or expertise was lacking. Fourth, our military commanders need money they can immediately spend—as much as or more than they need bullets and guns—as a key tool to jump start reconstruction efforts. Fifth, we need to ensure the right balance of capabilities (such as Civil Affairs units) between Active and Reserve components because their immediate engagement and long-term sustainment are critical. Sixth, collaborating with Allies is essential and requires considerable effort. Seventh, our ability to communicate with the civilian population—the center of gravity in these operations—needs to be enabled with linguists, communications, media, and an effective strategic communications capability. Eighth, the need for integrated interagency planning and execution requires an effective Joint Interagency Coordination Group. These are some of the many lessons we have learned, and are acting on, in our execution of stability, security, transition, and reconstruction operations. I would offer more detailed briefings as requested by Congress.

JOINT EXPERIMENTATION BUDGET

Question. The Services cumulatively spend about $500 million per year on experimentation. The JFCOM budget for joint experimentation for fiscal year 2006 is approximately $109 million.

Are these amounts for joint experimentation adequate to ensure the effective integration and interoperability of our future forces?

Answer. JFCOM has had multiple successes with their experimentation program that are being used by joint warfighters. However, given the global, rapidly changing asymmetrical threat and the speed at which we are finding ourselves required

to identify and provide solutions to the field, these resources may need to be increased. If confirmed I would like to assess the adequacy of funding and provide that answer back to you.

Question. What is the appropriate role for JFCOM in determining how the respective services should invest their experimentation dollars?

Answer. The UCP assigns JFCOM the responsibility to lead joint concept development and experimentation (CDE) and coordinate the CDE efforts of the Services, combatant commands, and defense agencies to support joint interoperability and future joint warfighting capabilities. The Commander of JFCOM is also tasked with leading the development, exploration, and integration of new joint warfighting concepts and serving as the DOD Executive Agent for joint warfighting experimentation. This does not necessarily require strict JFCOM control of how Services invest their experimentation dollar, but does require a clear communication of the planned activities of Service experimentation and the ability to develop a common vision of the course of experimentation with the CJCS and Joint Chiefs. Services can then exercise their appropriate fiscal authorities under title 10, guided by that common vision of the course of experimentation.

NATO TRANSFORMATION

Question. NATO officials have acknowledged that transformation means changing NATO thinking, organization, and culture by adopting new structures, improving training methods, adopting doctrine and educating leaders. The NATO Response Force has been identified as a key element in NATO's transformation progress.

What role is the NATO Rapid Response Force playing in facilitating modernization and transformation of NATO forces?

Answer. The NATO Response Force (NRF) is NATO's primary vehicle for transformation, paving the way for transformed NATO forces in all 26 NATO nations. Besides establishing itself a highly-credible force for real-world expeditionary military operations across the full spectrum of military operations, it is NATO's operational test-bed for transformation. The rotation of NRF forces will facilitate modernization and transformation of all NATO forces throughout the Alliance. The NRF is the vehicle by which NATO military forces will exercise all aspects of joint and multinational interoperability to include doctrinal and cultural change. Lastly, the NRF will also facilitate experimentation efforts aimed at providing improved capabilities to the warfighters.

Question. When will the NATO Response Force achieve full operational capability?

Answer. The NRF will achieve Full Operational Capability not later than 30 Oct 2006.

Question. What success has Supreme Allied Commander Transformation achieved in bringing about transformational change to NATO forces and, if confirmed, what would be your most significant challenges in this role?

Answer. The Alliance has achieved remarkable success towards its goal of military transformation. Specifically,

- Working with the Supreme Allied Commander Europe, Allied Command Transformation (ACT) delivered the Bi-Strategic Commander's Strategic Vision which describes how NATO should conduct operations in the future and the concomitant required Alliance future military capabilities. The first document of its kind in NATO.
- Working with United States Joint Forces Command, ACT has greatly expanded NATO's concept, development and experimentation efforts which are critical to furthering the development of transformational capabilities.
- ACT has issued the most comprehensive Defense Requirements Review to date and, at their request, ACT has reviewed the National Defense Plans and Reform efforts of several Alliance nations.
- ACT's Joint Warfare Centre has improved NATO mission performance through Joint Task Force Headquarters Training for all NATO-led International Security Assistance Force Headquarters and all NATO Response Force Headquarters.
- ACT has responded to emerging operational demands such as NATO's Training Mission in Iraq by providing key support to Allied Command Operations.
- Through concept development, defense planning, and capability development efforts, operational level battle staff training and a broad array of complementary efforts, ACT is establishing itself as the hub of military transformation in the Alliance.

If I assume the role as Supreme Allied Commander Transformation, I anticipate that my main challenges will be 1) delivering timely transformational products to

Allied Command Operations and the Allied Nations that improve and transform our military forces, 2) advancing a clear understanding throughout the Alliance of military transformation and ACT's role in the process; and 3) working with the Allied Nations to adopt and fund transformation requirements.

RESPONSES TO WMD THREATS AND NATURAL DISASTERS IN THE UNITED STATES.

Question. Deficiencies in the responses of Federal, State, and local agencies to Hurricane Katrina have generated debate about the appropriate role for military forces in responding to national crises.

What do you see as the appropriate role for Commander, JFCOM; Commander, U.S. Northern Command (NORTHCOM); and the Governors and Adjutant Generals of each state and territory in responding to weapons of mass destruction (WMD) threats within the United States?

Answer. Even though an event occurs within the United States, JFCOM retains its supporting role to NORTHCOM as the Joint Force Provider, Joint Force Integrator, and Joint Force Trainer. As such, JFCOM has a responsibility to be able to provide properly organized, trained, and equipped Joint forces to NORTHCOM to deal with any level of WMD event within the United States.

NORTHCOM, as the geographic combatant commander for North America (minus Hawaii), is responsible for the effective employment of forces provided by JFCOM. This should include all pre-event exercises, planning, and organization of any Joint Task Force Headquarters that the provided forces would fall in on.

In a WMD event, the Governors and the Adjutant Generals exercise their responsibilities to provide the logical connection between local first responders and outside Federal responders. For a large area, complex event, they coordinate the response of the local incident and area commanders and coordinate other States involved. Prior to an event, they have a responsibility to ensure local plans are nested within larger State plans which are in turn compatible with Federal plans, and seek opportunities to validate these plans through rigorous exercises. After an event occurs, they have the critical responsibility of providing the initial assessment of the situation and timely recommendations for the employment of Federal support.

Question. What is the appropriate role and response for active-duty military forces in responding to natural and manmade disasters not involving WMD threats within the United States?

Answer. Military forces bring extensive planning and process skills as well as robust communications capabilities that can be invaluable in helping jump-start a domestic humanitarian assistance/disaster relief effort. The active-duty military possesses unique capabilities and the ability to surge them quickly on short notice to an affected disaster area. Providing these capabilities when directed by appropriate civilian authorities within applicable laws and policy is the appropriate role for the active-duty military forces. The specific role of active-duty military forces and the trigger to employ them should be based on the severity of the event and the assessed impact on American citizens, not what caused it.

Question. Hurricane Katrina has demonstrated the importance of joint and interagency training in preparation for support disaster operations.

In your view, how could JFCOM influence joint and interagency training to enable better coordination for natural disasters operations?

Answer. As the Joint Force Trainer, JFCOM is responsible for conducting two exercises per regional Combatant Commander per year, plus all Mission Rehearsal Exercises for deploying Joint Task Force Headquarters. While these exercises have been primarily Joint in the past, there is already a robust Interagency component to most of them.

In the light of the events of Katrina, if confirmed, I will direct JFCOM to seek increased interagency participation in these exercises, from the local, State, and Federal levels. Additionally, JFCOM can bring to bear the full capabilities of military modeling and simulation to provide an unparalleled realistic training environment on a scale which normally would not be available to other interagency players in Homeland Defense.

WEAPONS OF MASS DESTRUCTION—CIVIL SUPPORT TEAMS

Question. What role do you believe JFCOM should play in the training, assessment of readiness, and employment of the Weapons of Mass Destruction—Civil Support Teams?

Answer. Weapons of Mass Destruction—Civil Support Teams are a National Guard Asset. As such, they are trained as all other National Guard units with the assistance of the Training Support Divisions. Through this process, 32 of 55 Civil Support Teams have already been certified. If the review of the Katrina response

dictates a greater role for JFCOM in this process, then the components of JFCOM, in conjunction with Joint Forces Special Operations Command, should take the lead in developing doctrine for and training of WMD-Civil Support Teams. This would be consistent with the manner in which JFCOM provides similarly trained Civil Affairs Teams for Iraq and Afghanistan.

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, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Commander, JFCOM/Supreme Allied Commander Transformation?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTION SUBMITTED BY SENATOR JAMES M. INHOFE

FUTURE JOINT WARFIGHTING CONCEPT

1. Senator INHOFE. General Smith, it my understanding that one of the primary roles of Joint Forces Command (JFCOM) is to identify the future joint warfighting concepts. It also provides a place for joint experimentation and possibly exercises. As you assess JFCOM from the outside, what do you see as areas where JFCOM could improve? In other words, where could JFCOM help the combatant commanders and the Joint Staff more?

General SMITH. Based on my experiences in Korea and CENTCOM, I think JFCOM has done a very good job in developing future joint war fighting concepts and supporting the Combatant Commanders in their experimentation and exercise needs. This is a continuously developing requirement with many expanding opportunities. There are two specific areas where JFCOM's initial efforts are starting to pay dividends, but which will require continued emphasis and resources.

First, additional strides are being made in broadening and deepening coalition and interagency participation into the development of current and future stability operations and war fighting concepts and capabilities. JFCOM holds a unique position in our Defense Department due to its ability to bridge across an exceptionally diverse community of U.S. and foreign militaries, government agencies, private sector organizations, industry, academia, and a host of powerful knowledge centers. This will ensure we most effectively leverage coalition and interagency contributions and collaboratively develop interoperable capabilities.

A second area where great progress is being made to provide combatant commanders and the Joint Staff additional capabilities is in the modeling and simulation area. Technology now allows us to better simulate realistic operating conditions for both exercises and experiments that will improve the Department's ability to deliver capabilities the combatant commanders require in a timely and efficient manner.

QUESTIONS SUBMITTED BY SENATOR DANIEL K. AKAKA

CAPABILITIES GAP IN NATO FORCES

2. Senator AKAKA. General Smith, what are your views on the gap in capabilities between U.S. and our NATO allies? Is there a problem, and if so, is it getting better or worse?

General SMITH. Most NATO Allies, with smaller militaries with substantially less resources and funding, cannot match the U.S. military step for step in capabilities. However, this is not the sole measure of whether NATO Allies can effectively train, exercise and deploy in operations with the U.S. and the Alliance as a whole. A focus of Allied Command Transformation is to work with nations so that their resources and funding are used in a way that ensures these militaries are more capable, usable, interoperable and deployable. This is at the heart of the NATO Response Force, a capability currently in development within NATO.

While there is a significant capability gap, there is not a significant technology gap. This goes to the heart of interoperability. Because many NATO countries are smaller and have fewer resources, the development of niche capabilities that can fill shortfalls in the Alliance is critical. Because not every member of the Alliance has the capability to handle all aspects of every NATO mission, what is important is that the Alliance as a whole can produce these capabilities—and that they can be integrated and made interoperable. ACT will continue to lead the way in bringing coherence to future concepts and capabilities for NATO. The co-location of this relatively new and increasingly important NATO Transformation Command with JFCOM has already proven to be an invaluable resource to the militaries of all NATO countries, including the United States. The JFCOM–ACT partnership is enormously important and mutually beneficial as we develop future concepts and capabilities leveraging our combined capabilities.

As for the gaps themselves, the situation is getting better, not worse. As NATO's expeditionary missions continue to mount, most recently the training and exercises conducted for the African Union in Sudan, our Allies continue to see the value in transformation. More importantly, many of them are fundamentally changing the way their militaries have done business in the past, so that they can better meet future challenges. As quickly as possible, we must continue to transform and posture our collective capabilities to counter new threats and to leverage new capabilities as we counter global terrorism which challenges the security of nations throughout the world.

ROLE OF JFCOM TRAINING

3. Senator AKAKA. General Smith, what do you see as the proper role for JFCOM in the training of our forces, which is still primarily a the title 10 responsibility of the Services?

General SMITH. JFCOM has a very important joint training role as outlined in the President's 2004 Unified Command Plan. In this capacity, JFCOM is responsible to the CJCS to serve as the lead agent for joint force training. These responsibilities include:

- Supporting other combatant commanders, Combat Support Agencies (CSAs), and National Guard Bureau (NGB) in their implementation of the Chairman's Joint Training Policy and Guidance and the execution of their joint training programs;
- Managing the combatant commanders' portion of the CJCS exercise program;
- Conducting and assessing joint and multinational training and exercises for assigned forces;
- Assisting the CJCS, other combatant commanders, and Service Chiefs in their preparations for joint and combined operations;
- Establishing joint training programs for assigned forces that produce joint staffs and joint force packages capable of accomplishing common mission essential tasks to standards established by the combatant commanders who may employ them;
- Providing joint training for and/or assistance with the joint training of combatant commander battle staffs, joint task force (JTF) headquarters (HQ) staffs, and JTF functional component commanders and their staffs;
- Designing standardized joint training processes and programs for JTF HQ and functional component joint training events in support of geographic combatant commander requirements;
- Conducting joint and supporting component interoperability training of assigned forces;
- Annually assessing the effectiveness of Joint training and the JFCOM joint training program for assigned forces, reporting the results of that assessment to the CJCS;

- Coordinating and scheduling joint training events for assigned forces, as well as deconflicting the participation of forces in worldwide joint training events in support of combatant commander'srequirements; and
- Coordinating and providing consequence management support for combatant command training events and exercises.

Based on my experience in Korea and at CENTCOM, I think JFCOM's role is focused on the proper areas of joint training. JFCOM's joint mission rehearsal program, which now also incorporates Joint National Training Capabilities, interagency and multinational participation is an excellent example of the invaluable joint training service JFCOM provided to CENTCOM.

4. Senator AKAKA. General Smith, is JFCOM doing too little or too much to guide joint training, or are you satisfied with the current system?

General SMITH. I am satisfied with the current system; however, there are important initiatives which must be further developed.

First, continuing to work hard to bring the Joint National Training Capability to Full Operating Capability.

Second, continuing partnership with the Joint Staff, Services, and combatant commands to more fully develop and implement the readiness and training standards needed to certify Joint Task Force Headquarters.

Third, establishing a coherent framework for Joint Force Trainer capability development requirements (warfighter training, education and learning) under an integrated Center of Excellence.

Finally, establishing a common, transparent, and uniformly accountable business model for all of the joint training programs that incentivizes Services to conduct their training requirements in a joint training venue. This new business model is being considered in the QDR discussion as a means to enhance our Joint Capabilities by improving Joint Training and Education.

[The nomination reference of Lt. Gen. Lance L. Smith, USAF, follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
October 19, 2005.

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

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be General

Lt. Gen. Lance L. Smith, 7660.

[The biographical sketch of Lt. Gen. Lance L. Smith, USAF, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF LT. GEN. LANCE L. SMITH, USAF

Lt. Gen. Lance L. Smith is Deputy Commander, U.S. Central Command, MacDill Air Force Base, FL.

The general entered the Air Force in 1970 after completing Officer Training School. He commanded two fighter wings and led two air expeditionary force deployments to Southwest Asia: AEF III and the 4th Air Expeditionary Wing. He served as the Commander of 7th Air Force, Pacific Air Forces; Air Component Commander, ROK and U.S. Combined Forces Command Korea; and Deputy Commander U.S. Forces Korea. The general also served two tours at the Pentagon and was Commandant of the NATO School at Supreme Headquarters Allied Powers Europe, Commandant of Air War College and Commander of the Air Force Doctrine Center.

General Smith flew more than 165 combat missions in Southeast and Southwest Asia in the A–1 Skyraider and the F–15E Strike Eagle. A command pilot, he has

more than 3,000 hours in the T–33, T–37, T–38, A–1, A7, A–10, F–111F, F–15E, and F–16.

Education:

1969	Bachelor of Arts degree in business management, Virginia Polytechnic Institute, Blacksburg
1978	Master of Arts degree in business management, Central Michigan University, Mount Pleasant
1982	Air Command and Staff College, Maxwell Air Force Base, AL
1990	Army War College, Carlisle Barracks, PA
1994	Advanced Executive Program, J.L. Kellogg Graduate School of Management, Northwestern University, Evanston, IL.

Assignments:

June 1970–June 1971	Student, undergraduate pilot training, Columbus AFB, MS.
June 1971–September 1971	A–1 combat crew training, Hurlburt Field, FL.
October 1971–October 1972	A–1 pilot, 1st Special Operations Squadron, Nakhon Phanom Royal Thai AFB, Thailand.
October 1972–July 1973	Instructor pilot training, Randolph AFB, TX.
July 1973–September 1977	Instructor pilot and chief, check section, 96th Flying Training Squadron, Williams AFB, AZ.
September 1977–January 1979	Staff officer, Air Staff Training Program, Deputy Chief of Staff for Personnel, the Pentagon, Washington, DC.
January 1979–August 1981	Student, A–7 Corsair conversion training, A–7D aircraft commander, flight commander and assistant operations officer, 76th Tactical Fighter Squadron, England AFB, LA.
August 1981–June 1982	Student, Air Command and Staff College, Maxwell AFB, AL.
June 1982–July 1986	Air Staff Officer, Deputy Chief of Staff for Plans and Operations; Project Checkmate analyst for interdiction, Europe and Southwest Asia; Air Force team chief, Joint Assessment and Initiative Office, and executive officer to the Air Force Director of Operations, the Pentagon, Washington, DC.
July 1986–July 1989	Chief of Safety, later, Assistant Deputy Commander for Operations, 354th Tactical Fighter Wing, Myrtle Beach AFB, SC.
July 1989–June 1990	Student, Army War College, Carlisle Barracks, PA.
June 1990–August 1992	Commandant, NATO School, SHAPE, Oberammergau, Germany.
August 1992–September 1993	Vice Commander, later, Commander, 27th Fighter Wing, Cannon AFB, NM.
September 1993–June 1995	Assistant Director of Operations, Headquarters Air Combat Command, Langley AFB, VA.
June 1995–July 1997	Commander, 4th Fighter Wing, Seymour Johnson AFB, NC.
July 1997–August 1998	Vice Commander, 7th Air Force and U.S. Air Forces Korea, and Chief of Staff, Combined Republic of Korea and U.S. Air Component Command, Osan Air Base, South Korea.
September 1998–December 1999	Commandant, Air War College, and Vice Commander, Air University, Maxwell AFB, AL.
December 1999–November 2001	Commander, Air Force Doctrine Center, Maxwell AFB, AL.
November 2001–October 2003	Deputy Commander, United Nations Command; Deputy Commander, U.S. Forces Korea; Commander, Air Component Command, Republic of Korea and U.S. Combined Forces Command; and Commander, 7th Air Force, Pacific Air Forces, Osan AB, South Korea.
October 2003–present	Deputy Commander, U.S. Central Command, MacDill AFB, FL.

Flight information:

Rating: Command pilot.
Flight hours: More than 3,000.
Aircraft flown: T–33, T–37, T–38, A–1, A–7, A–10, F–111 F, F–15E, and F–16.

Major awards and decorations:

Defense Distinguished Service Medal
Distinguished Service Medal
Silver Star with two oak leaf clusters
Defense Superior Service Medal
Legion of Merit with oak leaf cluster
Distinguished Flying Cross with two oak leaf clusters
Purple Heart
Meritorious Service Medal with three oak leaf clusters
Air Medal with one silver and four bronze oak leaf clusters
Aerial Achievement Medal with oak leaf cluster
Air Force Commendation Medal
Army Commendation Medal
Humanitarian Service Medal
Honor Cross of the Bundeswehr Medal (Republic of Germany)
Order of National Security Merit Gukseon Medal (Republic of Korea)
Order of National Security Merit Cheonsu Medal (Republic of Korea)
Republic of Vietnam Gallantry Cross with Palm

Effective dates of promotion:

Second Lieutenant	May 18, 1970
First Lieutenant	Nov. 11, 1971

Captain	Oct. 18, 1973
Major	Dec. 4, 1978
Lieutenant Colonel	Feb. 1, 1982
Colonel	July 1, 1989
Brigadier General	July 1, 1995
Major General	April 1, 1998
Lieutenant General	Jan. 1, 2002

[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 Lt. Gen. Lance L. Smith, USAF, in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Lance L. Smith.

2. **Position to which nominated:**
Commander, U.S. Joint Forces Command and Supreme Allied Commander Transformation.

3. **Date of nomination:**
October 19, 2005.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
September 18, 1946; Akron, Ohio.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Linda Buddenhagen Smith.

7. **Names and ages of children:**
Scott A. Smith; age 36.
Rustin L. Smith; age 31.

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the executive branch.
None.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corpora-

tion, company, firm, partnership, or other business enterprise, educational, or other institution.

None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Air Force Association.
Order of Daedalians.
A–1 Skyraiders Association.
Red River Rats Association.
Armed Forces Benefit Association.
MOAA.
Virginia Tech Athletic Association (Hokie Club).

11. **Honors and awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the committee by the executive branch.

None.

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify before any duly constituted committee of the Senate?

Yes.

13. **Personal views:** Do you agree, when asked before any duly constituted committee of Congress, to give your personal views, even if those views differ from the administration in power?

Yes.

[The nominee responded to the questions in Parts B–E of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–E are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

LANCE L. SMITH.

This 22nd day of August, 2005.

[The nomination of Lt. Gen. Lance L. Smith, USAF, was reported to the Senate by Chairman Warner on October 27, 2005, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on October 28, 2005.]

TO CONSIDER CERTAIN PENDING MILITARY AND CIVILIAN NOMINATIONS

THURSDAY, OCTOBER 27, 2005

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:57 a.m. in room SR–222, Russell Senate Office Building, Senator John Warner (chairman) presiding.

Committee members present: Senators Warner, Roberts, Collins, Talent, Chambliss, Cornyn, Thune, Levin, Lieberman, Reed, Akaka, E. Benjamin Nelson, and Dayton.

Committee staff members present: Charles S. Abell, staff director; Marie Fabrizio Dickinson, chief clerk; Cindy Pearson, assistant chief clerk and security manager; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: William M. Caniano, professional staff member; Sandra E. Luff, professional staff member; Lynn F. Rusten, professional staff member; Robert M. Soofer, professional staff member; Scott W. Stucky, general counsel; Kristine L. Svinicki, professional staff member; and Richard F. Walsh, counsel.

Minority staff members present: Richard D. DeBobes, Democratic staff director; Gabriella Eisen, research assistant; Evelyn N. Farkas, professional staff member; Richard W. Fieldhouse, professional staff member; Creighton Greene, professional staff member; Bridget W. Higgins, research assistant; Gerald J. Leeling, minority counsel; Peter K. Levine, minority counsel; and Michael J. McCord, professional staff member.

Staff assistant present: Benjamin L. Rubin.

Committee members' assistants present: Arch Galloway II, assistant to Senator Sessions; Mackenzie M. Eaglen, assistant to Senator Collins; D'Arcy Grisier, assistant to Senator Ensign; Lindsey R. Neas, assistant to Senator Talent; Clyde A. Taylor IV, assistant to Senator Chambliss; Meredith Beck, assistant to Senator Graham; Russell J. Thomasson and Stuart C. Mallory, assistants to Senator Cornyn; Mieke Y. Eoyang, assistant to Senator Kennedy; Erik Raven, assistant to Senator Byrd; Frederick M. Downey, assistant to Senator Lieberman; Elizabeth King, assistant to Senator Reed; Darcie Tokioka, assistant to Senator Akaka; William K. Sutey, assistant to Senator Bill Nelson; Eric Pierce, assistant to Senator Ben Nelson; Todd Rosenblum, assistant to Senator Bayh; and Andrew Shapiro, assistant to Senator Clinton.

Chairman WARNER. We have a quorum and we very much need to get some nominations out. Would you withhold?

Senator LEVIN. Of course.

Chairman WARNER. With a quorum now present, I ask the committee to consider 7 civilian nominations and 788 pending military noms. In the interest of time, I would ask if there is any objection to the committee considering en bloc our civilian and military nominees whose names are on the list provided to each Senator, which I now read. [No response.]

There being no objection—did everyone get the list over here? See the list on the back? Do I need to read it?

Senator LEVIN. No.

Chairman WARNER. All right, fine.

There being no objection, I ask the committee to consider the nominations of:

Michael W. Wynne to be Secretary of the Air Force;

Dr. Donald C. Winter to be Secretary of the Navy;

John G. Grimes to be Assistant Secretary of Defense for Networks and Information Integration;

William C. Anderson to be Assistant Secretary of the Air Force for Installations and Environment;

John J. Young, Jr., to be Director, Defense Research and Engineering;

Dr. Delores M. Etter to be Assistant Secretary of the Navy for Research, Development, and Acquisition;

Dr. A.J. Eggenberger to be a member of the Defense Nuclear Board;

General Burwell B. Bell III, U.S. Army, for reappointment as a general and assignment as Commander, United Nations Command, Combined Forces Command, and U.S. Forces Korea;

Lieutenant General Lance L. Smith, U.S. Air Force, for appointment as a general and assignment as Commander, U.S. Forces Command, and Supreme Allied Commander for Transformation; and

A list of 785 military nominations. All of these nominations have been before the committee the required length of time and no objections have been raised regarding them.

Is there a motion to favorably report out these civilian and military nominations?

Senator LEVIN. So moved.

Chairman WARNER. Second?

Senator DAYTON. Second.

Chairman WARNER. All in favor say aye. [A chorus of ayes.]

Opposed? [No response.]

I thank you, colleagues.

[The list of nominations considered and approved by the committee follows:]

CIVILIAN AND MILITARY NOMINATIONS PENDING WITH THE SENATE ARMED SERVICES COMMITTEE WHICH ARE PROPOSED FOR THE COMMITTEE'S CONSIDERATION ON OCTOBER 27, 2005

1. Michael W. Wynne, of Florida, to be Secretary of the Air Force (Reference No. 803).

2. Donald C. Winter, of Virginia, to be Secretary of the Navy (Reference No. 804).

3. John G. Grimes, of Virginia, to be Assistant Secretary of Defense for Networks and Information Integration (Reference No. 640).
4. William Anderson, of Connecticut, to be Assistant Secretary of the Air Force for Installations and Environment (Reference No. 553).
5. John J. Young, Jr., of Virginia, to be Director of Defense Research and Engineering (Reference No. 768).
6. Delores M. Etter, of Maryland, to be Assistant Secretary of the Navy for Research, Development, and Acquisition (Reference No. 805).
7. A.J. Eggenberger, of Montana, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2008 (reappointment) (Reference No. 674).
8. General Burwell B. Bell III, USA, to be general and Commander, United Nations Command and Republic of Korea/United States Combined Forces Command Commander, United States Forces Korea (Reference No. 829).
9. Lieutenant General Lance L. Smith, USAF, to be general and Commander, U.S. Joint Forces Command and Supreme Allied Commander for Transformation (Reference No. 1001).
Total: 9.

MILITARY NOMINATIONS PENDING WITH THE SENATE ARMED SERVICES COMMITTEE WHICH ARE PROPOSED FOR THE COMMITTEE'S CONSIDERATION ON OCTOBER 27, 2005

1. Major General Michael W. Peterson, USAF, to be lieutenant general and Chief, Warfighting Integration and Chief Information Officer (Reference No. 643).
2. Lieutenant General William T. Hobbins, USAF, to be general and Commander, US Air Forces Europe/Commander, Air Force Component, Ramstein/Director, Joint Air Power Competency Center (Reference No. 798).
3. In the Army Reserve there are 31 appointments to the grade of brigadier general (list begins with Daniel B. Allyn) (Reference No. 835).
4. MG Michael D. Maples, USA, to be lieutenant general and Director, Defense Intelligence Agency (Reference No. 929).
5. In the Air Force Reserve there are 19 appointments to the grade of major general and below (list begins with Eugene R. Chojnacki) (Reference No. 958).
6. In the Army Reserve there are 4 appointments to the grade of major general and below (list begins with Thomas D. Robinson) (Reference No. 959).
7. RADM Patrick M. Walsh, USN, to be vice admiral and Commander, U.S. Naval Forces, Central Command and Commander, FIFTH Fleet (Reference No. 960).
8. In the Air Force Reserve there is one appointment to the grade of colonel (John S. Baxter) (Reference No. 961).
9. In the Army Reserve there is one appointment to the grade of colonel (Jose R. Rael) (Reference No. 962).
10. In the Army Reserve there are two appointments to the grade of colonel (list begins with Suzanne R. Avery) (Reference No. 963).
11. In the Army Reserve there are four appointments to the grade of colonel (list begins with Donna J. Dolan) (Reference No. 964).
12. In the Army Reserve there are 21 appointments to the grade of colonel (list begins with Paul F. Abbey) (Reference No. 965).
13. In the Army Reserve there are 35 appointments to the grade of colonel (list begins with Paul S. Astphan) (Reference No. 966).
14. In the Army Reserve there are 39 appointments to the grade of colonel (list begins with Lynn S. Alsup) (Reference No. 967).
15. In the Army Reserve there are 66 appointments to the grade of colonel (list begins with James W. Agnew) (Reference No. 968).
16. In the Marine Corps there is 1 appointment to the grade of major (Darren W. Milton) (Reference No. 969).
17. In the Marine Corps there are 77 appointments to the grade of major (list begins with Christopher J. Aaby) (Reference No. 970).
18. In the Navy there is one appointment to the grade of captain (William D. Fuson) (Reference No. 971).
19. In the Navy there are 429 appointments to the grade of captain (list begins with Daniel Albrecht) (Reference No. 972).
20. In the Navy there is one appointment to the grade of commander (James S. Thompson) (Reference No. 973).
21. In the Navy there are six appointments to the grade of lieutenant commander (list begins with James F. Brinkman) (Reference No. 974).
22. BGEN Michael J. Diamond, USAR, to be major general (Reference No. 989).

23. In the Air Force Reserve there is one appointment to the grade of colonel (Christopher Sartori) (Reference No. 991).
24. In the Air Force there are seven appointments to the grade of lieutenant colonel and below (list begins with Suzanne M. Cecconi) (Reference No. 992).
25. In the Air Force there is one appointment to the grade of major (Melissa A. Saragosa) (Reference No. 993).
26. In the Army there is one appointment to the grade of lieutenant colonel (Deborah Whitmer) (Reference No. 997).
27. In the Army there are four appointments to the grade of major (list begins with Steven C. Henricks) (Reference No. 998).
28. In the Army there are 29 appointments to the grade of colonel and below (list begins with Gary L. Gross) (Reference No. 1002).
Total: 786.

[The nomination reference of Michael W. Wynne follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 6, 2005.

Ordered, That the following nomination be referred to the Committee on Armed Services:
Michael W. Wynne, of Florida, to be Secretary of the Air Force, vice James G. Roche.

[The nomination reference of Donald C. Winter follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 6, 2005.

Ordered, That the following nomination be referred to the Committee on Armed Services:
Donald C. Winter, of Virginia, to be Secretary of the Navy, vice Gordon England.

[The nomination reference of John G. Grimes follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 16, 2005.

Ordered, That the following nomination be referred to the Committee on Armed Services:
John G. Grimes, of Virginia, to be an Assistant Secretary of Defense, vice John P. Stenbit.

[The nomination reference of William Anderson follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
May 26, 2005.

Ordered, That the following nomination be referred to the Committee on Armed Services:
William Anderson, of Connecticut, to be an Assistant Secretary of the Air Force, vice Nelson F. Gibbs.

[The nomination reference of John J. Young, Jr., follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
July 28, 2005.

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

John J. Young, Jr., of Virginia, to be Director of Defense Research and Engineering, vice Ronald M. Sega.

[The nomination reference of Delores M. Etter follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 6, 2005.

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

Delores M. Etter, of Maryland, to be an Assistant Secretary of the Navy, vice John J. Young.

[The nomination reference of A.J. Eggenberger follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 29, 2005.

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

A.J. Eggenberger, of Montana, to be a member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2009. (Reappointment)

[The nomination reference of GEN Burwell B. Bell III, USA, follows:]

NOMINATION REFERENCE AND REPORT

SENATE OF THE UNITED STATES,
September 6, 2005.

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

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be General

GEN Burwell B. Bell III, USA, 7158.

[The nomination reference of Lt. Gen. Lance L. Smith, USAF, follows:]

NOMINATION REFERENCE AND REPORT

SENATE OF THE UNITED STATES,
October 19, 2005.

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

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be General

Lt. Gen. Lance L. Smith, 7660.

[Whereupon, at 10 a.m., the committe adjourned and proceeded to other business.]

APPENDIX

COMMITTEE ON ARMED SERVICES QUESTIONNAIRE ON BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF CIVILIAN NOMINEES

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearing and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)

2. **Position to which nominated:**

3. **Date of nomination:**

4. **Address:** (List current place of residence and office addresses.)

5. **Date and place of birth:**

6. **Marital Status:** (Include maiden name of wife or husband's name.)

7. **Names and ages of children:**

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

10. **Government experience:** List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

13. **Political affiliations and activities:**
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

COMMITTEE ON ARMED SERVICES FORM

FINANCIAL AND OTHER INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Information furnished in Parts B through F will be retained in the committee's executive files and will not be made available to the public unless specifically directed by the committee.

Name:

PART B—FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all business connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

2. 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.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation, or practice with your previous employer, business firm, association, or organization?

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

5. Is your spouse employed and, if so, where?

6. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

PART C—POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

6. Do you agree to provide to the committee any written opinions provided by the General Counsel of the agency to which you are nominated and by the Attorney General's office concerning potential conflicts of interest or any legal impediments to your serving in this position?

PART D—LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, provide details.

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

4. Have you ever been convicted (including a plea of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?

5. Please advise the committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

PART E—FOREIGN AFFILIATIONS

1. Have you or your spouse ever represented in any capacity (e.g., employee, attorney, business, or political adviser or consultant), with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

2. If you or your spouse has ever been formally associated with a law, accounting, public relations firm or other service organization, have any of your or your spouse's associates represented, in any capacity, with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

3. During the past 10 years have you or your spouse received any compensation from, or been involved in any financial or business transactions with, a foreign government or an entity controlled by a foreign government? If so, please furnish details.

4. Have you or your spouse ever registered under the Foreign Agents Registration Act? If so, please furnish details.

PART F—FINANCIAL DATA

All information requested under this heading must be provided for yourself, your spouse, and your dependents.

1. Describe the terms of any beneficial trust or blind trust of which you, your spouse, or your dependents may be a beneficiary. In the case of a blind trust, provide the name of the trustee(s) and a copy of the trust agreement.

2. Provide a description of any fiduciary responsibility or power of attorney which you hold for or on behalf of any other person.

3. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, executory contracts, and other future benefits which you expect to derive from current or previous business relationships, professional services and firm memberships, employers, clients and customers.

4. Have you filed a Federal income tax return for each of the past 10 years? If not, please explain.

5. Have your taxes always been paid on time?

6. Were all your taxes, Federal, State, and local, current (filed and paid) as of the date of your nomination?

7. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

8. Have any tax liens, either Federal, State, or local, been filed against you or against any real property or personal property which you own either individually, jointly, or in partnership?

(The committee may require that copies of your Federal income tax returns be provided to the committee. These documents will be made available only to Senators and the staff designated by the Chairman. They will not be available for public inspection.)

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

_____.

This _____ day of _____, 20____.

COMMITTEE ON ARMED SERVICES QUESTIONNAIRE ON BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF CERTAIN SENIOR MILITARY NOMINEES

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES FOR CERTAIN SENIOR MILITARY POSITIONS

INSTRUCTIONS TO THE NOMINEE:

Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

If you have completed this form in connection with a prior military nomination, you may use the following procedure in lieu of submitting a new form. In your letter to the Chairman, add the following paragraph to the end:

> "I hereby incorporate by reference the information and commitments contained in the Senate Armed Services Committee form 'Biographical and Financial Information Requested of Nominees for Certain Senior Military Positions,' submitted to the Committee on [insert date or your prior form]. I agree that all such commitments apply to the position to which I have been nominated and that all such information is current except as follows: . . . ." [If any information on your prior form needs to be updated, please cite the part of the form and the question number and set forth the updated information in your letter to the Chairman.]

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)

2. **Position to which nominated:**

3. **Date of nomination:**

4. **Address:** (List current place of residence and office addresses. Also include your office telephone number.)

5. **Date and place of birth:**

6. **Marital Status:** (Include name of husband or wife, including wife's maiden name.)

7. **Names and ages of children:**

8. **Government experience:** List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the executive branch.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, firm, partnership, or other business enterprise, educational or other institution.

10. **Memberships:** List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

11. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the committee by the executive branch.

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

13. **Personal views:** Do you agree, when asked before any duly constituted committee of Congress, to give your personal views, even if those views differ from the administration in power?

COMMITTEE ON ARMED SERVICES FORM

FINANCIAL AND OTHER INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Information furnished in Parts B through E will be retained in the committee's executive files and will not be made available to the public unless specifically directed by the committee.

Name:

PART B—FUTURE EMPLOYMENT RELATIONSHIPS

1. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your military service. If so, explain.

2. Has anybody made a commitment to employ your services in any capacity after you leave military service?

PART C—POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

4. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

5. Do you agree to provide to the committee any written opinions provided by the General Counsel of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position?

6. Is your spouse employed and, if so, where?

PART D—LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of Federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details.

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or litigation? If so, provide details.

4. Have you ever been convicted (including a plea of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?

5. Please advise the committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

PART E—FOREIGN AFFILIATIONS

1. Have you or your spouse ever represented in any capacity (e.g., employee, attorney, business, or political adviser or consultant), with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

2. If you or your spouse has ever been formally associated with a law, accounting, public relations firm or other service organization, have any of your or your spouse's associates represented, in any capacity, with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

3. During the past 10 years have you or your spouse received any compensation from, or been involved in any financial or business transactions with, a foreign government or an entity controlled by a foreign government? If so, please furnish details.

4. Have you or your spouse ever registered under the Foreign Agents Registration Act? If so, please furnish details.

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

_____.

This _____ day of _____, 20____.

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